

ORIGINAL

Decision No. 35307

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 NAPA TRANSPORTATION COMPANY for a)
 certificate of public convenience and)
 necessity authorizing the transpor-)
 tation of freight by auto truck between) Application No. 24132
 San Francisco, on the one hand, and)
 Vallejo and Napa, on the other, in)
 coordination and conjunction with its)
 vessel service between said points.)

REGINALD L. VAUGHAN, for applicant.

E.L. VAN DELLEN, JR., for Pacific Motor Trucking Company and Southern Pacific Company, interested parties.

FITZGERALD, ABBOTT and BEARDSLEY by M.W. Dobrzensky, for Vallejo, Napa and Calistoga Transport Co., protestant.

BY THE COMMISSION:

O P I N I O N

This is an amended application by Napa Transportation Company, a corporation, for authority to establish and operate highway common carrier services between San Francisco, on the one hand, and Napa, on the other hand, via Vallejo, in coordination and conjunction with its common carrier vessel service between said points.

Public hearing of this application was had before Examiner McGottigan in San Francisco on January 26, and February 20, 1942 where testimony was taken, exhibits filed, the matter submitted on briefs duly filed with the Commission, and it is now ready for decision.

Granting of this application was opposed by Vallejo, Napa and Calistoga Transport Company. Southern Pacific Company and Pacific Motor Trucking Company appeared as interested parties.

Napa Transportation Company seeks authority to:

- (1) Operate trucks between Vallejo and Napa, in conjunction with its vessel service between San Francisco and Vallejo, limited to the transportation of less-than-carload merchandise originating at or destined to Napa.
- (2) Operate trucks between San Francisco and Napa, in conjunction with its existing vessel service between these points, on such occasions, as in its judgment require the use of trucking equipment.

To perform the service proposed, applicant requests authority for the establishment and operation of a highway common carrier service between Napa and Vallejo coordinated with its vessel service between San Francisco and Vallejo, and for the removal of the restriction now imposed upon its highway common carrier dock-to-dock service operated between San Francisco and Napa, in coordination with its vessel service, ⁽¹⁾ so as to permit said highway common carrier service to be performed on days when the vessel is unable to accommodate the cargo offered, as well as on alternate days.

J. C. Stone, manager of applicant, was the only witness to testify in the proceeding. He stated that the present

(1) Decision No. 30107, dated September 7, 1937, on Application No. 21104. Applicant is authorized therein to operate its truck between San Francisco and Napa via three routes including San Francisco, Oakland, the Carquinez and Golden Gate Bridges and has the right to elect which of the said routes it will use.

(2)
 coordinated tri-weekly vessel and truck service, has proven inadequate to handle the progressively increasing tonnage between San Francisco and Napa and that because of this inadequacy and in order to find space for the preponderantly upstream less-than-carload merchandise on the days when the boat is operated out of San Francisco, (3) it has frequently been necessary, particularly in the last eighteen months, to seriously delay interstate carload shipments to Napa, handled in conjunction with Western Pacific Railroad Company out of Oakland. He further stated that this added traffic was insufficient to justify the restoration of an additional vessel (discontinued with the inception of the truck-vessel service) with contemporaneous abandonment of trucking service, but that the situation could be satisfactorily handled if the truck could be utilized on days when the vessel was unable to accommodate all of the cargo offered in addition to those days on which it ordinarily operated. Under present circumstances, the witness stated further, it has become virtually impossible to render service by the existing coordinated vessel-truck service commensurate with shipper needs and demands. It was his position that the less-than-carload traffic had to move expeditiously if the business was to be retained by applicant and reasonable and adequate service provided to its shippers. The carload traffic, which does not flow on a uniform basis, has placed an undue burden upon existing vessel facilities in that at times the average tonnage received is increased by an accumulation of

(2) Vessel, Monday, Wednesday and Friday; truck, Tuesday Thursday and Saturday.

(3) This vessel, the City of Napa, is primarily operated to handle carload shipments to Napa. Most of these carload shipments are received from Western Pacific Railroad Company at Oakland and involve interstate traffic.

carload shipments which congest, disrupt and delay regular schedules.

In addition to its vessel-truck service between San Francisco and Napa, already referred to, applicant also operates a vessel (the South Shore) between San Francisco and Vallejo. According to the witness, this vessel frequently has ample cargo space in which could be carried the less-than-carload shipments now moving between San Francisco and Napa. In order to utilize this space, when available, applicant seeks to establish an additional and alternative truck service between Vallejo and Napa limited to the transportation of less-than-carload merchandise originating in San Francisco and destined to Napa or vice versa.

The truck and trailer unit now in use part time will be used on a full time basis in this proposed service. This equipment will stand by at Vallejo or Napa prepared to either dead head to San Francisco to transport shipments between San Francisco and Napa, or ready to make a round trip between San Francisco and Napa, instead of only operating between Napa and Vallejo. Such procedure will be necessary only in the event that the vessel South Shore lacks cargo space for Napa merchandise on any particular night.⁽⁴⁾ It will not be necessary to obtain additional equipment unless a marked increase in present traffic is encountered.

Applicant further alleges that the net result of the establishment of the proposed service would reduce operating expenses,⁽⁵⁾ by eliminating the necessity of establishing additional

(4) All service is overnight with first morning delivery at destination.

(5) Exhibits 2, 3, and 5.

vessel service, permit of reduced mileage in the operation of its automotive equipment in that merchandise now alternatively being transported by truck between San Francisco and Napa may be transported by vessel (South Shore) between San Francisco and Vallejo and via truck between Vallejo and Napa. This should result in a saving in gasoline, rubber and other essential materials and further will provide an economical and more efficient utilization of the existing cargo capacities of its vessels now in operation. The war-time emergency has unfavorably affected the inauguration of new vessel services necessitating the use of additional marine vehicles, even if it were economically feasible to do so.

Protestant's showing in this record is confined to cross examination of applicant's witness J. C. Stone.

Based upon this record, it appears that the situation here under discussion is due primarily to the present national emergency. Applicant has established that, because of this emergency, a present and future public need exists for the inauguration of the highway common carrier services herein sought and that these said highway common carrier services, if established, will enable applicant to more expeditiously and economically operate in the public interest. In thus concluding, the Commission is mindful of the limiting effect that the duration of the national emergency may have upon the need for the services here proposed and therefore, while deciding in applicant's favor, will limit the authority thus granted to a period of one year, on or before the expiration of which the Commission will, upon applicant's request, give consideration to an extension of the authority hereinafter granted.

O R D E R

A public hearing having been held in the above-entitled proceeding, evidence having been received, the matter having been duly submitted and the Commission now being fully advised,

IT IS ORDERED that Decision No. 30107, dated September 17, 1937, be and it is hereby amended so as to permit Napa Transportation Company to operate the highway common carrier service therein authorized as traffic requirements demand, rather than on alternate days as now designated.

In all other respects Decision No. 30107 shall remain unchanged and in full force and effect.

IT IS FURTHER ORDERED that a certificate of public convenience and necessity be, and it is hereby granted to Napa Transportation Company for the establishment and operation of an automotive service as a highway common carrier, as such is defined in Section 2-3/4 of the Public Utilities Act, between Vallejo, on the one hand, and Napa, on the other hand, in coordination and conjunction with its existing vessel service between San Francisco and Vallejo, and limited to the transportation of less-than-carload merchandise originating at or destined to either San Francisco or Napa only.

The foregoing certificate is granted subject to the condition that:

Napa Transportation Company, its successors or assigns, may never claim before this Commission, or any court or other public body, a value for the authority hereby granted in excess of the actual cost thereof.

IT IS FURTHER ORDERED that in the operation of the services hereinabove authorized, Napa Transportation Company shall observe and comply with the following service regulations:

- (1) Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed thirty (30) days from the effective date hereof.
- (2) Applicant shall comply with the rules of the Commission's General Order No. 80 and Part IV of General Order No. 93-A by filing, in triplicate, and concurrently making effective tariffs and time schedules satisfactory to the Commission within sixty (60) days from the effective date hereof and on not less than five (5) days' notice to the Commission and the public.
- (3) Applicant shall conduct said highway common carrier service over and along the following routes subject to the authority of the Railroad Commission to change or modify them at any time by further order:

ROUTE 1.

From San Francisco to Sausalito via Golden Gate Bridge; from Sausalito to Ignacio via United States Highway No. 101; from Ignacio to Napa via California Highways Nos. 37 and 12 via Shellville and California Highways Nos. 48 and 29 via Vallejo. Return via same routes.

ROUTE 2.

From San Francisco to Vallejo via Applicant's vessels; from Vallejo to Napa via California State Highway No. 29. Return via same routes.

ROUTE 3.

From Vallejo to San Francisco (a) via United States Highway No. 40 over the Carquinez Bridge and the San Francisco-Oakland Bay Bridge, and (b) via California State Highway No. 48 to Ignacio; thence via United States Highway No. 101 to Sausalito; thence via Golden Gate Bridge to San Francisco. Return via same routes.

- (4) The authority herein above granted shall be effective for a period of one year from the effective date of this order unless extended by further order of this Commission.

The effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 5th day of March, 1942.

Justus P. Calver
Ray L. Ripley
H. Baker
Francis K. Staveness
Richard K. ...
COMMISSIONERS