

Decision No. 36797

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
WILLIAM M. SMITH, MAKIN H. SMITH, JR.,)	
and V. FRED JAKOBSEN, co-partners,)	First Supplemental
doing business under the firm name and)	Application No. 25273
style of TRANSBAY MOTOR EXPRESS COMPANY))	
for authority to extend expiration date))	
of operation now under suspension.)	

BY THE COMMISSION:

FIRST SUPPLEMENTAL OPINION

William M. Smith, Makin H. Smith, Jr. and V. Fred Jakobsen, doing business as Transbay Motor Express Company, hold a certificate of public convenience and necessity authorizing the transportation of property by motorcycle-truck as a highway common carrier between San Francisco, Oakland, Berkeley, Alameda, Emeryville and Piedmont. On October 6, 1942, the Commission issued its Decision No. 35821 authorizing them to suspend this operation until and including December 31, 1943.

By supplemental application these applicants request the authority of the Commission to continue this suspension until December 31, 1944. They assert that the following conditions exist which are relied upon as constituting good cause for the continued suspension requested:

Applicants' business, which was predicated upon frequency of service whereby pickups and deliveries would be made four times a day, was required to be curtailed to once daily in compliance with orders of the Office of Defense Transportation and this Commission's Resolution EM-T-10. Compliance with General Orders O.D.T. No. 3, Revised and O.D.T. No. 6A of the Office of Defense Transportation and this Commission's Resolution EM-T-10 makes it impossible for applicants to render the specialized and expedited motorcycle-truck service which was the basis for the issuance of their certificate of public convenience and necessity.

Company. The operations conducted by applicants prior to October 6, 1942 were specifically limited to service to be performed by use of motorcycle-truck equipment. By reason of priorities and other Federal Governmental regulations it is impossible to purchase motorcycle-truck equipment. The Office of Price Administration, by decision dated July 23, 1942, held applicants' equipment to be "passenger vehicles" and therefore not eligible for either tires or tubes for use on such equipment, which effectively prevents any resumption of operations at this time.

Decision No. 31972, dated May 2, 1939 and Decision No. 33867, The application of V. Fred Jakobsen for service in the armed forces of the United States was not accepted. Mr. Jakobsen has since accepted full-time employment in connection with the war effort and is now employed as and time Transportation Director of Moore Dry Dock Company, Oakland, California. The remaining partners, Mr. William M. Smith, less and Mr. Makin H. Smith Jr., are still engaged in full-time employment in connection with the war effort and they have not been actively identified with the business as noted in Decision No. 35821 the date hereof.

The operation of motorcycle-trucks, such as those required to be used by applicants, necessitates the employment of young men who are not now available for employment. It is respectfully submitted that men of the type required by applicants have either been inducted into the armed forces or are now employed in industries engaged in production for the war effort. The regulations prescribed by the War Manpower Commission and its declaring the existence of a critical labor shortage in the San Francisco Bay area make it impossible to employ skilled motorcycle-truck operators.

As further justification for the extension herein sought, applicants respectfully submit that the type of vehicle required by this Commission to be utilized by the applicants is not eligible for inclusion as a "commercial motor vehicle" as defined in General Order O.L.T. No. 21 of the Office of Defense Transportation. By reason thereof applicants would be unable to obtain a Certificate of War Necessity as prescribed in said order and therefore would be unable to obtain gasoline for the operation of said vehicles.

After due consideration of applicants' petition we are of the opinion the authority sought is in the public interest and should be granted. The order will so provide. This is not a matter in which a public hearing is necessary.

FIRST SUPPLEMENTAL ORDER

IT IS ORDERED that William M. Smith, Makin H. Smith, Jr. and V. Fred Jakobsen, doing business as Transbay Motor Express