

**ORIGINAL**

Decision No. ~~38238~~

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of	)	
PENINSULA DELIVERY SERVICE, a corpo-	)	
ration, to operate over the Bayshore	)	Application No. 26455
Highway as an additional route between	)	
San Francisco, Palo Alto, and inter-	)	
mediate points.	)	

BY THE COMMISSION:

O P I N I O N

This is an application by Peninsula Delivery Service requesting authority to operate its existing highway common carrier service between San Francisco and Palo Alto and intermediate points on the Bayshore Highway in addition to its operation on El Camino Real.

Peninsula Delivery Service, a corporation, is a highway common carrier engaged in the transportation of property between San Francisco and Palo Alto and all intermediate points located on U.S. Highway 101. The portion of said operative rights between San Francisco and Menlo Park and intermediate points are prescriptive rights, resulting from operations conducted in good faith prior to May 1, 1917. The extension of these rights beyond Menlo Park to and including Palo Alto are certificated rights.

The application declares that on May 1, 1917, the "grandfather" date of highway common carrier prescriptive rights, the main highway between San Francisco, Menlo Park, and intermediate points was El Camino Real, now known as U.S. Highway 101;

that on said date the Bayshore Highway, an additional route now known as U.S. Highway 101 Bypass, had not been constructed and hence was not available for any highway common carrier transportation.

Applicant further asserts that since the Bayshore Highway has been constructed it has been, and now is, available as an additional route for highway common carrier service between San Francisco and points on the San Francisco Peninsula and in support of such allegation alleges as follows:

That said Bayshore Highway is in many respects a preferable route as compared with El Camino Real; that said Bayshore Highway traverses a less developed area and hence is less congested with traffic; that said route also avoids the heavily congested traffic on Mission Street in San Francisco connecting with El Camino Real; that said route is a straighter highway than El Camino Real and an easier route to travel; and that most of the points served by applicant along El Camino Real have expanded so that they now also border on the Bayshore Highway.

For the foregoing reasons, applicant requests authority to operate its highway common carrier service along Bayshore Highway as well as along El Camino Real, between San Francisco and Palo Alto and intermediate points, serving the same points which applicant now serves under its existing operative rights. No authority is sought to serve any point or points which applicant is not now authorized to serve. Of the other carriers in the field, Valley Motor Lines, Inc., Pacific Motor Trucking Company, Southern Pacific Company, and Highway Transport, Inc., have filed notices of waiver of protest.

It appears to us that the request of applicant is a reasonable one and that the authority requested should be granted,

and the order which follows will so provide. A public hearing is not necessary.

O R D E R

Application having been made in the above entitled matter and the Commission being duly advised,

IT IS ORDERED:

(1) That Peninsula Delivery Service, in the operation of its highway common carrier service between San Francisco and Palo Alto and intermediate points, as heretofore authorized, be and it hereby is authorized to operate over and along the Bayshore Highway (U.S. Highway 101 Bypass) as an additional route to its operation over and along El Camino Real (U.S. Highway 101).

(2) That Peninsula Delivery Service, in said operation, is not authorized to serve any points other than those which it is now authorized to serve.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 16<sup>th</sup> day of

October, 1945..

David Anderson  
Justice F. Carver

Thomas C. ...  
Charles H. ...  
Commissioners