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Decision No. 12147

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of
JEREMIAH LYNCH for certificate of public
convenience and necessity to operate auto-
mobile motor truck service for the trans-
portation of household goods, furniture,
etc., between Los Angeles and San Francisco,
California, and intermediate points.

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) Application Number
8920.
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W. A. Thomas for Applicant
L. N. Bradshaw for Southern Pacific Com-
pany, Protestant
Harry N. Blair for California Highway Express
and Pacific Highway Express, Protestants.
Edward Stern for American Railway Express,
Protestant.
E. T. Lucey for Atchison Topeka & Santa Fe
Railway, Protestant.
Gwyn H. Baker for Oakland-San Jose Transporta-
tion Company.

SEAVEY, Commissioner.

O P I N I O N

Jeremiah Lynch applies for a certificate of public convenience and necessity authorizing the operation of an automobile truck line as a common carrier of household goods, office furniture, baggage and personal effects, including pianos and trunks between San Francisco and Los Angeles and intermediate points, via what is known as both the Valley and the Coast routes.

A public hearing in the above entitled proceeding was held on March 14th and 15th, 1923, at San Francisco, at which time the matter was submitted and is now ready for decision.

Applicant proposes to operate a minimum of two round trips per month and to use in such service two 3½-ton trucks

and two 2½-ton trucks, charging a rate, Bay points to Los Angeles of \$4.00 per hundred pounds with a graduating scale to intermediate points over both the Coast and Valley routes.

There is at the present time two authorized carriers operating trucks for the transportation of furniture, household goods and similar commodities between San Francisco and Los Angeles; also two rail lines, namely, the Southern Pacific Company and the Atchison Topeka & Santa Fe Railway Company.

Applicant called in support of his petition several witnesses who testified principally to the effect that furniture was more subject to damage through transportation in enclosed vans than it was in transportation in open trucks due to the fact that in closed vans furniture could not be properly roped and in consequence shifted and rubbed resulting in material damage. This testimony, however, was later off set by protestants through the submission of evidence to the effect that all large furniture moving concerns had substituted vans for open equipment; that one of the protestants, namely, California Highway Express, had practically eliminated all open trucks due to the fact that the public as a rule insisted on enclosed vans and refused to ship their furniture in open trucks due to resultant damage from weather conditions.

Applicant and his son both testified as to their experience in the transportation of furniture, the applicant having been engaged in such business for a period of from twenty to twenty-two years. It was their belief that a public necessity existed for the service which they proposed to render, but such belief was not supported by evidence of other witnesses, the sole showing of public convenience and necessity being statements made by applicant himself or his son to the effect that at the present time they had several shipments of furniture in their warehouse destined, San Francisco to Los Angeles, and pre-

viously had operated more or less frequently in the transportation of household goods.

The rates which they propose are 40 cents cheaper per hundred pounds than the rates now charged by either the California Highway Express or the Pacific Highway Express between San Francisco and Los Angeles. Rates to intermediate points are identical with the rates of existing carriers. The Southern Pacific Company, through a witness, submitted testimony with reference to the rates of that line for the moving of furniture. A fair comparison, however, cannot be made between rail rates and truck rates as the rail rate although materially lower than the rate offered by applicant, does not take into consideration the fact that furniture moved by rail must be crated and incidental to such crating requires a truck movement from house to warehouse and from warehouse to rail station, also a movement from rail station to destination, the total cost resulting in a material increase over the direct rate of the truck company which picks up shipments directly at the house and unloads directly at destination.

Two officials of the California Highway Express Company testified as to the service rendered by such company in the transportation of furniture and household goods between San Francisco and Los Angeles and intermediate points, via both the Valley and the Coast routes. This testimony was to the effect that this company had sufficient equipment and was well able to care for traffic requirements in the moving of the commodities handled. Further, that all shipments offered had been promptly and efficiently handled. Similar testimony was submitted by the operator of the Pacific Highway Express. Exhibits were also introduced on behalf of the Atchison Topeka & Santa Fe Railway Company with reference to the service rendered by such company in the movement of furniture and household goods between

the termini proposed to be served by applicant herein.

After a review of the evidence and exhibits submitted in this proceeding, I am of the opinion that applicant has failed to show that public convenience and necessity require the service which he proposes, and recommend the following form of Order.

ORDER

Public hearing having been held in the above entitled proceeding, evidence submitted, and the Commission being fully advised,

IT IS HEREBY FOUND AS A FACT that public convenience and necessity do not require the operation by Jeremiah Lynch of an automobile truck line as a common carrier of furniture, household goods and personal effects between San Francisco and Los Angeles and intermediate points over the Valley and Coast routes, and

IT IS HEREBY ORDERED that the above entitled application be, and the same hereby is denied.

The foregoing Opinion and Order are hereby approved and ordered filed as the Opinion and Order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 29th day of May, 1923.

C. J. Seaver

Egerton Shore

J. H. Whitting
Commissioners