

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
CHAS. D. BOYNTON, individually, and
CHAS. D. BOYNTON and GEO. E. SPOONER,
as co-partners, both doing business
under the fictitious firm name and
style of BOULEVARD EXPRESS and BOULE-
VARD EXPRESS, INC., a corporation, for
certificate of public convenience and
necessity to operate an express service
for intermediate points between San Diego,
California, and Los Angeles, California.

ORIGINAL

Application No. 5658

In the Matter of the Application of
COAST TRUCK LINE, a corporation, for
certificate of public convenience and
necessity to operate a freight auto truck
service between San Diego and Los Angeles
and Riverside and intermediate points;
Escondido and Los Angeles and intermedi-
ate points; Escondido and Riverside and
intermediate points; and a service be-
tween all of said points.

Application No. 7534

Warren E. Libby and Harry N. Blair for applicant
in Application No. 5658.

Warren E. Libby for M. C. Stokes and "Boulevard
Express" as protesting the application 7534 between
San Diego and Coronado under Decision No. 9687
made upon application 7080

H. J. Bischoff for applicant in application 7534
and as protesting the application 5658.

Harry N. Blair for Hodge Transportation Company, as
protesting the application 7534.

E. T. Lucey for the Atchison, Topeka & Santa Fe
Railroad Company, Protestant.

B. J. Cross for the Southern Pacific Company, Protestant.

A. E. Norrbom for the Pacific Electric Railway, Protestant.

K. F. Beyerle for Murrietta Valley Motor Freight
Line, Protestant.

M. Thompson and T. A. Woods for the American Railway
Express, Protestant.

BY THE COMMISSION:

O P I N I O N

CHARLES D. BOYNTON individually, and CHARLES D. BOYNTON and GEORGE H. SPOONER as co-partners, both doing business under the firm name and style of BOULEVARD EXPRESS, and BOULEVARD EXPRESS, INC., in accordance with their application amended at the hearing, have petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by said BOULEVARD EXPRESS, INC., a corporation, of an automobile truck service as a common carrier of northbound freight and express between San Diego and all points intermediate to and between Oceanside and Los Angeles, neither inclusive, including Serra, San Juan Capistrano, Irvine, Tustin, Santa Ana, Anaheim, Buena Park, Norwalk; also northbound freight and express between all points between Del Mar and Oceanside, both inclusive, including Del Mar, Cardiff, Encinitas, Carlsbad, Oceanside and all points between Serra and Los Angeles, both inclusive; and as a common carrier of southbound freight and express between Los Angeles and all points between San Juan Capistrano and Del Mar, both inclusive; also southbound freight and express between all points between Norwalk and Irvine, both inclusive, and all points between San Juan Capistrano and San Diego, both inclusive.

Applicant proposes to charge rates and to operate on a time schedule and over a route in accordance with amended exhibits "A" and "B" attached to said application, using as equipment that which is set out on page two of said amended application filed August 23, 1922 with this Commission.

COAST TRUCK LINE, a corporation, has petitioned the Railroad Commission in accordance with its application amended at the hearing, for an order declaring that public convenience and necessity require the operation by it of an automobile truck service as a common carrier of freight between San Diego and Los Angeles and all intermediate points between San Diego and Tustin, over the State and County highways, by way of Del Mar, Encinitas, Carlsbad, Oceanside.

San Juan Capistrano, Irvine, Tustin, Santa Ana, Anaheim, Fullerton, Norwalk, Telegraph Road and Stevenson Ave; between San Diego and Riverside over State and County highways, by way of Oceanside, Bonsall and Fallbrook; between San Diego and Escondido, by way of Oceanside, over State and County highways; between Escondido and Los Angeles by way of San Marcos, Vista and Oceanside, and by way of San Marcos, Bonsall and Oceanside over the State and County highways; and between Escondido and Riverside by way of San Marcos, Bonsall and Fallbrook, and by way of San Marcos, Vista, Oceanside and Fallbrook: Also to receive freight for shipment from all points over the said route from San Diego to Los Angeles and within three miles on each side thereof between Los Angeles and Tustin for delivery to all points between San Diego and Tustin (not including Tustin); to receive freight for shipment from all points on the route from San Diego to Los Angeles and within three miles on each side thereof between San Diego and Tustin for delivery to all points between Los Angeles and Tustin (not including Tustin); to receive freight for shipment from all points on the route from Escondido to Los Angeles and within three miles on each side thereof between Escondido and Tustin by way of San Marcos and Vista and by way of San Marcos and Bonsall, for delivery to all points between Los Angeles and Tustin (not including Tustin); to receive freight for shipment from all points on same route and within three miles on each side thereof between Los Angeles and Tustin for delivery to all points between Escondido and Tustin (not including Tustin); to receive freight for shipment from and to all points on the said route from San Diego to Riverside and from there to within three miles on each side thereof, provided, however, that no local service will be furnished between Elsinore and Temecula; to ship freight received on the route from San Diego to Los Angeles, and the route from Escondido to Los Angeles for delivery on the route from San Diego to Riverside; and to ship freight received on the route from San Diego to Riverside for delivery on the route from San Diego to Los Angeles and

the route from Escondido to Los Angeles; and to receive freight from and deliver freight to East San Diego, National City and Coronado, to and from all points, except San Diego, now served and proposed to be served by applicant; and also to receive and deliver freight within a radius of 5 miles of the cities of Escondido, Oceanside and Fallbrook.

Applicant proposes to charge rates and to operate on a time schedule in accordance with exhibits "A" and "B" attached to said amended application, using as equipment that which is shown in exhibit "C" attached to said amended application.

Public hearings on the above named applications were conducted before Examiner Satterwhite at San Diego and Los Angeles. The matters were submitted and are now ready for decision. Said applications were consolidated for the purpose of receiving evidence and decision.

The Southern Pacific Company, American Railway Express, Atchison, Topeka and Santa Fe Railroad Company, Pacific Electric Railway Company and K. F. Beyerle appeared in opposition to both applications. Each of the above named applicants protested the granting of the application of the other. M. C. Stokes, Escondido Truck Line and the Hodge Transportation Company protested the granting of the application of the Coast Truck Line. By reason of certain stipulations made by each of said applicants, the Southern Pacific Company, the Pacific Electric Railway Company, Escondido Truck Line and K. F. Beyerle withdrew as protestants.

Charles D. Boynton at the time of filing the above named application was the owner and operator of an automobile freight franchise for the transportation of freight between the cities of Los Angeles and San Diego, serving as intermediate points the city of Vernon and the military reservation at Camp Kearny, also receiving perishable freight and express in agricultural communities between San Diego and Carlsbad under authority conferred by Decision No. 6588 of this Com-

mission made upon Application No. 4754'.

Charles D. Boynton and George E. Spooner at the time of filing the above named application constituted a partnership doing business under the name of "Boulevard Express", and owned the equipment used in the operation of said franchise held individually by Charles D. Boynton. The Boulevard Express, Inc. is a corporation composed of Charles D. Boynton, George E. Spooner and Warren E. Libby, organized for the purpose of taking over and operating the business of said Charles D. Boynton and the partnership of Charles D. Boynton and George E. Spooner.

During the pendency of these instant proceedings, the transfer of the said operative rights of said Charles D. Boynton to the Boulevard Express, Inc. was authorized, as shown by the record and decision in Application No. 8156, and said corporation is now operating the service above indicated, under this franchise right.

The Coast Truck Line is now operating an authorized motor truck service between San Diego and Oceanside and intermediate points; and between Oceanside and Riverside and intermediate points, except a local service between Elsinore and Temecula; and between Escondido and Los Angeles via Oceanside, serving intermediate points only between Oceanside and Escondido.

The record shows that seventy-five witnesses testified during the course of these proceedings in support of the additional operations proposed by both applicants. It will not be necessary nor advisable to review in detail but a portion of the testimony in the record showing the need for additional service proposed in each application.

The evidence shows first of all that the territory between Santa Ana and Oceanside is in need of motor truck service. The merchants, restaurant owners, garage operators and business men in various enterprises in the communities of Tustin, Irvine, San Juan Capistrano, Orange and other points in this particular section, desire and

have requested of one or the other of said applicants a freight truck service. It appears that these merchants and business men buy their goods, wares and merchandise, both perishable and otherwise, not only from Los Angeles and Santa Ana, but from the other buying centers intermediate thereto. San Diego and Oceanside also are purchasing centers for these intermediate communities. This territory between Santa Ana and Oceanside is also a large farming territory. The Irvine Company which owns a ranch of 100,000 acres south of Tustin, has leased to many farmers small tracts where all kinds of vegetables are grown and marketed at Los Angeles and way points. These farmers buy their supplies also from merchants and dealers at Santa Ana and Los Angeles and other intermediate points thereto, as well as Oceanside and San Diego.

It appears, however, that the volume of freight of all kinds which moves into and out of the territory between Santa Ana and Oceanside is more or less limited when compared with the heavy freight traffic both through and intermediate which moves from other sections on the route between San Diego and Los Angeles. The great majority of witnesses who testified in support of the proposed additional service of the Coast Truck Line show that there is an immense volume of through freight transported from Los Angeles to San Diego and from San Diego to Los Angeles, and that the very large tonnage now transported is the result of both commercial and industrial progress at the terminals and the rapid agricultural development within the last three years all along the route traversed.

The record shows that this large tonnage, now moved by both applicants, will continue to increase rapidly.

Representatives from a very large number of the leading and well-known business firms in both Los Angeles and San Diego appeared as witnesses and testified to the necessity of additional operations of both applicants on the basis that the demands of the freight traffic now moving justified both lines. The kind and character of general freight now moved between these two of the largest

cities in California consists of about every conceivable thing in the way of goods, wares and merchandise which are handled by grocers, dry goods and hardware merchants, furniture dealers, druggists, machine shops, garages, contractors and manufacturers of all kinds. It appears that there are at least fifteen wholesale produce merchants doing a large and lucrative business in San Diego.

Many of the shippers, both wholesale and retail, merchants and dealers who patronize the Coast Truck Line are new shippers and have not been patrons of the Boulevard Express, and many dealers have used both lines, and most of these testified that the freight traffic justified both lines.

Although the record shows that most of the present patrons of each applicant are satisfied with the adequacy of the service rendered, there was considerable evidence introduced by the Coast Truck Line showing many complaints against the Boulevard Express by former shippers of both general and perishable freight over its line. The complaints embraced generally instances of delay in pick-ups and delivery at San Diego and Los Angeles, together with actual failures and delays in picking up perishable freight between Del Mar and Carlsbad. The Commission has not been unmindful of these complaints in its conclusions upon the matters before it.

The evidence shows that the territory between Del Mar and Oceanside is a vegetable district and that the growth and development of this particular section has been very rapid and extensive in the last three or four years, and that the tonnage of all kinds of vegetables transported to Los Angeles and other intermediate points has been immense and at the present time this fertile section is but half developed. Although but two or three crops have been raised heretofore annually, the farmers throughout this section are now preparing to increase and diversify their production. It was shown by the Coast Truck Line that in the Carlsbad section alone the increase in acreage of vegetables of all kinds has grown from forty acres to one thousand acres in the last three years.

There are at least seventy-five farmers growing vegetables in the territory between Del Mar and Oceanside who have endorsed and requested the proposed additional service of the Coast Truck Line and have expressed their belief that the great and ever increasing tonnage shipped out of and into this district fully justifies the operations of two motor truck lines. The volume of freight business now transported by each of said applicants is about equal. The record shows that the Coast Truck Line, in accordance with its exhibit "6", transported between Los Angeles and San Diego from July 1, 1921 to July 1, 1922 9,464 tons, which does not include the total local tonnage carried between Oceanside and San Diego, and Escondido and Los Angeles, amounting to 2,771 tons. In the succeeding year it appears that the Coast Truck Line carried a still larger tonnage. The volume of business of the Boulevard Express has also materially and rapidly increased in the last two or three years, it appearing that in January 1920 it carried about 500 tons and in January 1923 about 800 tons, and a similar and substantial increase in tonnage carried by this applicant has developed in other months of each succeeding year.

Four petitions are in evidence endorsing and requesting that the proposed additional service of the Coast Truck Line be authorized, which are signed by many shippers at Los Angeles, San Diego and in the territory between Del Mar and Oceanside and other intermediate points.

The Coast Truck Line showed without any contradiction from any of said protestants that it has innumerable requests to ship supplies into, and perishable and general freight out of the farming and vegetable country lying between Oceanside and Fallbrook and Riverside and between Oceanside and Escondido either from or to San Diego and Los Angeles and the territory between Del Mar and Oceanside. It appears also that there are produce and agricultural shippers on the proposed alternate routes by way of Bonsall and by way of Vista who ship to Los Angeles and other points proposed to be served. It was

also shown that the farming territory within five miles of Escondido, Oceanside and Fallbrook is in need of a pick-up and delivery service for the importation of supplies and the exportation of its products. National City, East San Diego and Coronado are immediately adjacent to San Diego and constitute generally part of the San Diego Community district, and their transportation needs as shown by the evidence are primarily a matter of pick-up and delivery of freight that originates north of the city limits of San Diego, or is to go beyond the city limits of San Diego. Coronado, however, is now adequately served by the authorized local freight line of M. C. Stokes.

The Atchison, Topeka and Santa Fe Railway Co. offered testimony respecting its local freight service between San Diego and Los Angeles which indicates that daily merchandise cars are operated out of San Diego at 8 a.m. for through freight, and at 9 p.m. for intermediate service, and that consignments shipped one day are delivered to consignees the next day.

The American Express Company introduced in evidence its schedule of rates and schedules of train service between Los Angeles and San Diego. The record shows that this protestant renders no pick-up and delivery service between Santa Ana and San Diego.

The testimony shows that the shippers demand the direct and faster pick-up and delivery service of the motor trucks, and that the rail carriers do not meet all the needs of these communities proposed to be served.

After a very careful consideration of all the evidence in these proceedings, we are of opinion and hereby find as a fact that the public necessity and convenience require the additional intermediate service proposed by said Boulevard Express, Inc. and its application as amended should be granted.

We are also of the opinion and hereby find as a fact that the public necessity and convenience require the additional through service, as well as a part and portion of the additional inter-

mediate service proposed by said Coast Truck Line, and the following order herein will direct and authorize specifically an enlargement and extension of operative rights of each of said applicants.

O R D E R

Public hearings having been held in the above entitled applications, the matters having been submitted and being now ready for decision,

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by Boulevard Express, Inc., a corporation, of an automobile truck service as a common carrier of northbound freight and express between San Diego and all points intermediate to and between Oceanside and Los Angeles, neither inclusive, including Serra, San Juan Capistrano, Irvine, Tustin, Santa Ana, Anaheim, Buena Park, Norwalk; also northbound freight and express between all points between Del Mar and Oceanside, both inclusive, including Del Mar, Cardiff, Encinitas, Carlsbad, Oceanside and all points between Serra and Los Angeles, both inclusive; and as a common carrier of southbound freight and express between Los Angeles and all points between San Juan Capistrano and Del Mar, both inclusive; also southbound freight and express between all points between Norwalk and Irvine, both inclusive, and all points between San Juan Capistrano and San Diego, both inclusive.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and the same hereby is issued to Boulevard Express, Inc., a corporation, covering the above described route and in accordance with the following conditions:

I. The operative rights and privileges hereby authorized shall not be transferred, leased, sold nor assigned, nor the said service abandoned unless the written consent of the Railroad Commission thereto has first been procured.

II. No vehicle may be operated in said service unless

said vehicle is owned by the applicant herein, or is leased by said applicant under contract or agreement satisfactory to the Railroad Commission.

III. Boulevard Express, Inc., a corporation, within twenty days from date herein shall file with the Railroad Commission its schedule and tariffs covering said proposed service, which is to be in addition to the proposed service, which is to be in addition to the proposed schedules and tariffs accompanying the application, and shall set forth the date upon which the operation of the service hereby authorized will commence, which date shall be within thirty days from date hereof, unless time to begin operations is extended by formal supplemental order.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by Coast Truck Line, a corporation, of an automobile truck service as a common carrier of freight between Los Angeles and San Diego; also between all points between Del Mar and Oceanside, both inclusive, and Los Angeles; also between San Diego and Riverside by way of Oceanside, Bonsall and Fallbrook; also between San Diego and all points between Oceanside and Escondido; not including Escondido; also between Escondido and Los Angeles by way of San Marcos, Vista and Oceanside, and by way of San Marcos, Bonsall and Oceanside; and also between Escondido and Riverside by way of San Marcos, Bonsall and Fallbrook and by way of San Marcos, Vista, Oceanside and Fallbrook; provided, however, that the authority hereby conveyed does not include any authorization for the transportation of property between intermediate points between Los Angeles and Oceanside, nor between points herein above mentioned which are south and east of Oceanside and intermediate points between Los Angeles and Oceanside; and, provided further that said applicant, Coast Truck Line, shall have authority to pick-up and deliver freight within three miles on each side of the highway in connection with the service herein authorized; and provided further that applicant shall have authority to receive freight for shipment from and to all points now served by said applicant under the authority of this Commission over its existing routes between San Diego and Oceanside and Riverside, except that no local service shall be rendered

between Elsinore and Temecula; provided further that applicant shall have authority to ship freight received on the San Diego to Los Angeles route and the Escondido to Los Angeles route herein authorized for delivery on the San Diego to Riverside route herein authorized, and to ship freight received on the San Diego to Riverside route for delivery on the San Diego to Los Angeles route and the Escondido to Los Angeles route herein authorized; provided further that applicant shall have authority to pick up and deliver freight within a radius of five miles of Escondido, Oceanside and Fallbrook; and provided further that applicant shall have authority to receive freight from and deliver freight to East San Diego and National City to and from all points, except San Diego, herein authorized to be served by said applicant.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and the same hereby is issued to Coast Truck Line, a corporation, covering the above described route and in accordance with the following conditions:

I. The operative rights and privileges hereby authorized shall not be transferred, leased, sold nor assigned, nor the said service abandoned unless the written consent of the Railroad Commission thereto has first been procured.

II. No vehicle may be operated in said service unless said vehicle is owned by the applicant herein, or is leased by said applicant under contract or agreement satisfactory to the Railroad Commission.

III. Coast Truck Line, a corporation, shall within twenty days from date herein file with the Railroad Commission its schedule and tariffs covering said proposed service, which is to be in addition to the proposed schedules and

tariffs accompanying the application, and shall set forth the date upon which the operation of the service hereby authorized will commence, which date shall be within thirty days from date hereof, unless time to begin operations is extended by formal supplemental order.

Dated at San Francisco, California, this 13th day of July, 1923.

O. Seaver
H. H. B. [unclear]
Iving Martin
Egerton Shore

Commissioners.