

ORIGINAL

Decision No. 12651

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of)
 HARRY C. HARDING, JAMES N. HARDING and)
 WM. T. BURR, co-partners, for a certificate :
 of public convenience and necessity to operate)
 motor truck freight service between Camarillo,)
 Mission Station, Pacoima, and San Fernando)
 and ranches within radius of sixty (60) :Application No. 9168
 miles thereof and between said points and)
 Los Angeles and Los Angeles Harbor for handling)
 certain specified commodities as set forth in)
 Exhibit "A" attached. :

- R. T. Eddy for Applicants.
- F. W. Milke for Southern Pacific Company, Protestant.
- H. N. Blair and F. M. Hodge, for Hodge Transportation System, Protestant.
- Phil Jacobson, for San Fernando Haulage Company, Protestant.
- H. N. Blair for Service Motor Express and Mr. Galbreath, Proprietor Chino Express, Protestants.
- C. W. Cornell for Pacific Electric Railway Company, Protestant.
- Warren E. Libby, for Rex Transfer Company, Protestant.

BY THE COMMISSION,

O-P-I-N-I-O-N

Harry C. Harding, James N. Harding and Wm. T. Burr, co-partners operating under the firm name and style of Harding Brothers, by their application as amended at the hearing have petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by them of an automobile truck line as a common carrier of canned goods and citrus fruits from canneries at San Fernando and Camarillo and packing houses at San Fernando, Pacoima and Mission Station to Los Angeles and Los Angeles Harbor Points; also ice from Glendale and Los Angeles to San Fern-

ando and from San Fernando to railroad sidings within a radius of fifteen miles from the ice plant at San Fernando; oil and grease from Los Angeles to San Fernando; and sugar from Los Angeles and Los Angeles Harbor Points to San Fernando.

A public hearing on this application was conducted by Examiner Handford at Los Angeles, the matter was duly submitted and is now ready for decision.

Applicants request authority for the transportation of specific commodities between San Fernando, Camarillo, Mission Station, Pacoima and Los Angeles and Los Angeles Harbor Points; between Glendale, Los Angeles and San Fernando; and between San Fernando and loading points within a radius of fifteen miles therefrom. It is alleged that the existing transportation service is inadequate to meet the needs of the communities sought to be served particularly as to the movement of the commodities sought to be handled.

Applicants have for the past four and one-half years been engaged in the hauling of fruits and vegetables from the producing ranches to canneries and packing houses and have also hauled case goods, under contract, from two canneries to Los Angeles Harbor, and sugar from the Harbor to San Fernando.

Witnesses for applicant testified as to the movement of canned goods and citrus fruits from their establishments to Los Angeles and the Harbor. It appears that 50% of the canned fruit packed at the San Fernando cannery is shipped through the Harbor, a portion being sold f.o.b. cannery and the balance f.o.b. steamer. Canned vegetables (tomatoes) are shipped principally to Los Angeles to wholesalers and occasional shipments of canned fruit for consolidation into carload shipments by Los Angeles wholesalers. Sugar is purchased f.o.b. Los Angeles Harbor and prompt movement to the cannery is only essential when the supply at the cannery is depleted.

The cannery at Camarillo has used the service of applicant in the past and has found such service satisfactory. This cannery has a prospective pack of about 100,000 cases for the current year of which it is anticipated 75% will move through Los Angeles Harbor.

A witness for applicants in charge of a packing house at Pacoima testified that his concern shipped approximately 100 carloads during the last season by rail to eastern points and that a greater movement was anticipated during the coming season due to a larger crop. No shipments were made through Los Angeles Harbor during the past season although some were anticipated during the coming season. The movement to Los Angeles is in slight volume.

Evidence was received as to the necessity for the prompt movement of ice used in the shipment of lettuce. The lettuce season covers two periods from November to January and in April and May of each year. The ice is moved from the ice plant at San Fernando to railroad sidings where the lettuce is packed and loaded into cars for shipment. The packing of lettuce requires the prompt movement of ice which is packed with the lettuce as same is placed in crates to ensure the product arriving at destination in a crisp and unwilted condition and a considerable amount of ice is required, the average quantity used per car being 7½ tons. The ice plant at San Fernando has not sufficient manufacturing or storage capacity to meet all of the peak demand during the lettuce shipping season and it is sometimes necessary to secure additional supply from Glendale or any point which may have a surplus.

The granting of the desired certificate is opposed by the Southern Pacific Company, the Pacific Electric Railway Company and

the Hodge Transportation System, all of whom submitted their rates and service schedules for comparison with those offered by the applicants. It is the general contention of the protestants that they have ample facilities to care for the movement of the commodities between the points sought by applicants and at rates which are reasonable for the service. A comparison of rates as proposed by applicant with those of existing authorized carriers is shown below, all rates being per ton of 2000 lbs:-

CANNED GOODS	S.P.Co.	P.E.Ry.Co.	Hodge Trans. System	Applicants.
Camarillo to Los Angeles	7.10	-	4.67½	4.80
" " " Wilmington	-	-	5.86½	5.85
" " " San Pedro	9.90	-	5.86½	5.85
San Fernando to Los Angeles	3.50	4.00	*2.59½	2.40
" " " Wilmington	-	6.20	**3.56	3.50
" " " San Pedro	6.20	6.20	**3.84	3.50
ORANGES AND LEMONS				
Mission Station to Los Angeles	-	-	-	2.40
" " " Wilmington	-	-	-	3.50
" " " San Pedro	-	-	-	3.50
Pacoima to Los Angeles	3.50	-	-	2.40
" " " Wilmington	-	-	-	3.50
" " " San Pedro	5.60	-	-	3.50
San Fernando to Los Angeles	3.50	4.00	**3.05	2.40
" " " Wilmington	-	6.20	**4.45	3.50
" " " San Pedro	6.20	6.20	**4.80	3.50
SUGAR				
Wilmington to San Fernando	-	5.00	**3.78½	3.50
San Pedro " " "	5.10	5.00	**4.08	3.50
Los Angeles " " "	3.00	3.70	**2.59½	2.70

NOTE: * 5 ton lots
 ** 10 ton lots.

The rates above shown, unless otherwise specified by notation are in the case of rail carriers the published less than carload rates and in the case of applicant for truck capacity loads. Substantially lower rates than those above shown are offered by the railroads on carload quantities as appearing below:

CANNED GOODS	Minimum Weight	P.E.Ry.	So.Pac.Co.
San Fernando to Los Angeles	36000 lbs.	3.20	2.60
" " " San Pedro	36000	4.00	4.00
Camarillo to Los Angeles	36000	-	4.30
" " San Pedro	36000	-	5.70
ORANGES & LEMONS			
San Fernando to Los Angeles	26700 lbs.	4.00	1.50
" " " San Pedro	24000	3.20	3.50
Pacoima to Los Angeles	26700	-	1.50
" " San Pedro	24000	-	3.50
SUGAR			
Los Angeles to San Fernando	40000 lbs.	3.20	2.60
San Pedro to San Fernando	40000	4.00	3.60
Los Angeles to Camarillo	40000	-	4.30
San Pedro to Camarillo	40000	-	5.30

From the evidence in this proceeding it appears that applicants have heretofore been engaged principally in the hauling of fruits and vegetables from ranches and orchards to canneries and packing houses and ice for lettuce packing and that incidental to such hauling canned goods have been hauled into Los Angeles and to Los Angeles Harbor at times when canneries desired such service performed or when the trucks owned by the canneries were unable to transport all shipments or were engaged in other work. The application as originally presented requested authority for the right to transport products from ranches and orchards to packing plants and canneries. The amendment to the statute as passed at the 1923 legislative session eliminates such transportation from the jurisdiction of this Commission and application was amended at the hearing by cancelling the portion referring to the transportation of fruits and vegetables to packing houses and canneries.

Under the amended application and the evidence herein, there has been no showing of public convenience and necessity justifying the granting of the amended application, excepting as to ice proposed to be transported from the ice plant at San Fernando

to railroad sidings located within a radius of fifteen miles from the ice plant, and for ice between Los Angeles, Glendale, and San Fernando. The transportation of other commodities (canned goods, oranges and lemons, oil and grease, and sugar), can be cared for by regularly authorized rail and truck carriers at rates which are not in excess of those proposed by applicants and where equivalent service is offered.

O-R-D-E-R

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

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by Harry C. Harding, James N. Harding and Wm. T. Burr, co-partners doing business under the name and style of Harding Bros. of an automobile truck line as a common carrier of ice between San Fernando and railroad sidings located within a radius of fifteen miles from San Fernando, and from Los Angeles and Glendale to San Fernando, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be, and the same hereby is granted subject to the following conditions:-

I. Applicants will be required to file, within fifteen (15) days from the date of this order their written acceptance of the certificate herein granted such acceptance to contain the date upon which operation as herein authorized will commence, such date to be within sixty (60) days from the date of this order unless extended by supplemental order of this Commission.

II. Applicants will be required to file, within twenty (20) days from the date of order herein, duplicate tariffs of rates in accordance with the rates for the transportation of ice as shown on Sections 2 and 3, as amended, of Exhibit "A" as attached to the application herein.

III. The rights and privileges herein authorized may not be sold, leased, transferred or hypothecated or assigned unless such sale, lease, transfer, hypothecation or assignment has first received written approval by this Commission.

IV. No vehicle may be operated under the provisions of this certificate by applicants herein unless such vehicle is owned by said applicants or is leased by them under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 24th

day of September, 1923.

C. L. Seavey

Iwing Martin

Egerton Shore

J. T. Whittley

Commissioners