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Decision No. 13355

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
F. W. GRANGER for certificate of  
public convenience and necessity :  
to operate as a freight carrier to ) Application No. 8802  
and from Los Angeles and other )  
Southern California points. )  
;

J. T. Houser for Applicant.  
F. W. Meilke for Southern Pacific Company, Protestant  
C. H. Tribbett for Richards Trucking & Warehouse  
Company, and Service Motor Express, Protestants.  
Harry N. Blair and F.M. Hodge, for Hodge Transportation  
System, Protestant.  
C. W. Cornell for Pacific Electric Railway Company,  
Protestant.  
Warren E. Libby for Rex Transfer Company, Protestant.  
Phil Jacobsen for Rex Transportation Company, Keystone  
Express, Chino Transportation Company,  
Service Motor Express and Vance Truck Line,  
Protestants.  
E. T. Lucey for Atchison, Topeka & Santa Fe Railway Com-  
pany, Protestant.

BY THE COMMISSION,

OPINION

F. W. Granger has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of a motor truck line as a carrier of building material consisting of structural iron and steel, tin, brick, cement, lumber, building machinery, tools, etc. in the territory beginning at Highland, westerly to Burbank, thence southwesterly to Santa Monica, thence following the coast line of the Pacific Ocean southeasterly to Laguna Beach, thence northeasterly to Hemet and northerly from Hemet to Highland.

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

Applicant proposes to charge rates in accordance with a schedule filed as Exhibit "A" attached to the application and to operate over routes as shown in Exhibit "B" attached to the application at such times as may be requested by his patrons, using as equipment three trucks and two trailers with a manufacturers' rated capacity totalling 22½ tons.

Applicant relies, as justification for the granting of the desired certificate, upon the following alleged facts:- that no authorized truck lines operating in the territory proposed to be served specialize in the handling of building materials; that many towns and localities are not served by railroads or authorized truck service; that cement plants located within the area proposed to be served require the movement of less-than-carload quantities of their product and that such movement requires truck service; that emergencies arising in building construction often require immediate movement of the class of commodities proposed to be handled by applicant; that the proposed service will minimize the necessity for storage of building material in the communities to be served and eliminate delays to consumers by prompt movement; and that dealers in building material and the general public desire the service proposed by applicant.

Applicant testified that he had been engaged in the general trucking business for about two years with his headquarters at Pomona. During this time he has specialized in the handling of building materials and has had contracts with cement mills for the hauling of their less-than-carload shipments.

Mr. O. T. Helpling, Traffic Manager for The Riverside Portland Cement Company and Golden State Portland Cement Company

testified that he was familiar with the service of applicant which had been performed for his companies; that such service was a necessity if the cement mills by whom he was employed were to be in a position to meet the competition of foreign cement received by water at Los Angeles Harbor points; that applicant had always furnished satisfactory service on all occasions and in response to demand at any hour - night or day; that there was no less-than-carload shipments by railroad from the cement plants he represented and that the business heretofore handled by applicant from his companies had required practically the continuous use of one truck and trailer.

Mr. O. C. Dicks, Manager of Los Angeles Iron & Steel Company, has used the service of applicant and has found same satisfactory particularly on steel shipments over 30 feet in length which have been refused by other truck lines and upon which railroads for less-than-carload quantities charge first class rate and a high minimum.

Mr. K. Ellsworth, Manager for Geo. L. Eastman, testified that he had used the trucks of applicant in the transportation of empty cement sacks to the cement mill at Crestmore, that the service was satisfactory and had been for the past two years; that other truck lines had been used but not with the same degree of satisfaction in that some required the shipments to be delivered to their Los Angeles terminal.

Mr. T.A. Loretz, Traffic Manager for Lewellyn Iron Works of Los Angeles, testified that he had made shipments by the trucks of applicant to Riverside and other points; that the service rendered was satisfactory especially on long lengths and bulky consignments; and that quicker delivery was accomplished by using applicant's trucks than by railroad in that from one to two days' time was thereby saved.

The granting of the desired certificate is protested by the Southern Pacific Company, Atchison, Topeka & Santa Fe Railway Company, Pacific Electric Railway Company and motor freight carriers serving portions of the territory for which operative rights are herein sought by the applicant.

Mr. S.B.Cowan, proprietor of the Triangle-Orange County Express, testified that he had never refused transportation of cement when offered for movement to any point reached by his line, nor any steel used in building construction; that his rates and service between Los Angeles and points in Orange County reached by his line are satisfactory to the public and have not been the subject of complaint. This protestant, however, does not serve the districts in which are located the cement mills from which the majority of applicant's business would originate.

The Southern Pacific Company presented an exhibit showing its class rates on less-than-carload shipments from Riverside and Wilmington to points on its line as proposed to be served by applicant, also carload commodity rates on cement and various classes of building material between points on its line as herein proposed to be served by applicant. These rates-both carload and less-than-carload- cover station to station service and do not include the pick-up service at the point of origin or the delivery service to the consignee at destination of the shipment.

Applicant has requested authority to furnish service over routes which will serve a considerable portion of Southern California territory adjacent to Los Angeles and while the record shows a necessity for the movement of truck load quantities of cement from the cement mills at Colton and Riverside and for structural iron and steel from Los Angeles to some points in the territory sought to be served applicant has not presented testimony or exhibits justifying the granting of all rights herein sought. We

are of the opinion that public convenience and necessity require operation by applicant in the carriage by motor truck of the specific commodities over the routes and between the communities as hereinafter set forth in the accompanying order.

#### 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 now being fully advised,

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity requires the operation by F.W. Granger of an automobile truck line as a common carrier of the commodities hereinafter specified over the routes serving the following named communities, and that a certificate of public convenience and necessity be and the same hereby is granted, subject to the following conditions:-

1. The commodities herein authorized to be transported are iron and steel, such as re-enforcing bars, structural and tank steel, steel and iron castings, window weights, machinery, derricks and tools, all such material to be confined to that used in the construction of buildings or for mill supplies when same are used in connection with the manufacture of cement or other building materials. Lumber, roofing and building paper, plaster and wall board, building, floor and drainage tiling, brick, fireclay. Sand and stone, in bags only. Builders hardware. Lime, Cement and manufactured cement products. Windows and doors, glazed or unglazed. Glass, bath-tubs, sinks and plumbing supplies. Mill work and finished lumber. Portable houses, knocked down, radiators, marble or slate, fire escapes, steps and ladders. Returned empty containers when same have been or are to be transported with loaded movement.

2. The routes herein authorized are as follows:

No. 1. From Redlands over the Ocean to Ocean Highway via Colton to Ontario, thence via the Valley Boulevard to Los Angeles.

No. 2. From Ontario southeasterly over the state highway to Riverside thence via the San Diego Inland Route to Elsinore, and from Perris to San Jacinto via Hemet.

No. 3. From Riverside to Laguna and Huntington Beach via Santa Ana Canyon and passing through Orange to Santa Ana, thence via connecting highways to Laguna and Huntington Beach.

No. 4. From Highland westerly to San Bernardino, thence westerly over the Foothill Boulevard through Claremont, Pasadena and Glendale to Burbank. Also diversions from above main routes as follows:-

From Sierra Madre south through El Monte to Downey.

From Los Angeles over Telegraph Road to Fullerton, Anaheim, Orange and Santa Ana.

From Walnut via Brea Canyon to Fullerton, Anaheim, Orange and Santa Ana.

From Rialto southerly through Colton to a connection with Route No. 2 near Riverside.

Authority is also granted for divergence from main highways comprised in the above authorized routes for a distance of five miles on either side thereof, over travelled roads.

No authority is hereby granted for the transportation of any commodity except lime, cement and cement products between Los Angeles and the communities of Bell, Montebello, Whittier, La Habra, Fullerton, Brea, Placentia, Anaheim, Clearwater, Santa Ana, Garden Grove, Orange, Tustin, Olive and Olinda or intermediate between any of such communities..

3. Applicant is hereby required to file within twenty (20) days from the date of this order his acceptance of the certificate hereby granted, such acceptance to state the date upon which operation will be commenced which date shall be not less than sixty (60) days from the date of this order.

Applicant is hereby also required to file, in duplicate, at least ten (10) days prior to the date of commencement of operation hereunder his tariffs of rates, rules and regulations in accordance with the terms and conditions of this order.

4. The rights and privileges hereby granted may not be sold, transferred, leased, hypothecated or assigned unless such sale, transfer, lease, hypothecation or assignment has first been approved by the Railroad Commission.

5. No vehicle may be operated under the certificate hereby granted unless such vehicle is owned by the applicant herein or is leased by such applicant under a contract or agreement on a basis satisfactory to and approved by the Railroad Commission.

Dated at San Francisco, California, this  
7<sup>th</sup> day of April, 1924.

C. Seaver  
H. B. Budge

Egerton Shore  
J. T. Whittney  
Commissioners