

ORIGINAL

Decision No. 13517

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 LANGLEY TRUCK LINE for certificate)
 of public convenience and necessity) Application No. 8311.
 to operate motor freight service be-)
 tween Stockton and Lodi.)

In the Matter of the Application of)
 SACRAMENTO-GALT FREIGHT LINE for cer-)
 tificate of public convenience and) Application No. 9709.
 necessity to operate freight truck)
 service between Galt, Stockton and)
 intermediate points.)

- E. E. Miller, for applicant in App. 9709 and protest-
 ant in App. 8311.
- Herbert Coblenz, for applicant in App. 8311 and
 protestant in App. 9709.
- L. N. Bradshaw, for Southern Pacific Company, protestant.
- Ed. Stern, for American Ry. Express Co., protestant.
- W. J. Quinn, for White Lines, interested party.
- W. P. Jennings and Gilbert E. Jones, for Central
 Californic Traction Co., protestant.
- Geo. J. Bradley, for Merchants & Manufacturers'
 Association.
- Walter Minahan, for Lodi Business Men's Association,
 protestant in App. 9709.
- Willard E. Spears, for Lodi District Chamber of
 Commerce.

BY THE COMMISSION:

O P I N I O N

George D. Langley, doing business under the fictitious name of Langley Truck Line, has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of an automobile truck line as a common carrier of freight between Stockton and Lodi and intermediate points.

Applicant proposes to charge rates and to operate on a time schedule in accordance with Exhibits "A" and "B" attached to

said application and to use the equipment described in Exhibit "C" attached to said application.

Earle E. Miller, doing business under the fictitious name of Sacramento-Galt Freight Line, has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of an automobile truck line as a common carrier of freight between Galt and Stockton and intermediate points.

Applicant proposes to charge rates and to operate on a time schedule in accordance with Exhibits "A" and "B" attached to said application, using the equipment described in Exhibit "C".

A public hearing on said applications was conducted by Examiner Satterwhite at Stockton, the matters were submitted and are now ready for decision. Said applications were consolidated at the hearing for the reason that each embraced the same territory proposed to be served.

Each applicant protested the granting of the application of the other and the Southern Pacific Company, American Railway Express Company and the Central California Traction Company protested the granting of both applications.

George D. Langley testified in his own behalf and called several witnesses in support of his application.

The evidence shows that practically all of the merchants and business men of Lodi do extensive buying at Stockton and for about the last three years have employed Langley to transport most of these goods, wares and merchandise. The Chamber of Commerce, as well as the Business Men's Association of Lodi, whose membership consists of 95 per cent of the merchants and business men of that community, have unanimously endorsed and also requested at the hearing through an accredited representative that his service be authorized. The record shows that Langley has rendered a satisfactory pick-up and

delivery service for all of his patrons, both at Stockton and Lodi.

The hearing of this application, which has been pending before the Commission for some time, was held in abeyance pending the determination of certain applications filed by the Draymen's Transportation Association, which applications have now been disposed of and which involved the operations proposed by this applicant.

Earle E. Miller, above named applicant, who operates an authorized truck service between Sacramento and Galt, testified in his own behalf to the effect that the freight traffic between Sacramento and Stockton is very small and limited and unless he were authorized to operate also locally between Galt, Lodi and Stockton he would not accept a certificate to operate only a through service between Galt and Stockton, which would be an extension of his present service.

The American Railway Express Company, protestant, offered in evidence certain statements showing schedule of trains of the Southern Pacific and Central California Traction Company on which there is express service between Sacramento and Stockton, as well as its charges in cents for weights and on commodities designated therein. Central California Traction Company also offered in evidence certain statements of L.C.L. business moving in either direction between Sacramento, Lodi and Stockton and the revenues for the year 1923 as compared with 1922.

After a careful consideration of all the evidence in this proceeding we are of the opinion and hereby find as a fact that public convenience and necessity require the proposed operation of applicant George D. Langley and that public convenience and necessity do not require the proposed operation of applicant Earle E. Miller.

O R D E R

A public hearing 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 George D. Langley, doing business under the fictitious name of Langley Truck Line, of an automobile truck line as a common carrier of freight between Stockton and Lodi and intermediate points, and

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

1. Applicant shall file his written acceptance of the certificate herein granted within a period of not to exceed ten (10) days from date hereof; shall file, in duplicate, tariff of rates and time schedules within a period of not to exceed twenty (20) days from date hereof, such tariff of rates and time schedules to be identical with those attached to the application herein; and shall commence operation of said service within a period of not to exceed thirty (30) days from date hereof.

2. The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.

3. No vehicle may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by him under a contract or agreement on a basis satisfactory to the Railroad Commission.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity do not require the operation by Earle E. Miller of an automobile truck line as a common carrier of freight between Galt and Stockton and intermediate points, and

IT IS HEREBY ORDERED that the application of Earle E. Miller be, and the same is hereby denied.

Dated at San Francisco, California, this 14 day of May, 1924.

C. Searcy

H. B. Sandiger

J. E. Whittney
Commissioners.