

Decision No. 13574

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application)
of T. R. REX for certificate of)
public convenience and necessity)
to operate auto truck freight) Application No. 9846
service between Los Angeles and)
Fontana, Rialto, Del Rosa, Patton,)
Highland and East Highland.)

Phil Jacobson for applicant.
C.E. Jones for Pacific Electric Railway, protestant.
E.T. Lucey for A. T. and S. fe Ry., protestant,
and American Railway Express, protestant.
A. J. Happe, protestant in propria persona.

BY THE COMMISSION:

O P I N I O N

T. R. Rex has applied to the Railroad Commission for certificate of public convenience and necessity to operate auto truck freight service between Los Angeles and Fontana, Rialto, Del Rosa, Patton, Highland and East Highland.

A public hearing herein was conducted by Examiner Williams at San Bernardino.

At this hearing applicant amended his application to provide for extension of his present service from the terminal at Redlands to Highland, East Highland, Patton and Del Rosa and from the San Bernardino terminal to Fontana and Rialto. The application originally proposed an independent service between Los Angeles and the points named beyond these terminals which

applicant stated at the hearing was not his purpose. Applicant now operates between Los Angeles and San Bernardino and Redlands and Yucaipa, via Colton.

Applicant as a witness in his own behalf testified that he is now operating four trucks and trailers between Los Angeles and Redlands and San Bernardino and has been for the past six years. Depots are maintained at both terminals and daily service is maintained to each. Applicant admitted that for the past three years he had been making frequent deliveries at Highland and East Highland from the San Bernardino terminal at the same rate charged to the terminal, mostly of commodities required in haste by the citrus packing houses at these places. Applicant further testified that he has additional equipment and is able to provide such additional equipment as may be necessary to properly carry out the purpose of the present application. He asked the privilege of routing service northerly from Redlands to San Bernardino, via East Highland, Highland, Patton and Del Rosa and westwardly from San Bernardino to Rialto and Fontana.

The rates proposed by applicant in each class are five cents per hundred pounds higher than the rate to Redlands as effecting deliveries at East Highland, Highland, Patton and Del Rosa. Rialto and Fontana are to enjoy the same class rate as now charged to the San Bernardino terminal.

Applicant produced E. E. Gore, manager of the East Highland Citrus Association, F. C. Hambly, merchant at Highland, Fred R. Leuschen, manager of Cleghorn and Company, citrus packers at Highland, and Mark Anderson, manager of the Redlands-Highland packing houses at Highland and East Highland. These witnesses testified uniformly that the freight service of the Santa Fe Railway serv-

ing the points in question is dependable and efficient except in the time element, requiring usually three days to get freight from Los Angeles, and that American Railway Express rates are prohibitive for most commodities. Their testimony did not indicate that there is a constant or large tonnage but that at times there is a volume requiring rapid delivery and that there appears to be need for a service such as applicant proposes to Highland and East Highland particularly of small consignments. Applicant produced no proof that an extension of this service to Del Rosa and Patton is required and hence these points may be eliminated from further consideration.

Applicant produced J. R. Clark, engineer for the Fontana Farms Company and J. D. McGregor, secretary of the Fontana Farms Company to show that service is required at the new town of Fontana, now in the course of development, and also at Rialto. Their testimony showed that about two tons a week is consigned from Los Angeles to the Farms Company. These witnesses also testified that a service to Rialto which adjoins the Fontana holdings is a need.

Protestant Santa Fe Railway introduced no testimony in opposition except that produced upon cross examination. Protestant Pacific Electric Railway presented its tariffs and schedules of service to Highland, Patton, Rialto and Fontana. Protestant American Railway Express also introduced no other testimony than to file its express operations over the Santa Fe Railroad to all the points named and also its service from the Pacific Electric Railway to Fontana and Rialto. These services are daily and all, except the American Railway Express, lack pick-up and delivery

features at Los Angeles which applicant provides. American Railway Express maintains pick-up at Los Angeles but its rates are approximately double those proposed by applicant.

Applicant proposes rates requiring service from the Redlands terminal to Highland and East Highland five cents greater than the terminal. The distance from Redlands to Highland is seven miles. For the same service from San Bernardino applicant proposes no increase over the San Bernardino terminal rate although the distance to Fontana is the same as that between Redlands and Highland. Applicant explains that difference in operating conditions justifies the additional charge from the Redlands terminal.

Considering the whole record herein we find as a fact that sufficient proof has been made to require extension of service now established by applicant from the San Bernardino terminal to Rialto and Fontana and from the Redlands terminal to East Highland and Highland with the understanding that these extensions permit an operation from each terminal to and from the points named and no additional right; and that the daily schedule filed by applicant as a part of his Exhibit "B" attached to his application be observed. We further find as a fact that no service to Del Rosa or Patton is required and the application, so far as they are concerned, will be denied.

O R D E R

T. R. Rex having made application to the Railroad Commission for certificate of public convenience and necessity to operate auto truck freight service between Los Angeles and Fontana, Rialto, Del Rosa, Patton, Highland and East Highland, a public hearing having

been held, the matter having been duly submitted and now being ready for decision,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the extension of the present established operation of applicant between Los Angeles and San Bernardino and Redlands via Colton from his terminal at San Bernardino to Rialto and Fontana and from his terminal at Redlands to East Highland and Highland for the operation of freight transportation over and along the following route;

From San Bernardino to Rialto and Fontana via the Foothill Boulevard returning over identically the same route; from Redlands to East Highland and Highland over the Highland highway returning over identically the same route

and that a certificate of public convenience and necessity therefor be and the same hereby is granted subject to the following conditions:-

1. - That applicant, T. R. Rex, shall file within fifteen (15) days from date hereof a written stipulation accepting the certificate herein granted, and accepting it only as an extension of his present rights and not as a new or separate operating right, and shall file within thirty (30) days hereof, duplicate tariff of rates and time schedules, in accordance with General Order No. 51 of the Railroad Commission and that service shall begin within thirty (30) days after date hereof.
11. - That applicant, T. R. Rex, shall not sell, lease, assign or discontinue the service herein authorized, unless such sale, lease, assignment, or discontinuance shall have been authorized by the Railroad Commission.

111. - That no vehicle shall be operated by applicant unless such vehicles are owned by said applicant, or are leased under an agreement satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 17th
day of May, 1924.

C. Seavey

Jessie Martin
Egerton Shore

Commissioners.