

Decision No. 13628

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

**ORIGINAL**

In the Matter of the Application of  
A. W. PURDY for a certificate of public  
convenience and necessity to operate a  
personal messenger auto service between  
Los Angeles, La Habra, Brea and Fullerton.

} Application No. 9664.  
}

Allen & Lyon by C. R. Allen for Applicant.  
Herbert W. Kidd for Motor Transit Company,  
Protestant and Dillingham Transportation  
Company, Protestant.  
Warren E. Libby for Triangle, Orange County  
and Santa Ana Express, Protestant and  
Crown Stages, Protestant.

BY THE COMMISSION:

O P I N I O N

A. W. Purdy has made application to the Railroad Commission of the State of California for a certificate of public convenience and necessity to operate a personal messenger auto service between Los Angeles, La Habra, Brea and Fullerton.

A public hearing was held before Examiner Williams at Fullerton.

Applicant proposes to establish what he terms "a personal messenger auto service for the transportation of packages and merchandise" between Los Angeles, La Habra, Brea and Fullerton, basing his application upon the alleged inadequacy of the service already maintained between terminal and intermediate points. The applicant proposes to use one vehicle leaving Fullerton at 8 o'clock each morning reaching Los Angeles at 9:30 A. M. Applicant then proposes to pick up in Los Angeles such packages and merchandise as have been ordered by customers at Fullerton, La Habra and Brea, leaving Los Angeles with the accumulated load

at 3:00 o'clock p.m. and reaching Fullerton at 4:30 p.m. delivering consignments enroute. For this service he proposes to charge a rate of 50 cents per 100 pounds with a minimum charge of 35 cents.

Applicant explained that he would maintain an office in Los Angeles with the W. D. Shreeves package service and that this service would deliver to him consignments for delivery at the three points served by him outside of Los Angeles. Outside of this pick-up applicant expected to collect his load without limited pick-up zone in Los Angeles. The Shreeves service operates exclusively within the City of Los Angeles.

In support of his application applicant produced Ernest E. Proud of La Habra, W. J. Wickersheim of Fullerton, L. Kenney of La Habra, Earl D. Cage an avocado rancher of Fullerton, Jack Granz, clothing dealer of Fullerton, Arthur Saltman a clothing dealer of Fullerton, B. R. McBride, painting contractor of Fullerton, Guy Campbell, teaming and excavating contractor of Fullerton, Frank F. Vogel, Chevrolet dealer of Fullerton, Carl Parks, automobile top maker of Fullerton and Archie McFarland, cafe proprietor at Fullerton. These witnesses testified that there was a need of the service proposed by applicant on the general ground that he could perform their business errands of a small nature in Los Angeles between sunrise and sunset to their distinct advantage and for the further reason that sometimes the other carriers were not prompt in their service. Several specific instances of delay were related. In addition the service proposed by applicant would eliminate cost of telephone communication to Los Angeles and would also insure pick-up of the articles requested by the applicant as against the doubtful delivery of merchandise to existing carriers who do not maintain pick-up service. In addition to these witnesses it was stipulated that three other witnesses present would testify to the same facts.

Testimony of these witnesses indicated that the need for this service would be infrequent and for small articles, such as automobile accessories and parts, small packages of merchandise and for restoration of depleted merchandise stocks. Some of these witnesses testified that their business places are as much as three-quarters of a mile from the depots of the present carriers in Fullerton and that it was inconvenient to go after shipments, especially when the time of arrival was uncertain.

Protestant Motor Transit Company maintains a schedule between Los Angeles, La Habra, Brea and Fullerton calling for 31 trips in each direction, all of the vehicles being equipped to carry packages. A similar schedule is maintained by the Crown Staged into Fullerton. Neither carrier, however, maintains pick-up at Los Angeles nor delivery at Fullerton. This service extends from 6 o'clock in the morning until 11:30 p.m. at night. In addition to this service there is a special express vehicle over the Motor Transit system leaving Los Angeles between 11 and 12 o'clock each day for the delivery of the larger packages. Motor Transit Company and Crown Stages maintains a minimum charge of 15 cents on any package, its rates per 100 being 65 cents to La Habra, 70 cents to Brea and 75 cents to Fullerton.

Exhibit No. 6 filed by protestant Motor Transit Company shows that this protestant carried between July 1st and December 31st, 1923, 2978 packages from Los Angeles to La Habra, Brea and Fullerton with a return movement during the same period of 144 packages from Brea to Los Angeles and 153 packages from Fullerton to Los Angeles. This traffic produced a revenue slightly in excess of 40 cents per package--an average amount slightly in excess of the 35 cents minimum charge proposed by applicant.

It was admitted by most of the witnesses for applicant that Motor Transit express service was good but that it did not meet full need because of the lack of pick-up in Los Angeles and delivery in Fullerton.

Protestant Triangle Orange County & Santa Ana Express maintains three schedules daily to the points applied for by applicant. One truck going through Fullerton, La Habra and Brea between 7 and 8 A.M. each day, another between 9 and 9:30 A.M. and the third about noon. This protestant maintains what it calls a "buy out" service with a minimum charge of 50 cents on each article. This service is to receive orders from customers to be taken by truck driver to Los Angeles where the pick-up service in Los Angeles of protestant procures the article specified and returns the same to the consignees as rapidly as possible. S. B. Cowan, proprietor of this protestant company testified that he had tried to make this service efficient in Fullerton but that the minimum charge on each article necessary to maintain it had not induced business.

It was stipulated on behalf of protestant Crown Stages that its service into Fullerton, Brea and La Habra is in a general way the same as the Motor Transit service and that its schedules and rates be considered in evidence. The schedules and rates are practically the same as protestant Motor Transit Company.

The testimony discloses a desire on the part of the applicant to render service as proposed and an equal desire on the part of the witness to use the service but there is no testimony that there would be sufficient business to justify the establishment of this service in view of the abundant service given not only by the protesting automobile carriers but by the existing Pacific Electric Railway - American Railway Express service and the steam roads entering Fullerton. The testimony of the witnesses favorable to applicant does not indicate

any more than a sporadic and infrequent demand for small deliveries and while applicant indicated he expected to depend upon a small package business he declined to limit the quantity he would receive under his rates and hence must be regarded as an application for the privilege of hauling general freight and express between Los Angeles and the points named. The alleged inadequacy of the service of these other carriers is due to lack of pick-up in Los Angeles and store door delivery at the three points under consideration and witnesses for applicant sought by endorsing the application to arrange some method by which this inadequacy would be relieved. At present, according to witnesses, one must telephone to a particular wholesale or merchandising house in Los Angeles for the articles wanted which are delivered to the carrier at its depot for transportation. When the consignments reach destination they are delivered at the carriers terminal and the consignee notified by telephone. Frequently the wholesale house or the merchandise establishment does not hurry with the delivery to the carrier and it is this deficiency that a service such as is proposed by applicant is intended to cure. From the record it is doubtful if this service would improve conditions but it is not doubtful that if this certificate were granted applicant would be in a position to absorb much business that now goes to the other carriers and which would tend to reduce the amount of service now being given by impairing their revenues to a considerable extent.

The advantage to the public is not great considering that the minimum charge of applicant is only a few cents under the average amount collected by the Motor Transit Company. Nor can we find from the record that the service provided by these carriers is either inadequate or inefficient. In view of the doubtful need of the additional service proposed and in view of the abundant and adequate

service now being given by the existing carriers it is our opinion that the application should be denied.

ORDER

A. W. Purdy having made application to the Railroad Commission of the State of California for a certificate of public convenience and necessity to operate a personal messenger auto service between Los Angeles, La Habra, Brea and Fullerton, 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 do not require the service proposed by applicant and that the application herein be and the same hereby is denied.

Dated at San Francisco, California, this 31st day of May, 1924.

C. A. Seaver

H. B. Bondage

Dwight Martin

J. M. Whitney  
Commissioners.