

Decision No. 13968

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Harry S. Payne, operating under the fictitious name of Pacific Motor Express, for Certificate of public convenience and necessity to operate a motor truck service for the transportation of express and freight as an extension of present operative rights between Los Angeles and Temecula and to authorize certain intermediate points on such route, as more fully set forth herein.

ORIGINAL

Application No. 10033

Harry S. Payne, applicant, in propria personum

T. A. Woods, for American Railway Express, protestant,

Phil Jacobson, for Chino Express & Transfer, Keystone Express, Vance Truck Line, protestants.

BY THE COMMISSION:

O P I N I O N

Harry S. Payne, operating under the fictitious name of Pacific Motor Express, has made application to the Railroad Commission for a certificate of public convenience and necessity to operate a motor truck service for the transportation of express and freight as an extension of present operative rights between Los Angeles and Temecula and to authorize certain intermediate points on

such route.

A public hearing herein was conducted by Examiner Williams at Los Angeles.

Applicant proposes to receive and transport certain property and commodities, according to his freight classification, originating at (Alhambra, El Monte, Puente, Walnut, Spadra, Pomona, Chino, Ranger, Norco, and Corona, and destined to Ranger, Norco, Corona, Glenn Ivy, Alberhill, Elsinore, Sedco, Wildomar, Marietta, Marietta Hot Springs, Temecula, and Pauba Ranch,) and vice versa. Applicant's route in giving duly authorized service between Los Angeles and points between Corona and Temecula passes through all the points listed above and his application intends no addition to the service now given excepting the privilege of conveying property between the points stated in either direction except that no property will be taken from or delivered to Los Angeles between any points named except points east and south of Corona, already served by applicant.

Applicant was supported by the testimony of B. W. Robie, secretary of the Corona Chamber of Commerce, R. B. Clark, president of the North Corona Land Company which is developing 5400 acres and the town site Norco, C. P. Visel, Manager of the Vail Company, owning the large Pauba Ranch near Temecula, E. D. McSweeney of El Monte, a potato planter and shipper of seed potatoes to points along the route served by applicant, R. J. Biglar, Manager of the Los Serranos Country Club, two miles south of Chino, and Ed. R. Smith, proprietor of the Corona

Bottling Works. The testimony of these witnesses indicates a need and convenience of themselves and others for the transportation of property between different points as is proposed by applicant. There is now no transportation serving the communities of Ranger and Norco, aggregating several hundred families somewhat scattered on small units of agricultural and horticultural land and some miles distant from railroads, and there was no objection on the part of protestants to these points. There was also testimony showing similar need for points between Corona and Murrietta including Murrietta Hot Springs, although the volume of business indicated for this section was not large. It appears that there is need of daily communication for the delivery of small packages and express between Chino and Corona and between Corona and Murrietta Hot Springs and that this applicant is in a position to render that service without impairing the service already established between Los Angeles and Temecula.

Applicant requests authority to pick up and transport property within five miles of his route between Los Angeles, not including Los Angeles, and Temecula in order to make his pick-ups and deliveries effective. This met objection on the part of the Chino Express and Transfer Company and resulted in a stipulation by applicant that the zone limitations would exclude any portion of the City of Chino in which this protestant has terminal distribution. The testimony shows that there is a movement of machinery and building materials from points

near Los Angeles to points between Chino and Corona in sufficient quantity to justify the establishment of the zone service proposed by applicant between these points only. The route traverses sparsely settled regions either devoted to large ranching or engaged in developing small ranching communities and there are industries at Norco of minor importance. The proposed service does not conflict with protestants' services except in the case of the American Railway Express whose service over rail lines reaches Corona frequently but by round-about methods and is such that the service by applicant if established would cause little diversion of its business, being mainly a new business between the points stated. In addition, while the proof of necessity as to certain sections is not overwhelming it is sufficient to justify the establishment of the service as a convenience being the only service to which large areas could look.

We, therefore, find as a fact from the record herein that public convenience and necessity require the establishment of the service proposed by applicant with certain modifications.

ORDER

Harry S. Payne, operating under the fictitious name of Pacific Motor Express, having made application to the Railroad Commission for a certificate of public convenience and necessity to operate a motor truck service for the transportation of express and freight as an extension of present operative rights between Los Angeles and Temecula

and to authorize certain intermediate points on such route,

THE RAILROAD COMMISSION STATE OF CALIFORNIA hereby declares that public convenience and necessity require the extension of the express and freight service of applicant herein in order that service may be given between Alhambra, El Monte, Puente, Walnut, Spadra, Pomona, Chino, Ranger, Norco, and Corona, and destined to Ranger, Norco, Corona, Glenn Ivy, Alberhill, Elsinore, Sedco, Wildomar, Murrietta, Murrietta Hot Springs, Temecula, and Pauba Ranch over and along the following route:-

The route now traversed by applicant by authority of Decision No. 11655 and five miles on either side thereof between Chino and Corona only,

and that a certificate of public convenience and necessity be and the same hereby is granted upon the following conditions:

- (I) That the right to operate on either side of the route and within five miles thereof means that applicant may upon demand only depart from the route on either side to the distance of five miles or less for the purpose of receiving or discharging property which he is authorized to transport and departures from said route for any other purpose are distinctly forbidden and that such departures from the route herein authorized shall not include any point within the city limits of Corona or of Chino.
- (II) That applicant shall file within fifteen (15) days from date hereof, his written acceptance of the certificate herein granted, and shall file within thirty (30) days of the date hereof, duplicate tariff of rates and time schedules in accordance with General Order No. 51 of the Railroad Commission, and shall begin service within sixty (60) days from date hereof.
- (III) That applicant 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.

(IV) 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 27th
day of August 1924.

C. Seavey

H. B. Brundage

Dwight Martin

Egerton Shore

J. F. Whitney