

Decision No. 14103

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application
of DONOVAN TRANSPORTATION COMPANY,
a Corporation, for permission to
enlarge its service.

Application No. 10008

C. A. Bridge for Applicant.
Phil Jacobson for City Transfer and Storage
Company; Hodge Transportation System;
Rice Transportation Company; Service
Motor Express; S. & M. Transfer Company and
Los Angeles and Redondo Express, Protestants.

BY THE COMMISSION:

O P I N I O N

Donovan Transportation Company, a corporation, has made application to the Railroad Commission for a modification of the order in Decision No. 11913, on Application No. 8336, authorizing the enlargement of its service in transporting property to quantities exceeding 500 pounds.

Public hearings herein were conducted by Examiner Williams at Los Angeles.

By Decision No. 13351 on Applications Nos. 9773 and 9777, dated March 29th, 1924, applicant produced from A. E. Donovan all the operating rights granted said Donovan under Decision No. 11913, dated April 6, 1923. In the original decision the certificate was granted with limitation (stipulated by applicant at the hearing) that applicant might transport property between termini and intermediate points over the route described "in single consignments, not exceeding five hundred (500) pounds,

and no other service". Applicant now seeks to amend the restriction as to weight upon any property to be transported.

This applicant is authorized to conduct a service between Long Beach and Santa Monica and intermediate points, "for the transportation of baggage, household goods, musical instruments and merchandise, in single consignments not exceeding 500 pounds", and the service has been established and in operation for about a year. Since the certificate was originally granted, the business has passed to a corporation, of which W. M. Atkinson now owns the controlling interest. Mr. Atkinson testified that he had received demands from practically all of the 58 shippers at different points who have used his service, for transportation of quantities in excess of 500 pounds with particularly large demands from Clark's Dollar Store at Long Beach, Riddles Bazaar at Redondo, Southern California Forwarding Co., Long Beach, and the Torrance Hardware Company. Applicant testified that many of these shipments originated at San Pedro or Long Beach, and that he had in no case refused to transport them, although they exceeded the limitation of the certificate, and has charged a less rate on shipments of over 500 pounds than for amounts of that weight or less. Mr. Atkinson excused his action, in transporting property forbidden by his certificate, on the ground that he was not fully informed as to the necessity of obedience to this restriction, and that he desired to accommodate the shippers by prompt delivery.

Applicant presented E. W. Teed of Santa Monica, Hereward S. Vaughan of Santa Monica and Harry C. Ridgley of Redondo Beach, in support of the necessity for enlarging the maximum weight on individual consignments. These shippers all testified that the

demands of their business were such that often shipments of over 500 pounds required transportation, particularly from the Los Angeles Harbor of San Pedro, and that it was inconvenient and unsatisfactory to ship these consignments via Los Angeles, as must necessarily be done if any other carrier is used. These witnesses testified that if the applicant had not performed service for them in excess of his authorization they would have been required to either use the rail or other automotive carriers via Los Angeles with accompanying delay, or employ private trucks.

The application was protested by the City Transfer and Storage Company which, through the testimony of L.H. Zimmerman, its manager, showed that it maintains twice-daily service between San Pedro, Wilmington and Long Beach, and that it transports on an average of 700,430 pounds a month. In addition, this protestant maintains service north to Los Angeles, every one and a half hours, and connects twice daily with the carriers between Los Angeles and other Beach Cities.

Rice Transportation Company showed, through the testimony of Ralston Cleaveland, its general manager, that it maintains two services daily between Long Beach and Los Angeles, and five daily between Los Angeles and Venice, operating 17 pieces of equipment and making close connections.

The service maintained by applicant exceeds a distance of 40 miles, almost wholly along the beach between Long Beach and Santa Monica, and serves all intermediate points. According to witnesses heard in the present proceeding, the service has been efficient and satisfactory and it has met the original purpose for the transfer of property and baggage between each and all the beach cities, directly which theretofore had not been possible. It appears from the testimony that the demand of the shipping public

for service frequently requires a carrier available to transport quantities in excess of 500 pounds and we believe the proof sufficient in the present proceedings to justify an increase in the maximum to be transported, except between San Pedro, Wilmington and Long Beach, where, it appears, adequate and efficient service is being given by protestant City Transfer and Storage Company. We believe the necessary demand of shippers will be met by modifying the order in Decision No. 11,913, to permit applicant to transport property between SanPedro and Wilmington and points north of Long Beach, but not to transport any additional tonnage between San Pedro, Wilmington and Long Beach in either direction.

As no witness indicated a greater possible tonnage at one time than three tons, we think this maximum should be fixed. In doing this, consideration only for the shipper is given weight, as the conduct of the applicant itself, in already exceeding its limitation (although apparently in ignorance of the full sense of responsibility) would not justify much confidence that any larger limitation would be respected. Applicant must understand that any future violation of the restriction imposed by the Order of this Commission will be deemed sufficient ground to revoke or suspend applicant's entire certificate.

O R D E R

Donovan Transportation Company, a corporation, having made application to the Railroad Commission for authority to exceed the limitation of 500 pounds imposed upon it, for the transportation of baggage, house-hold goods, musical instruments and merchandise, in single consignments, a public hearing having been held, the matter having been duly submitted and now being ready for decision,

IT IS HEREBY ORDERED, that the Order in Decision No.11,913

be amended to read as follows, to-wit:

"In single consignments not exceeding 6000 pounds between all points except between Long Beach, San Pedro and Wilmington, in either direction, and that between San Pedro, Wilmington and Long Beach, in either direction, in single consignments not to exceed 500 pounds and no other service,"

and in all other respects said order remain as originally entered.

Dated at San Francisco, California this 27th
day of September, 1924.

C. S. Sweeney

H. B. Brundage

Dwight Martin

F. L. Whitney
Commissioners.