

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 JOHN SLASON, for Certificate of)
 Public Convenience and Necessity) Application No. 10142
 to operate trucking service between)
 Los Angeles and Oxnard.)

Clarke & Bowker, By D. G. Bowker, for applicant
 E. H. Gogarty and L. C. Zimmerman,
 for Southern Pacific Railway, Protestant,
 Earl E. Moss, for Los Angeles and Oxnard
 Daily Express, Protestant.
 Phil Jacobson, for Los Angeles and Santa Barbara
 Motor Express and Tucker Transfer Company,
 Protestants

BY THE COMMISSION:

O P I N I O N

John Slason has made application to the Railroad Commission for certificate of public convenience and necessity to operate a trucking service between Los Angeles and Oxnard and intermediate points.

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

Applicant in the first paragraph of his application requests "permission to establish service for the transportation of machinery, hay and grain" between termini and to intermediate points. However, in his Exhibit "A" he provides rates for the transportation of pipe, junk and vegetables. At the hearing he stated his intention was to include all the commodities specified in Exhibit "A" in his schedule, should he receive a certificate.

According to his own testimony, applicant has been transporting all the commodities mentioned between termini and to intermediate points for the past three years; "sometimes one load a month and some times five or six times a month," according to his own language; he has hauled nothing less than truck capacity

loads of 3½ tons. The service has been irregular, without any fixed terminals, and usually was performed when there were loads in both directions.

Applicant is in possession of two 4-ton trucks and two trailers, and has delivered consignments from either termini to Santa Susana, Camarillo, Moor Park and other points along the route he proposes to follow. Applicant testified that he had been transporting large tonnage at different times for the Jos. Powers Company, Joe Schreiner, Sam Beard, California Vegetable Union, Oxnard Auto Salvage Auto Company, the Oxnard Junk Company, of Oxnard, and the Western Pipe and Steel Company of Los Angeles. According to the testimony of witnesses representing these institutions, applicant had transported, during the course of a year, approximately 550 or more tons from either termini to various intermediate points. Of this haul, about 200 tons represented steel pipe destined to various ranchers for use in drilling water wells. Another operation consisted of feed, fuel and beans, transported for the Jos. Powers Company, usually from Oxnard to Los Angeles. Another operation consisted of auto salvage and junk, transported from Oxnard to Los Angeles.

There was practically no proof that service of this applicant might be required by any shipper outside of Oxnard, except those who were drilling water wells and who bought the casings for the same of the Western Pipe & Supply Company of Los Angeles. The California Vegetable Union had done very little shipping to Los Angeles, the services of the applicant having been used, principally, to transport crops of tomatoes and beans from the fields to the packing house, also large quantities of lettuce and cauliflower. The only additional need of this shipper for the service of applicant would be to make emergency shipments of over-ripe tomatoes to the Los Angeles market, and possibly of vegetables in the future.

Witnesses for applicant admitted that no complaint could be made against the service and facilities of the Los Angeles and Oxnard Daily Express, but asserted that it was confined rigidly to its route and could not deliver at points off the route, and hence the service of a carrier, free to go anywhere within reasonable distance of the route, is necessary. Applicant's business had been predicated upon a back haul from Los Angeles, and also upon the rate, slightly lower than the authorized service of the Los Angeles and Oxnard Daily Express. Unlike its service, however, applicant wishes to restrict his service to demand in minimum quantities of $3\frac{1}{2}$ tons, and, in answer to a direct question stated that if he had $3\frac{1}{2}$ tons of hay destined for Los Angeles, and had no return haul in sight, he would not accept the shipment, but would "turn it over to the Los Angeles & Oxnard Daily Express."

In most instances, the testimony of witnesses, in behalf of applicant, was based upon a matter of personal preference and an advantageous rate, rather than upon an asserted inability of the other carriers, including rail, to perform service. Subtracting from the available tonnage described by witnesses, that portion which is probably an exempt movement under the Crittenden Amendment to Section 5 of Chapter 213 Act of 1917 as amended, there would remain an unimportant tonnage per month available for another regular carrier.

Protestant, Los Angeles and Oxnard Daily Express, has maintained daily schedules between Los Angeles and Oxnard and intermediate points since 1916, and now provides terminal facilities at both Los Angeles and Oxnard; uses six trucks and trailers and is financially able to add such additional equipment as may be necessary. This carrier has performed service, and is still performing service, for practically all of the witnesses produced by applicant, and no complaint against such service performed was

made at the hearing. While it is true that witnesses preferred Slason because of a lower rate, none intimated any desire to urge that the protestant reduce its rates or that the Commission make investigation of them because of unreasonableness. We cannot find from the record any showing as to inadequacy or inefficiency on the part of protestant Los Angeles & Oxnard Daily Express, nor is there in evidence any basis for assuming that their rates are unjust or unreasonable.

Protestant, Southern Pacific Company, maintains daily merchandise train service between Los Angeles and Oxnard, leaving Los Angeles in the evening and breaking bulk for delivery at Oxnard by 8 A. M. Daily service from Oxnard to Los Angeles for L. C. L. leaves Oxnard every morning, reaching Los Angeles each evening. Rates of the Southern Pacific on L. C. L. are higher than applicant's proposed rate, but are less as to car load lots.

Upon the record made in this proceeding, we find as a fact that the service of the existing carriers between Los Angeles and Oxnard, to-wit: Los Angeles and Oxnard Daily Express and the Southern Pacific Company, is adequate and efficient for the transportation of commodities indicated by witnesses in this proceeding, if used, and that public necessity and convenience do not require the services proposed by applicant herein.

O R D E R

John Slason, having made application to the Railroad Commission for certificate of public convenience and necessity to operate direct service between Los Angeles and Oxnard and intermediate

points, 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 herein, and that the application be, and the same hereby is, denied.

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

C. Seamy
H. B. Brundage
Irving Washburn

J. T. Whitley
COMMISSIONERS