

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application
of Los Angeles and West Side Trans-
portation Company, a corporation,
for a certificate of public con-
venience and necessity authorizing
operation of their trucks over al-
ternative routes between Buttonwillow
and Greenfield, and between Taft, Mari-
copa and California State Highway.

Application No. 9891.

ORIGINAL

George Clark, for applicant.

E. E. Gogarty, for Southern Pacific Co., protestant.
N. E. Asp, for A. T. & S. F. R. R. Co., and
Sunset Railway, protestants.
W. A. Maginn, for Board of Supervisors, Kern
County.

BY THE COMMISSION:

O P I N I O N.

Los Angeles & West Side Transportation Company, a corpor-
ation, has made application to the Railroad Commission for a
certificate of public convenience and necessity authorizing
the re-routing of its freight operations, particularly for
deliveries at Buttonwillow, Bellridge, and Elk Hills Dis-
tricts by way of either the Maricopa Flat Road or the Bakers-
field and McKittrick paved highway, via Rosedale. No devia-
tion from the present service is proposed either as to rates
or points of destination, and the only benefit to applicant
alleged is the ability to deliver more promptly consignments
to consignees at Buttonwillow and the districts thereabout.

A public hearing herein was conducted by Examiner
Williams at Bakersfield.

In support of the application, applicant presented Mr. S.
Benson, resident manager of the Los Angeles-Bakersfield Fast

Freight at Bakersfield. His testimony in substance was that there is a demand among consignees of freight in the Buttonwillow district for more prompt deliveries and that the promptness demanded by consignees can best be obtained by re-routing vehicles destined for the Buttonwillow district and the Elk Hills district, south of Buttonwillow, over the paved highway between Bakersfield and Buttonwillow. Such operation will save about twenty miles haul and an equivalent in time of value to consignees according to the witness. At present, applicant's operation is conducted over the state highway to Greenfield Corners, nine miles south of Bakersfield, and thence west to Taft via the Bakersfield-Taft road via McKittrick. This road is now in process of improvement and, according to the testimony, will be interrupted by construction work for some months ahead, making operation at points difficult. Applicant proposes to use the state highway between Greenfield Corners to Bakersfield and then follow the paved highway via Rosedale and Buttonwillow serving only points already served under authority of this Commission.

Mr. Benson also testified that the authority to operate over the entire Maricopa Flat Road between its junction with the State Highway, north of Wheeler Ridge, to Maricopa would expedite freight deliveries to Maricopa and points west. Applicant now possesses a certificate to operate over portions of this road but is excluded over a middle section about eight miles in length. It is this portion applicant seeks a certificate to operate over. Similar testimony was given by G. M. Duntley, president of applicant corporation, and James G. Robertson, manager of applicant's office and business at Taft.

Protestants produced no testimony opposing the application

except protestant A.T. & S.F. Railway which called J. I. Waggy, Chairman of the Board of Supervisors, Kern County, as its witness. Mr. Waggy testified that he is in charge of the Maricopa Flat road and that for a distance of seven miles it is in a very bad condition for truck operation and that he believed the road would be utterly ruined if truck operation were permitted over it. He further testified that the road is being improved by grading and, in parts, graveling, and that a distance of about two and one-eighth miles had been completed. Mr. Waggy was convinced, he said, that if truck operation were authorized upon this highway it would ruin it for ordinary travel and would necessitate the passage of a restrictive ordinance by the Board of Supervisors to prevent its further use by heavy vehicles.

This protestant also introduced W. F. Whittaker, chief engineer of the Kern County Land Company, whose testimony was that the Maricopa Flat road would not stand up under truck operation. It was also the testimony of Mr. Whittaker that the paved highway between Bakersfield and Buttonwillow was of light construction, unsuitable for heavy trucking operations. It was not claimed by either witness that trucks, other than those of the applicant, have not been using both highways without other restriction than that imposed by the Motor Vehicle Act.

The opposition presented is based upon the theory that because applicant is a public carrier operating under the jurisdiction of this Commission, it should not receive a certificate entitling it to improve service to consignors and consignees because of possible injury the trucks might do to the highways. Restrictions and limitations are imposed by the Motor Vehicle Act (Title VIII) upon all vehicles using public highways. This

same Act vests within Boards of Supervisors certain powers to modify the provisions of the Motor Vehicle Act for the further protection of highways. We can see no reason why a certificate should be denied applicant herein if necessity requires it to use roads that the officials of a county deem of such construction that truck use may injure them. If at any time the Supervisors of Kern County by valid ordinance restrict or forbid the use of any highway over which this applicant is now or may be operating, it will of course restrict and modify its use of such highway as well to the trucks of all others not operating as carriers. To determine the present application upon the physical effect of the sole operation of applicant upon public highways would be to prejudice applicant as against those also using said highways and who are not before this Commission at this time. Hence we believe the protest ineffective.

Upon the record as presented we hereby find as a fact that public need requires alternative routings for applicant in order to serve the Buttonwillow and the Elk Hills Districts and over the Maricopa Flat road/^{and} the order will provide for a certificate to that extent.

O R D E R.

Los Angeles & West Side Transportation Company, having made application to the Railroad Commission for a certificate of public convenience and necessity permitting the re-routing of its freight operations, particularly for deliveries at Buttonwillow district, Bellridge district and Elk Hills district by way of either the Maricopa Flat road or the Bakersfield and McKittrick paved highway.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

HEREBY DECLARES that public convenience and necessity require the alternative re-routing of the service of applicant herein and,

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and the same hereby is granted over and along the following routes:-

From Greenfield Corners north to Bakersfield, thence west from Bakersfield via Rosedale and Bowerbank to Buttonwillow, thence south to the Elk Hills oil field, and west and southwest to McKittrick; also on the Maricopa Flat road between Maricopa and the state highway at its conjunction with the Maricopa Flat road, subject to the following condition:

Within ten days from date hereof applicant shall file with the Railroad Commission his acceptance hereof with the understanding that the routes set out in the foregoing order are alternative or optional routes only or intended to economize time in delivering shipments to consignees and not for the purpose of including any additional service than that now authorized by this Commission.

O'Brien Dated at San Francisco, California, this 7th day of
September, 1924.

C. Seavey
H. B. Blanding
Dwight Martin

J. L. Whittier
Commissioners