

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application  
of JOSEPH L. ZERBONI for certifi-  
cate of public convenience and  
necessity to operate an Automo-  
bile Truck Service between Los  
Angeles, Hollywood, Sherman,  
Beverly Hills, Sawtelle and West-  
gate.

ORIGINAL

Application No. 10579

W. H. Bowers, for Applicant.  
C. W. Cornell and G. F. Squires, for Pacific  
Electric Railway Company, Protestant.  
Phil Jacobson, for Rice Transportation Co.,  
Protestant.  
T. A. Woods, for American Railway Express,  
Protestant.  
L. T. Fletcher, for Service Motor Express,  
Protestant.

BY THE COMMISSION:

O P I N I O N

Joseph L. Zerboni has made application to the Railroad Commission for a certificate of public convenience and necessity to operate an automobile truck service between Los Angeles and Hollywood, Sherman, Beverly Hills, Sawtelle and Westgate.

A public hearing herein was conducted by Examiner Williams at Sawtelle, a district of the City of Los Angeles.

Applicant bases his application on two grounds: First, that there has been a great increase in population in the district sought to be served, requiring increased facilities; and second, that the facilities provided by other carriers are inadequate for the business seeking transportation.

Applicant further requests that the certificate sought be made a part of franchise granted to him by Decision No. 8969 on Application No. 6517, providing for service between Los Angeles, Culver City, Palms, Venice, Ocean Park and Santa Monica via Washington Boulevard.

Applicant proposes to charge rates in accordance with his Exhibit "A" attached to the application, and to operate on a time schedule as shown in his Exhibit "B" attached to the application. Applicant offers fourteen trucks as equipment, which is the equipment used by him in his operation between Los Angeles and Santa Monica.

Applicant testified that the service between Los Angeles, Beverly Hills, Sherman and Sawtelle, previously conducted by Allen A. Hardie, whose certificate was revoked by this Commission under Decision No. 11956, was operated from his Los Angeles terminal, and that since the discontinuance of Hardie's service there has been much demand upon him to transport property for his customers, particularly to Sawtelle. In effect, Zerboni seeks to re-establish the service conducted by Hardie, with the addition of Westgate. No terminal in Santa Monica is sought.

Applicant introduced A. J. Stoner, R. W. Munro, F. C. Merrill and Sidney F. Nirk of Sawtelle, and J. R. Berry of Los Angeles, as witnesses in support of the necessity for this service. The testimony of most of these witnesses was to the effect that the service afforded by the carriers now serving the territory of Sawtelle is not rapid, and that their rates are high; and further, that the slightly lower rates offered

by applicant would be an inducement for patronizing his service. No testimony was introduced affecting points other than Sawtelle. The testimony of these witnesses does not indicate shipments of any considerable volume or frequency - certainly not enough volume to justify the operation of a truck on daily schedule. Outside of the testimony of applicant that he thought he could procure approximately seven to ten tons daily from Los Angeles shippers, there was little testimony to indicate any real shipping demand.

Protestant Rice Transportation Company uses 17 pieces of equipment and makes two daily deliveries at Sawtelle via Beverly Hills and Sherman. It was the testimony of R. B. Cleaveland that shipments have decreased in the last year because shippers in Los Angeles are now making their own deliveries, due to the large increase in population, and that, thus, many shipments which formerly moved by public carriers have been lost to them. This witness also testified that since the cessation of Hardie's service, their business has increased about one ton per day; but that even with this increase, only about 50% of the capacity of the trucks is used by shippers.

Protestant Pacific Electric Railway Company maintains daily service to Sawtelle, with early morning delivery but only a terminal-to-terminal service. This protestant's class rates on freight are lower than those proposed by applicant. The drayage rate for delivery from protestant's station to points in the Sawtelle area is 10¢ per 100 pounds. This protestant transports approximately 3500 pounds daily L.C.L. to Sawtelle.

Protestant Service Motor Express makes two daily trips and deliveries to Sawtelle, and in November, 1924, averaged 3.7 tons daily, this amount including consignments to Sherman and Beverly Hills.

All of the points covered by the application herein are now within the municipal limits of the City of Los Angeles except Beverly Hills, an incorporated city of the sixth class, and the unincorporated territory of Sherman. Applicant needs no certificate to give service in Hollywood, as this is a part of the City of Los Angeles; and service to Sawtelle and Westgate over the route selected by applicant (via Santa Monica Boulevard) appears without affirmative proof of any necessity at this time. Furthermore, it appears from the testimony that the business available for transportation by truck to the area of Sawtelle is not at this time sufficient to occupy more than half the space made available by the equipment of existing carriers. A further division of this business, it appears from the testimony presented, would result only in an injury to existing services.

We therefore find as a fact, upon the record herein, that public convenience and necessity do not require the service proposed by applicant herein, and the application should therefore be denied.

#### O R D E R

Joseph L. Zerboni having made application to the Railroad Commission for a certificate of public convenience and necessity to operate an automobile truck service between Los

Angeles, Hollywood, Sherman, Beverly Hills, Sawtelle and Westgate, 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 transportation of freight and baggage as proposed by applicant herein, and

IT IS THEREFORE ORDERED that the application be and the same hereby is denied.

For all other purposes the effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California this 15<sup>th</sup> day of April, 1925.

H. K. Bondage

C. Cleaver

George D. Squires

Edward

Commissioners.