

Decision No. 15746

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
J. O. Bray, operating under the fic-
titious name of FRESNO LANARE TRUCK
LINE for a certificate of public
convenience and necessity to operate
automobile freight service and express
service between Fresno and Raisin
City, as a part of and an extension
to his present service and operative
rights between Fresno and Lanare in-
cluding the intermediate points of
Caruthers, Camden and Riverdale,
California.

Application No. 11109

Charles A. Hill for applicant;
L. K. Bradshaw, for Southern
Pacific Co., protestant.

BY THE COMMISSION:

O P I N I O N

In this proceeding J. O. Bray, doing business under the fictitious name of Fresno Lanare Truck Line, seeks a certificate of public convenience and necessity authorizing the operation of a motor truck line for the transportation of freight and express between Fresno and Raisin City and intermediate points, as a part of and an extension to his present operative rights between Fresno and Lanare, via Caruthers, Camden and Riverdale.

A public hearing was held before Examiner Austin at Fresno on June 23, 1925, when evidence was offered, the

matter was duly submitted, and it is now ready for decision.

Applicant testified he is now operating a motor truck freight service between Fresno and Lanare, which he desires to extend to Raisin City, an additional distance of 15 miles. In this service he will operate a Pierce Arrow truck now used in connection with his Fresno-Lanare line, and if further equipment is needed he has six trucks available, now used in his general trucking business. One round trip daily, except Sundays, is proposed. Between Fresno and Raisin City a rate of 15 cents per 100 pounds, subject to a minimum charge of 25 cents per package will be established on all traffic.

Applicant stated he had discussed the proposed application with the merchants and business men of Raisin City, all of whom except one favored it, because they desired the convenience of store door delivery. The record shows that the Southern Pacific Company now operates one mixed freight and passenger train daily between Fresno and Raisin City via Kerman, a somewhat circuitous route, leaving Fresno at 6:00 p.m. and arriving at Raisin City between 8:00 and 10:00 a.m. the next day. Shipments leaving Fresno in the afternoon and delivered there at the freight station before 5:00 p.m. are available for delivery at Raisin City the next morning. It also appears that E. B. Harris now operates a passenger stage line between Fresno and Riverdale, via Raisin City and Caruthers, under a certificate from this Commission (Decision No. 13313 in Application No. 9600, dated March 24, 1924,) and in connection

therewith conducts an express service, subject to a limitation in weight of thirty pounds per package. Mr. Harris testified he had no objection to the granting of this application; however, he stated he was in a position to handle all express shipments under thirty pounds in weight moving to Raisin City, and that there had been no complaints as to his service.

Three witnesses, all of whom were engaged in business in Raisin City, testified in behalf of applicant. Mr. E. J. Hamilton, who conducts an ice cream store, ships principally ice and ice cream, which is hauled by hired trucks or his own or a friend's truck, the ice cream companies making no deliveries at Raisin City. He does not patronize the railroad as its service is not sufficiently expeditious for shipments of so perishable a nature. He will use the applicant's freight line if this application is granted. Mr. J. E. Rensier, who conducts a garage, testified he constantly ships from Fresno automobile parts, tires and accessories. For the larger shipments, moving about twice a month to supply his stock, the rail service is adequate; for small emergency shipments of automobile parts required usually in cases of break-downs, the rail service is too slow. These shipments are made at irregular intervals, varying from twice or three times a week to once in three weeks. For such shipments weighing under thirty pounds, the witness has used Mr. Harris' express service which usually has been satisfactory; he himself hauls the larger shipments. The need for handling emergency shipments weighing more than thirty pounds does not arise oftener than once a month. Mr. E. S. Hamilton, agent for the Union

Oil Company at Raisin City, testified that about once or twice a month he regularly ships by rail about 15 barrels of gasoline and similar commodities from Fresno to Raisin City and has found the service satisfactory. About three or four times a month it is necessary to fill small emergency orders of one or two barrels each. For these, the rail service was too slow; furthermore, a considerable cartage charge was incurred at both Fresno and Raisin City. Frequently he hauled these shipments in his own trucks, but he desired to avoid this because of the inconvenience and loss of time. If the application is granted, such shipments will be transported by applicant, his service being cheaper and more expeditious than handling them himself or shipping them by rail.

The granting of this application was protested by Southern Pacific Company, which offered no affirmative testimony in support of the protest, its counsel stating that the evidence produced by the applicant with respect to its train schedules and the character of its service was substantially correct.

The record indicates that for all ordinary shipments the service of Southern Pacific Company is sufficient. All emergency shipments weighing under thirty pounds (and most of them fall within this class) can be adequately handled by Mr. Harris' stage and express line. There is therefore no public need for an additional competitive service.

Upon full consideration of the evidence we are of the opinion and hereby find as a fact that public convenience and necessity do not require the operation by J. O. Bray, doing

business under the fictitious name of Fresno Lanare Truck Line, of a motor truck line for the transportation of freight and express between Fresno and Raisin City and intermediate points, as a part of and an extension to his present operative rights between Fresno and Lanare, via Caruthers, Camden and Riverdale, over the route described in the application herein. The application will therefore be denied.

An order will be entered accordingly.

O R D E R

A public hearing having been held in the above entitled application, the matter having been duly submitted, the Commission being now fully advised and basing its order on the findings of fact appearing in the opinion which precedes this order:

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity do not require the operation by J. O. Bray, doing business under the fictitious name of Fresno Lanare Truck Line, of a motor truck line for the transportation of freight and express between Fresno and Raisin City and intermediate points, as a part of and an extension to his present operative rights between Fresno and Lanare, via Caruthers, Camden and Riverdale, over the route described in the application herein.

IT IS HEREBY ORDERED, that the application of J. O. Bray, doing business under the fictitious name of Fresno Lanare

Truck Line, for a certificate of public convenience
and necessity, be and the same is hereby denied.

Dated at San Francisco, California, this

7th day of July, 1925.

L. B. ...
Chairman

George D. Squire
Emm ...
Commissioners.