

Decision No. 16267

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of ROBERT V. HARDIE for certifi-)
cate of public convenience and)
necessity to operate freight)
truck service between Los Ange-)
les Harbor District and Glendale,)
Eagle Rock and Burbank.)

APPLICATION NO. 11057

Robert V. Hardie, Applicant en Propria Persona.

F. A. Betts, for Pacific Electric Railway Com-
pany, Protestant.

F. M. Smith, for Associated Transit Company,
Protestant.

Mark Thompson, for American Railway Express, Pro-
testant.

BY THE COMMISSION:

O P I N I O N

Robert V. Hardie has made application to the Railroad Commission for a certificate of public convenience and necessity to operate freight truck service between Los Angeles harbor district and Glendale, Eagle Rock and Burbank.

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

Applicant now operates under authority of this Commission an auto truck service between Los Angeles and the city of Glendale under the fictitious name and style of "Glendale Inter-urban Express." Applicant proposes in the instant application

a separate and distinct service from that now performed by him, extending beyond Glendale northerly to Burbank, a city of the sixth class, and to the Eagle Rock district (formerly the city of Eagle Rock), east of and contiguous to Glendale.

Applicant proposes a schedule of two round trips each week, leaving Burbank at 8:30 a. m., reaching the harbor district at 12:00 noon, returning to Glendale at 6:00 p. m. and making deliveries to Burbank at 8:00 and to Eagle Rock about 9:00 on the following morning. Applicant offers as equipment for the proposed service two 2½-ton trucks and one 2-ton and one 5-ton trailer. He testified that this equipment is now being used by him in his existing operation.

Applicant proposes a schedule of class rates, equal as to Glendale and Eagle Rock but preserving a 3-cent increase as to Burbank, with a uniform minimum charge of \$1.00. Commodity rates are offered on canned goods, iron and steel, newsprint paper in rolls, and iron pipe. Applicant admitted that he had made a number of trips between the harbor and Glendale, chiefly with newsprint paper, on an hourly basis. The round trip distance between San Pedro (the farthestmost point in the harbor district) and Glendale is 68 miles. Two miles additional are required to reach Burbank, and one mile eastwardly to reach the Eagle Rock district.

By an amendment made at the time of hearing, applicant asked in addition "to include pick up and delivery at various factories and industrial plants located within a radius of one mile of defined city limits of Glendale." Applicant explained on the witness stand that by this he meant authority to pick up shipments a mile south of Glendale along

the route traversed by him between Los Angeles and Glendale in his present operation.

Witnesses in support of applicant were Mark J. Boll, wholesale candies and fountain supplies; Don E. Webb, hardware; G. C. McConnell, hardware, and Daniel Zelty, Jr., hardware, all of Glendale; Warren S. Williams of the Sunset Glass Company, about a mile south of Glendale; and Ethelbert Fabary, consulting engineer of the Moreland Motor Truck Company at Burbank.

The Glendale witnesses testified that it takes from five to eight days to get shipments transported from the harbor by rail over the Southern Pacific and Pacific Electric connected lines, and several instances of even greater delay were cited. Some of the witnesses testified that their material was brought by other auto truck carriers from the harbor to Los Angeles and there transferred to applicant's line and delivered at Glendale. This joint truck service, according to witnesses, improves the time in transit about 72 hours. Their belief was that the through truck operation proposed by applicant would be adequate and would save considerable additional time, reducing the period between arrival at the dock and delivery at store door to about two days.

G. C. McConnell testified that he was delegated to appear for the smaller hardware dealers of Glendale. He testified that these dealers are members of a hardware dealers' association having a membership of seventy, and that purchases of stocks are made in large quantities on behalf of the membership; that shipments to the individual consignees are segre-

gated at the harbor and are capable of quick delivery; and that the small delivery trucks belonging to these dealers are not adapted to the carrying of large loads from the harbor. It was the opinion of this witness that the service proposed by applicant would satisfactorily meet their requirements, and that the difference in rates, amounting to approximately two cents, could easily be absorbed by the dealers as a premium upon quick delivery.

The movement testified to by these witnesses is a one-way movement from the harbor to Glendale. About the only back-haul testified to was that of the Sunset Glass Company. According to the manager, Mr. Warren S. Williams, the product of this factory is fragile and delivery to the boat with a minimum of handling is desired. The factory ships about one carload a month by water.

Resolutions in support of the application from the Glendale Chamber of Commerce, Glendale Merchants' Association and Burbank Chamber of Commerce were offered in evidence by applicant, together with a petition signed almost entirely by business men of Glendale. W. G. Lauderdale, a director of the Glendale Chamber of Commerce, testified that at a recent meeting of the directors the service proposed by applicant was discussed, and it was agreed that while this service is not an absolute necessity, the saving in time and delivery at store-door without transfer would be distinct advantages. Daniel Keltz, Jr., another director of this organization, testified that while not himself a shipper, he had made a personal investigation among shippers of Glendale in his capacity of director, and was convinced that the proposed service is needed.

Mr. Febary testified that he was authorized to appear for the Moreland Motor Truck Company and the Burbank Chamber of Commerce and present the need of a direct connection between the harbor and the manufacturing and industrial interests of Burbank. This witness testified that the Moreland Motor Truck Company ships approximately 100 tons per year. He testified that express rates are prohibitive, and that while freight rates are low, the movement by freight is too slow to meet their needs.

The granting of the application herein was protested by the Pacific Electric Railway Company, serving both Glendale and Burbank by rail from the harbor. This protestant maintains daily L. C. L. service from the harbor to Los Angeles, where consignments are transferred to motor cars and forwarded the following morning to Glendale and Burbank. Carload service is performed daily over the Southern Pacific, delivery being made to the electric railway at Tropic for delivery at destination on the second day. This carrier does not perform service except after delivery to its cars at terminals. Consignments must be delivered to terminal facilities by consignor and transported therefrom by consignee. The rates of this protestant are 25 cents, 21 cents, 17½ cents and 15 cents for the four classes, with a 50-cent minimum charge.

The American Railway Express also protested the granting of this application. This protestant gives three services daily in each direction between the harbor and Glendale and Burbank over the Pacific Electric lines, and one service daily over the Southern Pacific lines. Its class rates are 90 cents first-class and 67 cents second class, with a special commodity

rate of 63 cents and a minimum charge of 36 cents.

The Associated Transit Company also protested the granting of the application herein as to the transportation of newsprint paper. This protestant serves Glendale from the harbor with newspaper stock in rolls at 12½ cents per 100 pounds in lots of 5 tons or less than 10, and at 10 cents per 100 pounds in lots of 10 tons or more. Applicant proposes a rate of 18 cents per 100 pounds for a minimum of 10 tons. P. W. Benton, traffic manager for this protestant, testified that this carrier has ample special equipment for the transportation of a large tonnage in newsprint rolls and has been delivering this commodity at Glendale for a long time without complaint from consignees, with the exception of a complaint from the Evening News (alluded to by applicant in his testimony) to the effect that the paper had been wrinkled and would not feed properly from press cylinders. Witness testified that he knew nothing of this complaint.

In support of the adequacy of the existing service, protestant Pacific Electric Railway introduced Lester M. Gray, secretary of Genevieve Jackson, Inc., (health foods); William A. Russell, manager of Ralph's Grocery at Glendale, and Henry L. Legrand, agent of the Pacific Electric Railway at Glendale. Mr. Gray and Mr. Russell testified that they had received adequate and satisfactory service from this protestant. Mr. Legrand testified that the average L. C. L. shipment takes about three days in transit between the harbor and Glendale.

The testimony herein affirmatively shows that mercantile and industrial interests in Glendale require a faster de-

livery of freight from the harbor than is now being received. The same appears to be true as to Burbank, although proof of the need of this community is not abundant. There is no testimony that an extension of service into the Eagle Rock district is required. The question of rates does not appear to be important to the witnesses, in view of the fact that applicant proposes rates approximately 60 per cent higher than those of protestant Pacific Electric Railway, although less than one-half those of protestant American Railway Express. The need shown is for a more rapid service.

There is some testimony in the record that applicant has co-operated with the authorized auto truck carriers between Los Angeles and harbor points, by which consignments have been brought from the harbor to Los Angeles and there delivered to applicant and by him delivered at Glendale. Applicant's terminal in Los Angeles is located near the terminals of many of the carriers operating to the harbor (there being twelve such carriers authorized by this Commission), and it appears that a separate routing and service are not necessary to meet the needs of Glendale interests. Either of two methods seems feasible to meet this need: (1) to grant applicant a certificate as an extension of his present service between Los Angeles and Wilmington and San Pedro exclusively for merchandise or commodities destined to or originating in Glendale or Burbank; or (2) to advise applicant to establish joint rates with carriers already performing such service, by which practically store-door delivery can be accomplished without multiplying carriers on the harbor boulevard.

Applicant proposes but two trips weekly, and it does not appear that this service would improve time conditions, but would only add the feature of store-door delivery, thus avoiding transfer from rail lines. By an arrangement of joint rates or other methods of co-operation, existing carriers should be able to accomplish all and more than applicant proposes to accomplish by a separate service; and it is our opinion that at this time, at least, he should establish joint relationships with one or more harbor carriers.

As to the transportation of newsprint paper, applicant's proposed direct service does not possess advantages over the service of protestant Associated Transit Company, either as to equipment, rates or service.

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. An order will be so entered.

O R D E R

Robert V. Hardie having made application to the Railroad Commission for a certificate of public convenience and necessity to operate a freight truck service between the Los Angeles harbor district and Glendale, Eagle Rock and Burbank, 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

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

The effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this 13th day of August 1925.

C. J. Leary

George W. Squires

Leon Whitell

Commissioners.

CORRECTION

CORRECTION

THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY

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

The effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this 13th day of August 1925.

C. S. Leaney
George W. Squires

Leon Whittell
Commissioners.