

Decision No. 11750

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
BORDERLAND EXPRESS by Wiley J. Gibson,)
owner, and PIONEER TRUCK & TRANSFER)
COMPANY, by Stafford and Thacker, a)
co-partnership, owners, for an order) Application No. 11713.
authorizing the establishment of)
through service between San Diego,)
Brawley, Imperial, Heber and Calexico,)
via El Centro.)

H. J. Bischoff, for Applicant,

C. F. Matlin, for San Diego &
Arizona Railway, Protestant,

M. Thompson, for American Railway
Express Company, Protestant.

BY THE COMMISSION:

O P I N I O N

In this proceeding applicants seek a certificate of public convenience and necessity authorizing a through service for the transportation of freight between points on their respective line. Applicant Wiley J. Gibson, doing business under the fictitious name of Borderland Express, conducts an automotive freight service between San Diego and El Centro and intermediate points; and D. D. Stafford and Percie C. Thacker, co-partners doing business under the fictitious name of Pioneer Truck & Transfer Company, conduct a similar service between Brawley and Calexico and intermediate points. These two lines intersect at El Centro, an intermediate point common to both

routes, where freight moving from points on one line to points on the other, is interchanged. Applicants were authorized by this Commission's Decision No. 15005, dated June 3, 1925, in Application No. 10894 to establish through joint class and commodity rates over their respective lines, between San Diego and Brawley, Imperial, Heber and Calexico via El Centro, but were not authorized to establish through service between these points. In the instant proceeding applicants desire permission to operate a through service between points on the Brawley - El Centro route on the one hand and points on the San Diego - El Centro route on the other hand. This authority is sought as to truckload shipments only; less than truckload shipments will still be transferred at El Centro, as in the past. In conducting this service applicants will use their existing equipment, and will charge their present joint through class and commodity rates.

A public hearing was held before Examiner Austin at El Centro on October 6, 1925, when evidence was offered, the matter was submitted, and it is now ready for decision.

To show a need for the service, applicants themselves testified, and they also called three shippers. Wiley J. Gibson, proprietor of the Borderland Express, testified he operated three or four trucks daily between San Diego and El Centro, handling commodities of all kinds. He maintains joint rates in conjunction with the Pioneer Truck & Transfer Company, but cannot conduct a through service, it being necessary to transfer through shipments at El Centro. Such a service is desirable (on truckloads only) in order to expedite shipments and to minimize damage. He stated

that shippers as a rule preferred to avoid transfer en route, no matter what method of transportation they adopted. He referred particularly to shipments of household goods, stating that shippers would not patronize applicants' lines because of the transfer at El Centro, preferring rather to use other means of transportation including uncertified truck operators. The Pacific Land & Cattle Co., engaged in shipping fresh meat from El Centro to San Diego, formerly used this witness' trucks under a leasing arrangement, but discontinued the practice by direction of this Commission, and now uses its own trucks rather than permit the shipments to be transferred at El Centro. If possible it would like to avoid the expense of maintaining its own trucks. These shipments move tri-weekly, each weighing on an average 4500 to 10,000 pounds. The transfer damages the meat, due to additional handling and exposure to heat. Applicants' through trucks, it is stated, will provide ample means for refrigeration. Less-than-truckload shipments will be transferred as before, this service being sought as to through shipments only. Applicants will charge the present joint rates published in the tariffs now on file with the Commission.

Similar testimony was given by Percie C. Thacker, one of the partners engaged in conducting the Pioneer Truck & Transfer Company. This line serves all the towns of Imperial County excepting Holtville, operating daily, excepting to Westmoreland, where the service is tri-weekly. Many shippers in this territory have complained of the transfer of through shipments and object to the delay sometimes caused by the storage of such shipments at El Centro.

Many of these are wholesale firms shipping in truckload lots. Rather than patronize applicants' present service they are using unauthorized carriers. The proposed through service, he stated, will present less opportunity for damaging shipments, and will effect a saving in labor costs now incurred for handling transferred shipments.

A representative of an El Centro firm dealing in building materials and plumbing supplies, testified they shipped truck loads of such commodities from San Diego to the principal towns of the Imperial Valley. At present these shipments are delivered to them at El Centro and distributed thence in their own trucks. However they will patronize the proposed through service, the witness stating that the elimination of the present transfer will save time and avoid breakage.

The manager of Pacific Land & Cattle Company testified that this company conducts a plant at Imperial and a branch at San Diego, where it ships fresh meats and provisions tri-weekly, each shipment averaging about 8000 pounds in weight. The additional handling incident to the present transfer en route damages the meat, and prevents it from being thoroughly refrigerated. The meat is properly refrigerated when loaded from the plant cooler, and will remain in this condition if transported in covered trucks to destination without transfer, as proposed by applicants. The shipments are not of sufficient volume to justify rail transportation; the delay incident to accumulating the meat for carload shipments will impair its quality, and it is not desirable to ship in less-than-carload quantities. Hence, truck transportation is preferable.

The granting of the application was protested by the San Diego & Arizona Railway Company, and American Railway Express Company.

On behalf of Protestant San Diego & Arizona Railway Company, Mr. C. F. Matlin, its Travelling Freight & Passenger Agent, testified regarding protestants' service between San Diego and Calexico. Less-than-carload freight received at the San Diego freight station up to 4:30 p.m., is handled in a "Package Car" arriving at Calexico the following morning at 7:10 a.m. A similar service obtains in the opposite direction, freight from Calexico being available for delivery at San Diego at 7:00 a.m. on the morning after shipment. This is a through service, without transfer, at through rates. Carload shipments are handled on the same trains, freight being received up to 5:00 p.m. on the day of shipment. Express is handled on these trains, and in addition on two other trains operating during the daylight hours, such shipments being delivered on the day of receipt. The express service provides a door-to-door pick up and delivery. A statement was filed by this witness describing protestants' service and specifying its class rates between San Diego and Calexico.

Protestant, American Railway Express Company, filed a statement showing its class and commodity rates, and also its time schedules, between the points in question. This service is conducted over the line of San Diego and Arizona Rail-

way Company to Calexico, and thence via the Southern Pacific Company to other Imperial Valley points. The statement indicates that two round trip schedules daily are available for this service.

In our judgment applicants have established a necessity for the proposed through service. That the present rail and express service does not fill this need appears from the fact that shippers are using their own trucks rather than patronize the existing facilities. A certificate will, therefore, be granted for a through service as to truckload shipments only. To avoid uncertainty, we shall limit the service to full truckloads shipped by one consignor to one consignee, and moving from one point of origin to one point of destination; applicant will be expected to file a tariff of rates covering the through service identical with the joint rate on truckloads now in effect, so far as they may be applicable to the service herein authorized.

Upon full consideration of the evidence we are of the opinion and hereby find as a fact that public convenience and necessity require the operation by Wiley J. Gibson, doing business under the fictitious name of Borderland Express, and by D. D. Stafford and Percie C. Thacker, co-partners doing business under the fictitious name of Pioneer Truck & Transfer Company, of a through automotive truck service for the transportation of property in full truckload lots only, between points on their respective routes, to-wit: between San Diego and El Centro and intermediate points on the route served by said Borderland Express, on the one hand, and between Brawley, Imperial, Heber and Calexico, and intermediate points on the route served by said Pioneer Truck & Transfer Company on the other hand, said through trucks to be interchanged between the routes of the respective applicants at

El Centro.

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 which appear in the opinion preceding this order;

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA hereby declares that public convenience and necessity require the operation by Wiley J. Gibson, doing business under the fictitious name of Borderland Express, and by D. D. Stafford and Percie C. Thacker, co-partners doing business under the fictitious name of Pioneer Truck & Transfer Company, of a through automotive truck service for the transportation of property in full truckload lots only, between points on their respective routes, to-wit: between San Diego and El Centro and intermediate points on the route served by said Borderland Express, on the one hand, and between Brawley, Imperial, Heber and Calexico, and intermediate points on the route served by said Pioneer Truck & Transfer Company on the other hand, said through trucks to be interchanged between the routes of the respective applicants at El Centro.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and the same is hereby granted to said Wiley J. Gibson, doing business under the fictitious

name of Borderland Express, and to said D. D. Stafford and Percie C. Thacker, co-partners doing business under the fictitious name of Pioneer Truck & Storage Company, for the operation of the through service hereinabove described, subject, however, to the following conditions:

(1) The authority herein granted shall authorize only the through transportation of full truckload shipments moving from one consignor to one consignee, and from one point of origin to one point of destination.

(2) Applicants shall file their written acceptance of the certificate herein granted within a period of not to exceed ten (10) days from date hereof; shall file within a period of not to exceed twenty (20) days from date hereof, in duplicate, tariff of rates and time schedules for the through service herein authorized, which said rates shall be identical to the joint through rates heretofore authorized by the Commission to be established and maintained by said applicants under this Commission's Decision No. 15005 dated June 3, 1925, in Application No. 10894, so far as they may be applicable to the service herein authorized; and shall commence the operation of the through service herein authorized within a period of not to exceed thirty (30) days from the date hereof.

(3) The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.

(4) No vehicle may be operated by applicants herein unless such vehicle is owned by said applicants or is leased by them under a contract or agreement on a basis satisfactory to the Railroad Commission.

For all purposes, other than hereinabove stated, the effective date of this order shall be twenty (20) days

from the date hereof.

Dated at San Francisco, California, this 21st
day of October, 1925.

H. B. Brundage

O. S. Brown

Geo. D. Hays

E. J. Connelley

Leon Whitcomb

Commissioners.