

Decision No. 10774

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application  
of RAY A. ANDERSON for a certifi-  
cate of public convenience and  
necessity to operate auto truck  
service for transportation of  
milk and feed between dairy ranch-  
es and Los Angeles, fresh fruits,  
tomatoes, spinach, canned goods  
and sugar between various points  
and canneries at Pomona, Ontario  
and Cucamonga.

APPLICATION NO. 11197

H. W. Kidd and W. O. Schell, for Appli-  
cant.

Richard T. Eddy, for Hemet Transfer &  
Storage Company, E. H. DeMar, A. J. Happe  
Transfer Company, Protestants.

Phil Jacobson, for Keystone Express, Los  
Angeles & San Pedro Transportation Com-  
pany, Vance Truck Line, Service Motor Ex-  
press, Rex Transfer Company and J. K.  
Hawkins, Protestants.

BY THE COMMISSION:

O P I N I O N

Ray A. Anderson has made application to the Railroad Com-  
mission for a certificate of public convenience and necessity to  
operate an auto truck service for the transportation of milk,  
cream and feed between dairy ranches and Los Angeles, and fresh  
fruits, tomatoes, spinach, canned goods and sugar between various  
points and canneries at Pomona, Ontario and Cucamonga. Prior to  
the time of hearing herein, applicant filed an amendment modifying

his application to include the transportation of milk, cream and dairy feed only, and withdrew all that portion of his application relating to other service.

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

Applicant for many years has conducted an established business in the transportation of milk, cream and dairy products from ranches in the region of Pomona, Ontario and Cucamonga to Los Angeles. At the time of the hearing he was serving 52 dairies in this region, producing 450 cans of milk daily, which is transported an average distance of 60 miles to the market at Los Angeles. Prior to the period when such movement was exempted from regulation by the provisions of the so-called Crittenden Amendment to the Auto Transportation Act, applicant possessed a certificate from this Commission; but during the period of exemption he altered his service and rates, and when this amendment was declared unconstitutional he sought to have his business validated by proper certificate.

Applicant makes two deliveries daily over different routes to Los Angeles, at rates provided for in his amended Exhibit "A" attached to the application herein, including the free return of empty cans, with a return movement of dairy feed from Los Angeles to the dairies or ranches served by him at a rate of \$4.00 per ton, which is the minimum charge fixed. At the hearing applicant amended his application to include deliveries to creameries at El Monte, which amendment was without objection. Applicant fixes a rate of 10 cents per case on milk and cream to El Monte.

Applicant proposes to confine his deliveries in Los Angeles to a zone bounded on the north by First Street, on the east by Santa Fe Avenue, on the south by Slauson Avenue and on the west by Western Avenue, and offers service to no larger area in the city of Los Angeles. He also stipulated that he would make no pick-up west of Corona Road and Central Avenue, and no pick-up within one-quarter of a mile of Nared. Upon this stipulation protests were withdrawn. Applicant has fourteen trucks available for the service proposed.

It appears from the record herein that applicant should be granted the certificate sought, for the transportation of milk, cream and dairy products, and dairy feed, and an order for this purpose accordingly will be entered.

#### O R D E R

Ray A. Anderson having made application to the Railroad Commission for a certificate of public convenience and necessity to operate auto truck service for the transportation of milk, cream and feed between dairy ranches and Los Angeles and El Monte, 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 require the operation of an auto truck service as proposed by applicant herein, for the transportation of milk, cream and dairy products between Arlington, Corona, Chino, Pomona, Riverside, Colton, Wineville, Ontario and Nared, and Los Angeles and El Monte, and

for the return transportation of articles and commodities necessary for the business of dairying, and consigned only to dairy-men shipping from the above-mentioned points over applicant's service to El Monte or Los Angeles, including feed, dairy supplies, acetylene tanks, ammonia vats, utensils and machinery used exclusively in the business of dairying - and for no other service, using the Valley Boulevard between Pomona and Los Angeles, and provided that no pick-up be made west of Corona Road and Central Avenue or within one-quarter of a mile of Road; and provided further, that applicant shall deliver consignments free in Los Angeles in the zone bounded by First Street, Santa Fe Avenue, Slauson Avenue and Western Avenue - over and along the following routes:

Route 1: From ranches in the vicinity of Arlington, west to Corona, via Corona-Chino Road and Central Avenue to Chino; Philadelphia Street and Geary to Pomona, thence via Valley Boulevard to Los Angeles.

Route 2: From ranches in the vicinity of Arlington via Magnolia Avenue to Riverside, west via Valley Boulevard to Crestmore Road north approximately 5 miles to dairy ranches near Colton, west to Valley Boulevard near Wineville, side trip on Pedley Road, and Valley Boulevard to Pomona, connecting with Route 1 to El Monte and Los Angeles; and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity therefor be and the same hereby is granted, subject to the following conditions:

- I. Applicant shall file with this Commission, within twenty (20) days from date hereof, his written acceptance of the certificate herein granted; shall file, in duplicate, time schedules and tariff of rates identical with those as set forth in amended Exhibits attached to the application herein within a period of not to exceed twenty (20) days from

date hereof; and shall commence operation of the service hereby authorized within a period of not to exceed thirty (30) days from date hereof.

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

III. No vehicle may be operated by applicant under the authority hereby granted unless such vehicle is owned or is leased by applicant under a contract or agreement on a basis satisfactory to the Railroad Commission.

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 21<sup>st</sup> day of December 1925.

H. F. Randall  
Chairman  
George D. Agnew  
Leon Whitell  
Commissioners.