

Decision No. 15996

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application)
of WILLIAM RELPH, JOSEPH RELPH,)
HARRY RELPH and JOHN RELPH, doing)
business under the fictitious)
firm name and style of THE RELPH)
TRANSPORTATION CO., for a certif-)
icate of public convenience and)
necessity to operate between On-)
tario and Los Angeles in the)
transportation and movement of)
produce and implements of hus-)
bandry and other farm necessities)
from farm to farm or from and to)
farm to and from loading point,)
and between intermediate points)
thereto.

APPLICATION NO. 11316

ORIGINAL

Hardy, Elliott & Aberle, by Fred Aberle, Jr.,
for Applicants.

Phil Jacobson, for J. K. Hawkins, Keystone
Express, Chino Express and Vance Truck Line,
Protestants.

E. W. Kidd and W. O. Schell, for R. A. Ander-
son, Protestant.

BY THE COMMISSION:

O P I N I O N

William Relph, Joseph Relph, Harry Relph and John Relph,
doing business under the fictitious name and style of The Relph
Transportation Company, have made application to the Railroad
Commission for a certificate of public convenience and necessity
to transport dairy products and other freight between Ontario and
Los Angeles and other points.

Public hearings herein were conducted by Examiner Williams at Los Angeles and Pomona.

At the hearings the application was amended by applicants to alter the rates proposed in Exhibit "A" for District No. 1 to read, "20 cents per can, with a rate of 17½ cents per can for any consignor delivering over 200 cans of milk monthly." Applicants also amended rates shown in Exhibit "A" to fix the rate on the return movement of dairy feed at \$2.00 per ton, hay at \$2.50 per ton, and dairy supplies at 30 cents per 100 pounds. The application was further amended to provide for a free delivery zone within the city of Los Angeles bounded by Sunset Boulevard on the north, Vermont Avenue on the west, Slauson Avenue on the south and Santa Fe Avenue on the east. It was also stipulated by applicants that all portions of the application relating to the transportation of commodities other than milk, cream and dairy products and dairy feed and supplies should not be considered, and no proof was made by applicants except as to the necessity for transportation of the commodities named.

Applicants have conducted a trucking business in Ontario since September 1, 1923, and according to the testimony of William Rolph, senior member of the partnership, they possess equipment valued at \$35,000, which is represented largely by the equipment listed in Exhibit "C" attached to the application, with only a small indebtedness thereon. Applicants' service has been mainly devoted to the transportation of farm products, under the provisions of the Crittenden Amendment to the Auto Transportation Act, which amendment was declared un-

constitutional in April, 1925. The largest portion of their business has been the service to and from dairies. Applicants now serve 45 dairies in the Chino-Ontario district, producing from 450 to 500 cans of milk daily, which is transported an average distance of 50 miles to creameries at Los Angeles. The district served by applicants is part of a large area intensively devoted to milk production, the other portions being served by protestants J. K. Hawkins and R. A. Anderson. By arrangement among these carriers, there is apparently no conflict between the areas served by each, and protestants introduced no testimony adverse to the granting of the application herein.

Applicants have built up a very efficient service, according to the testimony, picking up the milk in two separate zones south and east of Ontario, and transferring it to large trucks for delivery to Los Angeles. Applicants serve no points intermediate to Ontario and Los Angeles.

Applicants were supported in their application by the testimony of Alexander Grant, Homer A. Younkin, Henry Luckensmeyer, W. B. Gommill, William Bost, I. M. Imback and C. C. Nichols, all dairy proprietors, whose testimony was uniform as to the satisfactory character of the service and rates heretofore maintained by applicants, and now proposed in their present application. T. E. Brice, secretary and general manager of the California Milk Producers' Association, testified that applicants' service was satisfactory, so far as efficient and profitable delivery to the creameries was concerned. The record as a whole indicates that applicants have been providing, under supposed legal privilege, an excellent service, and that

the interests of the area affected require its continuance.

We therefore find as a fact, upon the record herein, that public convenience and necessity require the operation of the service heretofore maintained and now proposed by applicants, and an order granting a certificate therefor accordingly will be entered.

O R D E R

William Relph, Joseph Relph, Harry Relph and John Relph, doing business under the fictitious name and style of The Relph Transportation Company, having made application to the Railroad Commission for a certificate of public convenience and necessity to operate a service for the transportation of dairy products and other freight between Ontario and Los Angeles and other points, public hearings 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 service as proposed by applicants herein, for the transportation of milk, cream and dairy products between the districts indicated below and Ontario and Los Angeles, and for the return transportation of articles and commodities necessary for the business of dairying and consigned only to dairymen shipping from said districts over applicants' service to Ontario or Los Angeles, including feed, dairy supplies, acetylene tanks, ammonia vats, utensils and machin-

ery used exclusively in the business of dairying, and for no other service or commodities. said districts being bounded as follows:

District No. 1: Bounded on the north by Holt Avenue, on the east by Euclid Avenue, on the south by Eucalyptus Avenue projected eastwardly to the junction of Padley Road and Norco Road, on the east by Norco Road to San Diego Inland Road, thence westerly along Silo Street to Archibald Avenue, thence north to Holt Avenue.

District No. 2: Bounded on the north by Holt Avenue, on the east by Euclid Avenue, on the south by Eucalyptus Avenue and on the west by the Pomona-Corona Road and Garey Avenue; provided, that applicants may pick up milk at no greater distance than one and one-half miles west of said roads, measured west from a line drawn north and south from the conjunction of the Pomona-Corona Road and Eucalyptus Avenue;

over and along the following route:

Via Valley Boulevard and Mission Road between Ontario 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. Applicants shall file with this Commission, within twenty (20) days from date hereof, their written acceptance of the certificate herein granted; shall file, in duplicate, time schedules and tariff of rates identical with those as set forth in Exhibit 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 applicants under the authority hereby granted unless such vehicle is owned or is leased by applicants 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 15th day of February 1926.

H. Brandt
C. L. ...
Emilio ...
Leon ...
Leon Whitell
Commissioners.