

Decision No. 16021

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 FRANK P. BROWN for certificate of)
 public convenience and necessity to)
 operate freight truck service between) Application No. 11851
 plant of Los Angeles Pressed Brick)
 Company, Los Angeles, California, and)
 various points in Southern California.)

Frank P. Brown, in propria persona,
 Phil Jacobson, for Grangers Truck Service, Protestant,
 L. C. Zimmerman, for Southern Pacific Company, Pro-
 testant,
 E. W. Kidd and W. O. Schell, by W. O. Schell, for
 Motor Transit Company, Protestant,
 D. W. Layne, for Pacific Electric Railway Company,
 Protestant.

WHITSELL, Commissioner -

ORIGINAL

OPINION

Frank P. Brown has petitioned the Railroad Commission for an order declaring that public convenience and necessity requires the operation by him of an automobile truck service in the transportation of burnt clay products between the plant of the Los Angeles Pressed Brick Company at Los Angeles and Ventura, Lancaster, Pasadena, San Bernardino, Colton, Riverside, Elsinore, Corona, Santa Ana, Irvine, Pacific Coast Beach points - Balboa to Santa Monica, inclusive - and intermediate points and to points within twenty miles on either side of the main highways traversed.

Applicant alleges that he has been engaged in the transportation of products manufactured by the Los Angeles Pressed Brick Company for some years and at present is under contract to render this service; that public necessity requires its continuance by reason of building activities; and that rail lines are unable to furnish the needed service.

Attached to and made a part of the application are exhibits

showing routes, rules and regulations, tariff of rates, and equipment offered in the proposed service.

A public hearing was held on this application at Los Angeles on January 19, 1926, at which time the matter was regularly submitted and it is now ready for decision.

Mr. Frank P. Brown, testifying in his own behalf, stated that the Los Angeles Pressed Brick Company manufactured burnt clay products selling same direct to builders and others throughout Southern California. Some years ago this company provided their own transportation facilities and for a time applicant was employed in that division but for the last four years applicant has been delivering products by reason of a contract which is still in effect for two years.

Applicant renders a special service and his employees are experienced in handling these fragile commodities. Shipments seldom move more than 75 miles from the plant at Los Angeles as the demand for the products is governed in a great measure by the amount of transportation charges. All material transported is picked up at the plant and transported to point of use. Equipment used consists of 11 trucks with a total rated capacity of 36½ tons.

Mr. Harlow B. Potter, Secretary of the Los Angeles Pressed Brick Company, testified regarding satisfactory service heretofore rendered and the continued need of it by his company and its customers. When a purchase of their products is made, the transportation charges are also quoted, but customers are not compelled to use applicant's service for delivery. The company is also served by spur track facilities and rail service is used for shipments to distant points. Truck transportation is more economical and satisfactory for distances approximately up to 75 miles as rehandling is thereby obviated and delivery is made direct to the job. It does not appear that authorized motor carriers have made any appreciable effort to render the service herein proposed.

If the contract between applicant and Los Angeles Pressed Brick Company affected only these parties it might appear that the operations thereunder were restricted to such a degree that it might be said that private convenience only would be served, but on examination it is found that that portion of the public which desires to make use of this concerns manufactured products has available for its movement, the service of a reliable truck transportation.

After full consideration of the record herein, I am of the opinion and hereby find as a fact that public convenience and necessity requires the operation of motor trucks for the transportation of burnt clay products as herein proposed by applicant in accordance with the terms of the accompanying order.

Herewith the form of order :

O R D E R

A public hearing having been held in the above entitled proceeding, the matter having been duly submitted, the Commission being now fully advised and basing its order on the finding of fact as set forth in the opinion which precedes this order,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation by Frank P. Brown of an automobile truck service for the transportation of burnt clay products between the plant of the Los Angeles Pressed Brick Company at Los Angeles and points on or along the following routes, including points located within twenty miles on each side of the main highway on the following routes:

- A- Los Angeles to Ventura, via Calabasas or Santa Susana Pass, or via Saugus and Fillmore.
- B- Los Angeles to Lancaster, via Glendale, Burbank and Saugus.
- C- Los Angeles to San Bernardino, via Pasadena and Foothill Boulevard.

- D- Los Angeles to Redlands, via El Monte, Pomona, Ontario, Riverside, and Colton (Valley Boulevard).
- E- Los Angeles to Elsinore, via Whittier, Brea, Fullerton and Corona.
- F- Los Angeles to Irvine via Bandini, Santa Fe Springs, Norwalk, Buena Park, Anaheim, Orange, Santa Anna and Tustin.
- G- Los Angeles to Santa Monica and Balboa Beach, and all Pacific Coast Beach points between the two latter places.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and the same hereby is granted under the terms of the foregoing declaration, to Frank P. Brown, subject to the following provisions:

1- Applicant shall file his written acceptance of the certificate hereby granted within a period of not to exceed ten (10) days from the date hereof; shall file, in duplicate tariffs of rates, time schedules, rules and regulations within a period of not to exceed twenty (20) days from date hereof, such tariffs of rates, time schedules, rules and regulations to be identical with those attached to the application, and/or acceptable to this Commission; and shall commence operation of the service herein authorized on or before thirty (30) days from date hereof.

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

3- No vehicle may be operated by applicants herein under the authority hereby granted 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.

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

The foregoing opinion and order are hereby approved and ordered filed as the Opinion and Order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this ^{20th} day of February, 1926.

W. B. Brundage
Chairman
Leon Whitell
Secretary