

**ORIGINAL**Decision No. 16025

## BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 JOE BESONE for authority to establish  
 freight service by automobile truck  
 between Corcoran and Los Angeles Harbor  
 and intermediate points. } Application No. 11907

Gwynn E. Baker, for Applicant,  
 E. F. Brittan, for Walter Wilhour, Protestant,  
 A. L. Whittle and C. E. Wykes, for Southern  
 Pacific Company, Protestant,  
 Phil Jacobson, for Los Angeles & Bakersfield  
 Fast Freight, Los Angeles & West Side Trans-  
 portation Company, San Joaquin Valley Trans-  
 portation Company, City Transfer & Storage  
 Company, Triangle Orange County Express, and  
 Los Angeles & San Pedro Transportation Company,  
 Protestants.

WHITSELL, Commissioner -

OPINION

Joe Besone and Emil Bonenso, co-partners, in their amended application herein have petitioned the Railroad Commission for an order declaring that public convenience and necessity require the establishment of an automobile truck service, on demand, for the movement of cotton from points in the San Joaquin Valley to Los Angeles Harbor points, and return hauls of oil field equipment to oil fields, and also for the transportation of cotton from points within a radius of thirty miles of Bakersfield to the compress at that city.

The application alleges that the hauling of cotton was commenced by applicant, Besone, in 1923 under the impression that such operations were exempt from the Commission's jurisdiction under the terms of the so-called "Crittenden amendment", and were further exempt due to the irregularity of the service rendered and the fact that all hauling was done under contract; that the production of cotton has increased in the area served and many of the cotton gins are not located on rail lines, all

of which increases the demand for truck transportation which the present authorized carriers are incapable of handling; that considerable oil well equipment has been transported from Los Angeles Harbor and vicinity to the oil fields and that no authorized motor carrier is now serving these points. The route to be used in the proposed operation is the regular highway between Los Angeles and Bakersfield.

Attached to the application are exhibits showing the tariffs of rates and list of equipment offered in the proposed service.

A public hearing was held on this application at Bakersfield on December 15, 1925, at which time the matter was duly submitted and it is now ready for decision.

Mr. Joe Besone, one of the applicants, testified that he had been engaged for eight years in the trucking and storage business in Bakersfield and that he now held a certificate from this Commission which authorized the transportation of freight and express between Bakersfield, Taft, Fellows, Mc Kittrick and Maricopa and that he had been thus engaged for about seven years. The estimated value of truck equipment owned is about \$40,000.

He has hauled cotton for the past three years in the vicinity of Bakersfield and from points beyond Fresno. Witness did not get calls to move gin cotton to the compress at Bakersfield from points beyond Corcoran. Ten or eleven ton loads are necessary before movements are really compensatory.

Witness also testified that he had hauled oil well equipment and supplies to the oil fields on the return trips from Los Angeles Harbor. About one half of the trips to the harbor have handled return loads to the oil fields.

In support of the application Mr. L. W. Taylor, county farm advisor of Kern County, testified<sup>as</sup> to the acreage planted in cotton, its production, and other general matters related

to the cotton industry. This witness gave no testimony as to lack of present transportation facilities, and further stated that he had no knowledge of the authorized motor carriers operating in this section.

Mr. J. A. Woolley, Secretary and Manager of the California-Arizona Cotton Association and also connected with the Cotton Exchange, testified regarding the handling of cotton, stating, in part, that members of the association bought the San Joaquin Valley crop, that in shipping to the harbor an expedited movement was necessary, and that about seventy percent of the movement was by truck. Witness did not arrange for transportation, and his knowledge of the need therefor was based on hearsay and observation.

Mr. W. W. Boswell, an operator of cotton gins, testified that he purchased cotton from the grower, and after the cotton was run through the gin it was transported to San Pedro for water shipment. Truck movement to San Pedro was preferable to rail, due to the saving of time. Witness preferred to have one party care for his transportation needs and had in the past employed applicant Besone. No objection or complaint was made as to the present authorized carriers except that witness did not desire to do business with one of the protestants. In the hauling of cotton from the fields to the gins witness had generally used his own trucks.

Mr. Homer Katze, representing a number of trade and civic organizations of Bakersfield, testified regarding the responsibility of applicant Besone, and the general desire to have this application granted. No need for, or knowledge of the proposed service, however, was shown by this witness' testimony.

Mr. Walter Wilhour, protestant, testifying in his own behalf, stated that he now held a certificate of public conven-

ience and necessity authorizing him to transport cotton, cotton seed, cotton products and cotton gin supplies between San Joaquin Valley points and Los Angeles and Los Angeles Harbor, also between the latter two points and Imperial Valley points. This certificate is contained in this Commission's Decision No. 14939 on Application No. 10891, decided May 5, 1925. Witness states that he owned seven trucks and had fifty available by lease, and that there have been ample trucks available to meet all demands. In 1925 twenty trucks were used during the time of greatest demand for service and all cotton transported by applicant Besone could have been moved by witness in addition to his regular business.

Mr. C. E. Wykes, traveling freight agent for Southern Pacific Company, located at Bakersfield for the past five years, testified regarding service rendered by his company in the movement of cotton to Los Angeles and its harbor. His company operates daily freight service between Bakersfield and Los Angeles, consisting of two manifest and one local train. The company has available additional equipment which can be placed in service as traffic may demand. An eighteen to twenty hour service is rendered between Bakersfield and San Pedro.

After full consideration of the evidence herein, I am of the opinion that applicant has failed to show public convenience and necessity for the proffered service in that no evidence was offered except the desire of applicant to transport oil field equipment and supplies, and only one witness appeared in support of the application as to the cotton hauling having knowledge of transportation needs for this commodity and who preferred applicant's service. No showing has been made of any failure on the part of protesting authorized carriers to render all required service. In view of such record, I am of the opinion and hereby find as a fact that public convenience and necessity do not require applicant's proposed service. I recommend the denial of the application and the following form of order.

OR R D E R

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

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity do not require the establishment of an automobile truck service for the movement of cotton from points in the San Joaquin Valley to Los Angeles Harbor points with return haul of oil field equipment to oil fields and also for the transportation of cotton from points within a radius of thirty miles of the City of Bakersfield to the compress at that city, as proposed by Joe Besone and Emil Bonenso, and

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

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 23<sup>rd</sup> day of February, 1926.

W. B. Brundage  
Chairman

Leon Whitely

COMMISSIONERS.