

Decision No. 16026**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 R. F. WARE for certificate of public)
 convenience and necessity to operate) Application No. 11967
 freight truck service between)
 Southern California points as set)
 forth in Exhibit A attached.)

R. F. Ware, in propria persona,
 H. W. Kidd and W. O. Schell, by W. O. Schell, for
 Motor Transit Company, Protestant,
 L. C. Zimmerman, for Southern Pacific Company,
 Protestant.

WHITSELL, Commissioner -

O P I N I O N

R. F. Ware has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the establishment of automobile truck service for the transportation of heavy construction equipment or machinery, such as power shovels, ditchers, concrete mixers, pavers, rollers and other equipment that cannot be disassembled, between points in Southern California, as set forth in Exhibit "A" as attached to and forming a part of the amended application herein.

Applicant alleges that he has been engaged for some years in the transportation of heavy construction equipment between points in Southern California; that he has specialized in this class of transportation, and that public convenience and necessity requires its continuance. Exhibits attached to the application set forth the tariffs of rates, and rules and regulations and equipment which is offered in this service.

A public hearing was held at Los Angeles on January 21, 1926, at which time the matter was duly submitted and it is now ready for decision.

Mr. R. F. Ware, testified that he contracted for trench excavation and in conjunction with that work it was necessary to move heavy equipment. Originally he moved only his own, but gradually began moving equipment for other contractors, such as steam shovels, drag lines, rollers, ditchers, tractors, concrete mixers, pavers, etc., and has been so operating for the past four years. The various pieces of equipment weigh from 15 to 35 tons and due to their size and weight permits are required from different governmental authorities before movement may occur. These permits specify the routes that the loads must follow, and hence the routes proposed by applicant may be deviated from as occasion demands.

Movements of certain equipment were cited by witness. Rail facilities do not meet the needs as to the movement of this construction equipment due to the necessity of handling and final movement by truck to the point of use. It is impractical to move these types of equipment under their own power. The entire movement by use of trucks has been found to be more economical and convenient. Mountain hauls are not contemplated as equipment now at hand is not suitable.

Applicant has \$39,000 invested in equipment, which will be added to as required.

Mr. A. D. Christie, a dealer in construction equipment, testified regarding the satisfactory service heretofore rendered by applicant and the need for its continuance. Movements to certain points were cited and the need for the service to other sections was mentioned.

Further testimony of the same general nature was given by three witnesses who are engaged in the contracting business and have need of applicant's service. No useful purpose would be served by detailed mention of the additional testimony presented

in this matter.

After careful consideration of the record in this proceeding, I am of the opinion and hereby find as a fact that public convenience and necessity require the operation by applicant of a service conforming to the terms and provisions of the following order.

Herewith the form of order:

ORDER

A public hearing having been held in the above entitled proceeding, the matter having been duly submitted and being now ready for decision,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation by R. F. Ware of an auto truck service, on demand, for the transportation of power shovels, ditchers, hoists, drag lines, concrete mixers, pavers, rollers, tractors and highway contractors equipment, including hand tools as a part of and in conjunction with loads of the foregoing items between, over, along and to points on the following routes including points distant fifteen miles laterally on each side of said routes;

- A- Los Angeles to Oxnard and Ventura
- B- Los Angeles to Saugus via Lankershim or Glendale
- C- Los Angeles to Riverside, Colton, San Bernardino, Redlands and Banning, via Valley Boulevard
- D- Los Angeles to Corona, San Jacinto and Prado via Telegraph Road and Santa Ana Canyon
- E- Los Angeles to Oceanside and Escondido, via Telegraph Road and Santa Ana.
- F- Los Angeles to Huntington Beach via Long Beach Boulevard, Compton and Puente mill road
- G- Los Angeles to Long Beach via Long Beach Boulevard
- H- Los Angeles to Laguna Beach, via Riverside and Redondo Boulevards
- I- Los Angeles to Ocean Park and Santa Monica via Pico Boulevard

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and the same hereby is granted in conformity with the foregoing declaration and subject to the following provisions:

1- Applicant shall file his written acceptance of the certificate herein granted within a period of not to exceed ten (10) days from date hereof; shall file, in duplicate, tariff of rates and time schedules within a period of not to exceed thirty (30) days from date hereof, such tariff of rates and time schedules to be identical with those attached to the application herein and/or acceptable to this Commission; and shall commence operation of said service within a period of not to exceed sixty (60) days from date hereof.

2- The rights and privileges herein granted 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.

3- No vehicle may be operated by applicant herein unless said vehicle is owned by said applicant or is leased by him under a contract or agreement on a basis satisfactory to the Railroad Commission.

4- For all other purposes 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 23rd day of February, 1926.

H. B. Brundage
C. S. ...
Leon ...

COMMISSIONERS.