

Decision No. 16315

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application )  
of ADAM BAKER for certificate of )  
public convenience and necessity )  
to operate freight truck service )  
between Newport, Balboa, Santa Ana, )  
Fullerton, Corona, Riverside, Col- )  
ton, Redlands, San Bernardino and )  
Rialto, and certain intermediate )  
points. )

APPLICATION NO. 11227.

Richard T. Eddy, for Applicant.

W. S. Clayson, for B. M. Tucker, Pro-  
testant.

M. Thompson, for American Railway Ex-  
press, Protestant.

C. E. Jones, for Pacific Electric Rail-  
way Company, Protestant.

BY THE COMMISSION:

#### O P I N I O N

Adam Baker has made application to the Railroad Com-  
mission for a certificate of public convenience and necessity  
to operate freight truck service between Newport Beach, Balboa,  
Santa Ana, Fullerton, Corona, Riverside, Colton, Redlands, San  
Bernardino and Rialto, and certain intermediate points.

A public hearing herein was conducted by Examiner Wil-  
liams at Corona.

Applicant testified that he had spent two months can-  
vassing the territory he requests authority to serve, and that

sufficient business had been assured him to justify the establishment of the service. He further testified that with the development of this region, inter-communication between eastern terminal points and the beach points was increasing rapidly, resulting in a large demand for through service instead of the indirect service now available. Applicant estimated that, to begin with, he would have shipments amounting to at least two tons a day. He also asks the privilege of delivering consignments within one mile on either side of the main highway to be traversed.

Applicant possesses as equipment for the service two small trucks, and testified that he had financial ability to add other equipment should the same be required. He proposes to make one trip daily in each direction, leaving each terminal at 12:00 noon. He offers to establish agencies in Balboa, Santa Ana, Anaheim, Fullerton, Riverside, Redlands and San Bernardino. His schedule of rates, filed as Exhibit "A" of the application, appears reasonable for the service proposed. The distance to be traversed between termini is about 60 miles, and applicant accepted a maximum limitation of three tons on all commodities.

Applicant was supported in his application by the testimony of Harry Welch, secretary of the Orange County Chamber of Commerce, who testified that there are approximately 550 owners of homes at Newport Beach and Balboa who also maintain homes in Santa Ana and the eastern interior points. Mr. Welch stated that these individuals are coming and going constantly, and transporting their furniture, trunks and baggage and subsistence. He further testified that applicant's service would

be useful for the distribution of fish, which is an important product of the Newport region, amounting to about three tons daily. This witness also testified that the express shipment leaves in the evening via Los Angeles, which is a disadvantage, and that a truck service leaving in the day time, soon after the catches are brought in, would be a distinct advantage because it would provide a direct method of transportation to the interior points.

George T. Peabody, a director of the Orange County Chamber of Commerce, testified that approximately 10,000 persons from the interior visit and have important interests in the harbor region; that at the present time all their freight and express must be transported via Los Angeles, subject to the delays incident to indirect transportation. This witness estimated the summer population of Newport Beach at 15,000 and the winter population at 3,500.

Applicant was also supported by the testimony of E. M. Miller of Anaheim, dealer in automobile parts and accessories, who testified that the service proposed by applicant would be used by himself in preference to his own equipment; and of Gilbert C. Dohm of Hermosa Beach, manager of the Crystal Chemical Company's plant at Anaheim, who testified that the proposed service would be used by his company in the distribution of alcohol, carbonic gas, fertilizer and ethylacetate; that it would also be useful in the distribution of commodities as far east as San Bernardino and Riverside, and that a service for transporting shipments in less than truckload lots generally is needed.

Similar testimony was given by H. M. Kinslow of Santa Ana; J. R. Gardiner of Fullerton; J. L. Sifford of Riverside; Fred G. Peck of Orange; F. P. Jayne of Santa Ana; E. M. Barton and Fred T. Perris of San Bernardino; and A. J. Pearse of Riverside.

The granting of the application was protested by B. E. Tucker, American Railway Express and Pacific Electric Railway Company. During the progress of the hearing the protest of Mr. Tucker was withdrawn.

Testimony in behalf of protestants was limited to that of M. Thompson, representing the American Railway Express. This company operates one round trip daily via Los Angeles between Newport Beach and the other points sought by applicant. It was the testimony of Mr. Thompson that at present no fish are being shipped from Newport Beach to interior points, such shipments being entirely confined to Los Angeles.

A careful consideration of the testimony produced herein justifies the conclusion, we believe, that the service proposed by applicant is a need of the public and will be useful to it. As applicant stipulated that he did not intend to duplicate any existing service established by certificate, he should be restricted as to service into Riverside and points east and north thereof to through traffic only.

We therefore find as a fact, upon the record herein, that public convenience and necessity require the establishment and operation of the service proposed by applicant, with the restriction indicated in the preceding paragraph, and that a certificate therefor should be granted. An order will be so entered.

## O R D E R

Adam Baker having made application to the Railroad Commission for a certificate of public convenience and necessity to operate freight truck service between Newport Beach, Balboa, Santa Ana, Fullerton, Corona, Riverside, Colton, Redlands, San Bernardino and Rialto, and certain intermediate points, 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 establishment and operation of freight truck service as proposed by applicant herein, for the transportation of all commodities, in quantities not to exceed three tons from any one consignor to any one consignee, between Newport Beach, (including Balboa, a portion of the city of Newport Beach), Costa Mesa, Santa Ana, Orange, Anaheim, Fullerton, Olive, Tustin, Placentia, Yorba Linda, Richfield, Yorba, Rincon, Corona, Arlington, Riverside, Highgrove, Colton, San Bernardino, Redlands, Highland, East Highland and Rialto; provided, however, that applicant may not transport any property between Riverside and points east or north thereof, unless such property is destined to or originates at points west of Riverside; and provided further, that applicant may make free pick-up and delivery within one mile of highways traversed. - over and along the following route:

Via State highway from Newport and Balboa to Tustin, Santa Ana, Orange, Anaheim, Fullerton, Placentia, Richfield, Yorba Linda, Olive and Yorba; thence via Santa Ana Canyon Road through Corona to Riverside,

thence to Highgrove, Colton, Redlands, East Highland, Highland, San Bernardino and Rialto, returning via Colton Avenue direct between San Bernardino and Colton, and returning by identically the same route; 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 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 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 29th day of March 1926.

