

Decision No. 16331

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application)
of HARDING BROS. TRUCK CO. for cer-)
tificate of public convenience and)
necessity to operate freight truck)
service between ranches, canneries)
and packing houses.)

APPLICATION NO. 11259.

ORIGINAL

Clyde R. Moody, for Applicants.

Phil Jacobson, for Franchise Motor
Carriers' Association, Protestant.

D. W. Layne, for Pacific Electric
Railway Company, Protestant.

BY THE COMMISSION:

O P I N I O N

Harry C. Harding, J. N. Harding and W. T. Burr, doing business under the name of Harding Bros. Truck Company, have made application to the Railroad Commission for a certificate of public convenience and necessity to operate a freight truck service for the transportation of fresh fruits and vegetables between ranches, canneries and packing houses in Southern California.

A public hearing herein was conducted by Examiner Williams at Los Angeles.

Applicants have maintained a general trucking business in the city of San Fernando, which is a municipality entirely surrounded by the city of Los Angeles, for over six years. The

98

business has been conducted without any offer to the public of fixed termini or regular routes, and the offer in the present application is not to establish either regular routes or fixed termini. According to the testimony produced by applicants, their business has been conducted wholly on call, and no movement has been conducted except under such employment. Ninety per cent of the business has been the transportation of fruits and vegetables from the orchards and fields to canneries in San Fernando, Los Angeles, Camarillo and Saugus, with an occasional haul between packing houses. There is no proof in the record that any contracts existed between applicants and any of the consignees served, or that any movement was conducted frequently or continuously between fixed points. During the years of operation, applicants have not always operated from the same regions of production to the same destinations.

No rates are offered for any movement between fixed points, the rates proposed being ton rates, based upon mileage and indefinite as to origin or destination. Rates also include charges by the hour, at the option of the employer.

Applicants offer as equipment for the service proposed three trucks and three trailers of a rated capacity of 22 tons gross.

James H. Gilmore, assistant manager of the Fernando Canning Company, testified that the service of applicants has been used by his company solely in transporting fruits and vegetables from the fields as far north as Ojai, wherever the cannery purchased a crop. He further testified that in the season preceding the hearing, the production of the San Fernando Valley was

deficient and that 90 per cent of the fruits and vegetables used in the cannery were purchased outside of the Valley.

H. L. Killen, superintendent of the San Fernando Heights branch of the American Fruit Company, and F. A. Pomeroy, manager of the San Fernando Fruit Growers' Association, gave similar testimony.

A review of the record herein does not disclose any operation conducted by applicants between fixed termini or over a regular route, and it appears, therefore, that the operation is not within the jurisdiction of this Commission as established by the Auto Stage and Truck Transportation Act. An order accordingly will be entered dismissing the application for lack of jurisdiction.

O R D E R

Harry C. Harding, J. N. Harding and W. T. Burr, doing business under the name of Harding Bros. Truck Company, having made application to the Railroad Commission for a certificate of public convenience and necessity to operate a freight truck service between ranches, canneries and packing houses in Southern California, a public hearing having been held, the matter having been duly submitted and now being ready for decision.

IT IS HEREBY ORDERED that the application herein be

and the same hereby is dismissed for lack of jurisdiction.

Dated at San Francisco, California, this 30th
day of March 1926.

H. B. Burdige

C. C. Seavey

Leon Whitell

Commissioners.