

Decision No. 16468

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application)
of M. L. BONILLAS for certificate)
of public convenience and neces-)
sity to operate freight truck serv-)
ice between Cucamonga and various)
points in Southern California as)
set forth in Exhibit "A" attached.)

APPLICATION NO. 12005.

M. L. Bonillas, Applicant, in Propria Persona.

H. J. Bischoff, for W. & S. Truck Line and
Coachella Valley Transportation Company, Pro-
testants.

F. M. Smith, for Keystone Express, Rex Transfer
and Hodge Transportation System, Protestants.

H. W. Kidd, for Motor Transit Company, Protes-
tant.

L. C. Zimmerman, for Southern Pacific Company,
Protestant.

C. E. Jones, for Pacific Electric Railway Com-
pany, Protestant.

BY THE COMMISSION:

O P I N I O N

M. L. Bonillas has made application to the Railroad Commission for a certificate of public convenience and necessity to operate a freight truck service between Cucamonga and various points in Southern California. As amended at the hearing, applicant proposes to limit his service to the transportation of commodities originating in or destined to the community

of Cucamonga, including the adjacent community of Alta Loma.

A public hearing herein was conducted by Examiner Williams at Riverside.

Applicant has been engaged in a general trucking business in the vicinity of Cucamonga, a village and horticultural district located between Ontario and San Bernardino, for about five years, principally during the orchard harvesting season, performing service for a cannery and packing house at Cucamonga and for citrus packing houses at Alta Loma. Applicant offers as equipment 4 trucks and 2 trailers of a combined capacity of approximately 20 tons. Cucamonga is served only by the Santa Fe Railway.

According to testimony produced at the hearing, the principal business of applicant is the transportation of orchard products from the orchards to the packing houses, and the movement of grapes to cars located on sidings at both Cucamonga and Alta Loma. Applicant has also transported large quantities of fertilizer, amounting to more than 700 tons in 1925, from Los Angeles harbor to the horticultural region in and about Cucamonga.

Harry Roberds of Alta Loma, agent for the American Fruit Growers' Association, testified that this organization packs large quantities of citrus fruits and grapes, and that at times, when grapes are being harvested and their immediate movement to market is imperative, he has used applicant's service for this purpose. Witness testified that at one time, because of inability to obtain refrigerator cars for the transportation of

grapes to the eastern market, the association used applicant's service in transporting about 600 tons of grapes to the harbor for water shipment. Witness further testified that this movement was necessary in order to prevent great loss on this perishable fruit.

Frank W. Grier, operating a cannery at Cucamonga, testified that he had used applicant's service to transport deciduous fruits, in season, from various points as far east as Banning and Hemet. He testified that this movement was sporadic, being governed entirely by his ability to make contracts with orchards in different localities. He further testified that he had also used applicant's service in transporting large shipments of canned goods to the Los Angeles harbor.

Leigh Thompson, salesman for the Pacific Fertilizer Company at Upland, testified that during the previous year applicant had hauled about 700 tons of commercial fertilizer from Los Angeles to ranches in the vicinity of Upland, Cucamonga and Alta Loma; that in this movement applicant knew all the growers to whom deliveries should be made, and was able to "spot" deliveries to the best advantage of the orchardists. It was the belief of this witness that the special service performed by applicant in this respect was one that could not be performed by any regular carrier.

Cucamonga is also served by the Keystone Express, L. R. Kagerise, proprietor. This protestant's rates for delivery to Cucamonga are the same as for Claremont and Upland and are in excess of the rates heretofore charged by applicant and now made a part of his application. Except by joint arrangement

with other carriers, the Keystone Express does not serve the Los Angeles harbor district.

Applicant also sought authority to transport cement pipe between Cucamonga and Helendale in San Bernardino County and the region of the Salton Sea in Imperial County, but no proof was made of any necessity for this service, the only testimony being that of applicant to the effect that he had several times made such deliveries. Nor was any proof made by applicant of need for additional transportation facilities for lime, sulphur and lumber between Los Angeles and Cucamonga, or for crushed marble in sacks or blocks from a quarry located six miles north of Etiwanda, to Los Angeles.

Applicant also asks a certificate to conduct a general trucking business at hour rates between Cucamonga and points within a radius of 25 miles thereof. No service is to be performed by him on schedule, but only upon demand.

A review of the testimony produced by applicant shows that practically 85 per cent of his business has been that of an "on call" carrier, performing service in and about Cucamonga, and that practically the only movements between fixed termini or over a regular route have been the transportation of fresh or packed fruits from packing houses and canneries at Cucamonga and Alta Loma to Los Angeles and the Los Angeles harbor, with a return movement of fertilizer from Los Angeles and the harbor. All other movements performed by applicant have been sporadic and infrequent, and appear not to be such as require a certificate from this Commission. We believe, however, a sufficient affirmative showing has been made to justify granting applicant a certificate authorizing him to transport fresh and packed

fruits between Cucamonga and Los Angeles and Los Angeles harbor, and the return movement of fertilizer from the same points, but for no other service, and an order will be so entered.

O R D E R

M. L. Bonillas having made application to the Railroad Commission for a certificate of public convenience and necessity to operate a freight truck service between Cucamonga and various points in Southern California, 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 operation of a freight truck service as proposed by applicant herein, for the transportation of fresh and packed fruits from the communities of Cucamonga and Alta Loma to Los Angeles and the Los Angeles harbor district, and for the return movement of commercial fertilizer in bags from Los Angeles to Cucamonga and Alta Loma, all in lots of 5 tons or more, and for no other service, over and along the following routes:

Between Cucamonga and Los Angeles via Valley Boulevard; also via Valley Boulevard to its junction with the county paved road leading southerly through Compton and Clearwater and via Harbor Boulevard to Los Angeles harbor district; 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 12th
day of April 1926.

W. B. Rounding

C. H. Haver

Edward J. ...

Leon ...

COMMISSIONERS.