

Decision No. 16519

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application)
of F. W. REICHE for certificate)
of public convenience and neces-)
sity to operate motor truck freight)
service between Corona and Wilming-)
ton and Los Angeles harbor district,)
and Arlington, Corona and Los An-)
geles, and vicinity in and around)
Corona and Arlington.)

APPLICATION NO. 12045

Frank R. Carrell, for Applicant.

Phil Jacobson, for Pacific Motor Ex-
press, Service Motor Express and Los
Angeles & San Pedro Transportation
Company, Protestants.

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

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

ORIGINAL

BY THE COMMISSION:

O P I N I O N

F. W. Reiche has made application to the Railroad Com-
mission for a certificate of public convenience and necessity
to operate motor truck freight service between Corona and Wil-
mington and the Los Angeles harbor district, and between Ar-
lington, Corona and Los Angeles, and in the vicinity in and
about Corona and Arlington.

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

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Applicant testified that he began operation of service in and about Corona and between Corona and Los Angeles harbor district in May, 1924, and has maintained the operation continuously since that time. He testified that during this period he has hauled an average of from one to five loads per month from Corona to the Los Angeles harbor for the Randolph Packing Company and the Corona Mutual Citrus Association, each shipment weighing on an average of from 4 to 4½ tons. He further testified that he had transported, as a back haul from Los Angeles and the harbor district, consignments of pipe, nails, lumber, etc., for Winship & Catterm of Corona and Winship & Sons of Riverside. The bulk of his business, however, has been the transportation of unpacked fruits from orchards in the vicinity of Corona to the packing houses at Corona, and the distribution of fertilizer from Corona to various ranches. The evidence is convincing that the greater portion of applicant's operation has been on call, and has not been conducted between fixed termini or over a regular route, and hence does not come within the purview of the Auto Stage and Truck Transportation Act. It appears to be clearly a movement such as is described in Decision No. 15818, In the Matter of the Application of Ben Moore, and for this, applicant requires no certificate from this Commission.

Applicant's offer of a service from Corona to Los Angeles harbor district for the transportation of packed citrus products, and a return movement of lumber and builders' hardware from Los Angeles to Corona and Arlington, seems clearly to come within the definition "between fixed termini or over a regular route." The continuance of this service, therefore,

must be justified by proof of public necessity. In support of this, Richard L. Willets, managing the citrus orchards of the A. F. Call estate, consisting of about 300 acres, testified that he had utilized applicant's service in the transportation of citrus fruits from the Call orchards to the packing house at Corona, but required no haul to the harbor.

John E. Winship of Winship & Sons, Riverside and Arlington, (the latter within the incorporated city limits of Riverside), testified that he had, in emergencies, used applicant's service to transport consignments of builders' hardware from Los Angeles, but that this firm had its own trucks and required the service of applicant only occasionally, and then mostly for local deliveries from its Arlington yards. Fred R. Schaal, manager of the Corona Mutual Citrus Association, formerly the Randolph Marketing Company, testified that applicant had performed satisfactory service for the association between the orchards and packing houses, and had also transported packed citrus fruits from the packing houses to Los Angeles harbor. This witness further testified that very little back haul was required by the association, this being limited to infrequent consignments of citrus wrapping paper and box nails. He testified that the service of B. N. Tucker and Pacific Motor Express, protestants herein, in so far as either had been used by him, had been satisfactory.

Protestant B. N. Tucker maintains, under authority of this Commission, service for the transportation of packed citrus fruits from Corona to Los Angeles harbor, and a return movement of chemicals and other commodities. This protestant

has equipment consisting of four trucks and three trailers of approximately 29 tons' capacity, as against applicant's equipment of two small trucks and one trailer of a total capacity of not over 8 tons. Protestant Pacific Motor Express, according to the testimony of H. P. Payne, proprietor, has equipment moving daily between Los Angeles and Corona of a capacity of 20 tons, and is now transporting but $7\frac{1}{2}$ tons daily.

From the testimony produced by applicant herein we cannot find that there is an affirmative showing of public necessity for an additional service between Corona and Los Angeles. Besides the two established services appearing as protestants herein, there exists the freight service of the Marietta Valley Freight Line, operating between Los Angeles and Corona. There is no proof in the record that the volume of business is sufficient to provide compensatory operation for an additional carrier; and furthermore, the witnesses produced by applicant do not express a need for additional service. The only advantage offered by applicant's service, as compared with that of protestants, is a rate of \$3.00 a ton on the transportation of citrus fruits from Corona to Los Angeles harbor. The round trip between these points covers approximately 110 miles, and applicant testified that he believed he would find the operation profitable at a rate of \$3.00 a ton with his equipment, traversing this distance with a minimum of 6 tons in each direction. Applicant, however, limited himself to a minimum of three tons, and testified that he would make the round trip with a cargo in one direction only, if necessary. Rates as established by the existing carriers are higher than

those proposed by applicant; but in the absence of proof on the part of applicant that additional service is required, analysis of the rates of the various carriers is unnecessary.

We therefore find as a fact, upon the record herein, that applicant has not shown public necessity for the service proposed by him, and that, therefore, the application should be denied. An order accordingly will be entered.

O R D E R

F. W. Reiche having made application to the Railroad Commission for a certificate of public convenience and necessity to operate motor truck freight service between Corona and Wilmington and Los Angeles harbor district, and Arlington, Corona and Los Angeles, and the vicinity in and about Corona and Arlington, 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 do not require the service proposed by applicant herein, and

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

The effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this 17th
day of April 1926.

H. B. Burdige

C. A. Scammon

Ernest W. Smith

Leon A. Whitson

Commissioners.