

Decision No. 16540

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application )  
of B. N. TUCKER for certificate of )  
public convenience and necessity )  
to operate freight service between )  
Colton, Highgrove, Riverside, Casa )  
Blanca, Arlington, Corona and San )  
Pedro, Wilmington and Los Angeles, )  
California; and between Alberhill )  
and Corona, California; and between )  
Yorba Linda and Corona, California; )  
and between El Segundo and Corona, )  
California. )

APPLICATION NO. 12289

ORIGINAL

W. S. Clayson, for Applicant.

Phil Jacobson, for Rex Transfer, Service  
Motor Express, Pacific Motor Express and  
Los Angeles & San Pedro Transportation Com-  
pany, Protestants.

C. H. Jones, for Pacific Electric Railway  
Company, Protestant.

Richard T. Eddy, for Adam Baker, Protestant.

BY THE COMMISSION:

O P I N I O N

B. N. Tucker, transacting business under the ficti-  
tious name of "Pioneer Transfer", has made application to the  
Railroad Commission for a certificate of public convenience  
and necessity to operate freight service between Colton, High-  
grove, Riverside, Casa Blanca, Arlington and Corona, and San  
Pedro, Wilmington and Los Angeles; also between Alberhill and

*[Handwritten signature]*

Corona, Yorba Linda and Corona and El Segundo and Corona.

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

Applicant now conducts a service between Corona and Wilmington and San Pedro under certificate from this Commission, authorized by Decision No. 14112 on Application No. 9606. He desires to extend this service to include the transportation of certain commodities between the points mentioned in his application. Applicant proposes rates and routes as per exhibits attached to the application, but offers no schedules, as he proposes to operate on demand only.

As applicant made no proof of any public necessity for the extension of his service between Arlington, Casa Blanca, Riverside, Highgrove and Colton, and Wilmington, San Pedro and Los Angeles, this portion of his application may be dismissed without further consideration.

Applicant testified that he had been performing a portion of the service proposed by him, on call, but that the frequency of the demand for movements between Los Angeles and Corona for acids and other commodities used by the Exchange Lemon Products Company at Corona led him to make application for a certificate. As to this movement, the manager of the Company, Mr. H. M. May, testified that the Company requires sulphuric acid and muriatic acid from Los Angeles, as well as sulphur and chalk, and that these commodities have been transported by rail, and also over the truck lines of protestant Pacific Motor Express, to the Company's satisfaction. This

witness is also a school trustee, and in that capacity testified that the service of applicant in bringing crude oil from El Segundo and Yorba Linda, for use by the schools, was a desirable service.

A. C. Barnes, manager of the Corona branch of the American Fruit Growers' Association, which handles the product of 750 acres of citrus orchards, testified that from time to time he requires service for delivery of citrus fruits to the Los Angeles market. This witness stated that at certain seasons the movement amounted to five cargoes a week, while at other seasons there were only two or three movements a month. He further testified that the service of protestant Pacific Motor Express is satisfactory for the transportation of other commodities, and that a new service is not needed by him except for the transportation of packed citrus fruits to Los Angeles.

Smith Beck of the Corona Box Company, manufacturers of box shoo, testified that applicant had hauled shoo to Los Angeles for his company, and that the service, if established, might be used by the company for a return movement of rope, lumber and machinery. This company's plant is on the Santa Fe siding and has ample rail connection.

A. J. Ware, proprietor of the Corona Lumber Company, testified that he had used applicant's service occasionally for "filling in" on building materials from Los Angeles and the harbor.

A. J. Davis, vice-president of the Charters-Davis Company, handling the product of 500 acres of citrus orchards,

testified that it was an advantage to ship packed fruits to Los Angeles by applicant's trucks, as applicant was the only carrier having sufficient equipment available in Corona for immediate service.

Applicant also sought authority to extend his service to permit him to transport terra cotta tile and other clay products from Alberhill to Corona, but no proof was made as to the necessity for this movement, there being merely the expression of a desire on the part of applicant to include this haul in his operation.

The granting of the application was protested by Harry S. Payne, operating under the name of the Pacific Motor Express. This protestant operates a service between Los Angeles, Corona and Elsinore via Pomona. Applicant proposes to parallel this protestant's route with a portion of his service into Los Angeles, but is now operating by the southern route via Olive, Anaheim, Los Alamitos and Long Beach to the harbor district of Los Angeles. Protestant Payne testified that he possesses four trucks and four trailers, that only about 50 per cent of the capacity of his equipment is now used, and that if the full capacity was in use he could provide any additional equipment that might be required.

We are satisfied from the testimony introduced that the service performed by applicant in transporting oil from El Segundo and Yorba Linda has been an occasional "on call"

service of such sporadic nature that it could not be regarded as an operation between fixed termini or over a regular route, and hence no certificate for such operation is required. Nor is there, in our opinion, sufficient proof to justify the granting of a certificate to applicant for the transportation of any commodities from Los Angeles except lumber, lime, plaster, wallboard, sulphur, chalk, sulphuric acid and muriatic acid, or for any movement of these commodities except between Los Angeles and Corona. Applicant asks permission to transport "other commodities" besides those set forth in the application, but there is no affirmative showing of any public necessity for such service. There is, however, affirmative showing of the need of applicant's service in transporting packed citrus fruits from Corona to the city of Los Angeles. In all other respects we must regard his proposed operation, under the proof made by him, as not being conducted between fixed termini or over regular routes, and hence not within the jurisdiction of this Commission.

#### O R D E R

B. N. Tucker, transacting business under the fictitious name of "Pioneer Transfer", having made application to the Railroad Commission for a certificate of public convenience and necessity to operate freight service between Colton, Highgrove, Riverside, Casa Blanca, Arlington and Corona, and San Pedro, Wilmington and Los Angeles; also between Alberhill and Corona, Yorba Linda and Corona and El Segundo and Corona, 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 service as proposed by applicant herein, for the transportation of packed citrus fruits only from Corona to Los Angeles, and of lumber, lime, plaster, wallboard, sulphur, chalk, sulphuric acid and muriatic acid only from Los Angeles to Corona, in quantities of not less than five tons, over and along the following route:

West from Corona on Santa Ana Canyon Road to Fullerton (via Placentia), thence over main highway to Los Angeles via Buena Park, Norwalk and Huntington Park, and returning over 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.

IT IS HEREBY FURTHER ORDERED that in all other respects the application herein be and the same hereby is dismissed for want of jurisdiction.

For all purposes other than hereinbefore stated, the effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this 21<sup>st</sup> day of April 1926.

H. B. Rosendahl  
C. L. Seaver  
Ernest J. ...

Commissioners.