

Decision No. 16570

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application
of A. R. PEARSON for certificate
of public convenience and necessity
to operate freight truck service
between Los Angeles and Santa Bar-
bara, Lancaster, Redlands, Hemet,
Elsinore, San Diego, Pacific Coast
beach points and intermediate points.)

APPLICATION NO. 11914.

A. R. Pearson, Applicant, in Propria Persona.

Phil Jacobson, for Los Angeles & Santa Barbara
Express, Ventura-Ojai Express, Rex Transfer, Los
Angeles & Oxnard Express and Los Angeles & San
Pedro Transportation Company, Protestants.

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

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

BY THE COMMISSION:

O P I N I O N

Applicant herein seeks a certificate of public convenience and necessity to establish truck service for the transportation of heavy machinery and architectural building stone and staff between Los Angeles and various termini in Southern California.

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

Applicant established the business he now conducts in 1915 and has devoted his entire service to the transportation of

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the commodities before mentioned. He has never charged anything except hour rates, and testified that he had never held himself out to operate between any fixed points or over regular routes. Ninety per cent of the transportation service performed by applicant is to and from points exclusively within the city of Los Angeles. The remaining movements have been scattered over all of Southern California, and applicant estimated that his entire out-of-town operation has not required him to leave the limits of the city oftener than four times a month, or, except for one or two periods when deliveries were made to Glendale, to visit any single point oftener than once a month. The equipment which applicant employs is 4-wheel drive specially equipped trucks and trailers, useful only for heavy duty work and equipped with winches and cranes for the purpose of loading and unloading staff and machinery. In addition, applicant, by the very nature of his work and the type of his equipment, does not offer expeditious delivery.

Oscar Goldstein, manager of the Hicks Machinery Company, testified that he used applicant's service for out-of-town hauls about once a month, delivering promiscuously wherever machinery is to be shipped. Similar testimony was given by Alvin Gordon, bookkeeper for the Johnson Pump Company, and Myron Wood, manager of the American Laundry Machinery Company. All of these concerns have equipment of their own for delivery purposes, but depend upon applicant for emergency service. Each witness testified, however, that there was no movement to the same point oftener than every few months.

While the record discloses a need for the service rendered by applicant, it also discloses that applicant has not

conducted and does not propose to conduct any operation between fixed termini or over a regular route, outside of the municipal limits of Los Angeles.

We therefore find as a fact, upon the record herein, that the service proposed by applicant is not to be conducted between fixed termini or over a regular route, but is to be a service subject to call by patrons, without reference to destination or route, and therefore does not come within the purview of the Auto Stage and Truck Transportation Act as construed by Decision No. 15818 in the matter of the Application of Ben Moore. For this reason the application herein should be dismissed for want of jurisdiction. An order will be entered accordingly.

O R D E R

A. R. Pearson having made application to the Railroad Commission for a certificate of public convenience and necessity to operate freight truck service between Los Angeles and Santa Barbara, Lancaster, Redlands, Hemet, Elsinore, San Diego, Pacific Coast beach points and intermediate points, 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 is hereby dismissed for lack of jurisdiction.

Dated at San Francisco, California, this 26th
day of April 1926.

H. B. Bondigg

C. S. Searcy

Leon Whitell

COMMISSIONERS.