

Decision No. 116571

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application)
of D. I. STEWART for certificate)
of public convenience and necessity)
to operate auto truck service be-)
tween points within radius of 10)
miles of Redlands, also between)
points within 10 miles of Redlands,)
Beaumont and Palm Springs on the)
one hand, and Los Angeles and Los)
Angeles Harbor on the other hand.)

APPLICATION NO. 11925.

ORIGINAL

R. E. Hodge, for Applicant.

Phil Jacobson, for Rex Transfer, Service
Motor Express, Los Angeles & San Pedro Trans-
portation Company and Hodge Transportation
System, Protestants.

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

C. L. McFarland, for C. W. Crandall, Protes-
tant.

BY THE COMMISSION:

O P I N I O N

D. I. Stewart has made application to the Railroad Com-
mission for a certificate of public convenience and necessity to
operate auto truck service between points within a radius of 10
miles of Redlands, also between points within 10 miles of Red-
lands, Beaumont and Palm Springs, on the one hand, and Los Ange-
les and Los Angeles Harbor, on the other hand.

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

Applicant proposes a general trucking service for the transportation of lumber and building materials between Los Angeles and the Los Angeles harbor district, and Colton, San Bernardino, East Highland and Redlands, or points within ten miles of Redlands, Beaumont and Palm Springs. By amendment to his application at time of hearing, applicant proposes to perform this service only at a rate per 1000 board feet as set forth in his application, with a minimum of 4000 board feet; building material to be measured by the ton, as indicated. By amendment also applicant withdrew his request for authority to serve points within 10 miles of Redlands, and also eliminated any movement of building material except lumber from Los Angeles harbor. Also, by amendment, applicant offered to establish a freight pick-up zone in the city of Los Angeles, bounded by Sunset Boulevard and Macy Street on the north, Main Street on the west, Slauson Avenue on the south and Los Angeles River on the east. By stipulation he agreed to limit his service to Palm Springs to lumber and building materials, and upon this stipulation the protest of C. W. Crandall was withdrawn.

Applicant also sought a certificate for an indefinite service for the transportation of all commodities, particularly agricultural products, between Redlands and points within a radius of 10 miles thereof.

Applicant's testimony was to the effect that the greatest volume of his business was an "on call" operation in and about Redlands and consisted chiefly of the transportation of farm and orchard products to Redlands and a return movement of farm necessities and conveniences. He testified that he had hauled a number of loads between Los Angeles and the Los Angeles

harbor and Redlands and some of the other points named in his application, for the Hammond Lumber Company. In the thirty days preceding the hearing, applicant, according to his testimony, hauled 4 loads of lumber from Los Angeles to Redlands and two loads of junk from Redlands to Los Angeles. His testimony as to his operation to other points was somewhat vague and he was not certain that he had made more than an occasional movement, sometimes months apart.

John T. Basom, manager of the Hammond Lumber Company's plant at Redlands, testified that applicant's service had been used by his company in emergencies to haul materials, at times when the capacity of their own trucks was insufficient. He testified that he would not pay the rates proposed by applicant upon lumber. This witness also testified that he had used the service of protestant Rex Transfer on all commodities except lumber, with satisfaction, and would continue to use it, and that the service of Hodge Transportation System on lumber also was satisfactory.

T. R. Rex, operating as the Rex Transfer, previously testified that he had 12 trucks and 6 trailers available for the transportation of all commodities between Los Angeles and Colton, San Bernardino and Redlands, and that on quantities of 5 tons or more his rates are \$1.00 per ton less than those proposed by applicant.

The record herein does not disclose affirmative proof of the necessity of the service proposed by applicant for the transportation of the commodities specified.

It appears from the record that applicant does conduct an established "on call" trucking business, and has conducted it for the past six years without establishing regular or fixed movements between termini. Furthermore, there is no proof that certificated service in addition to the existing services now available, both rail and truck, is required by the public. We therefore believe the application herein should be denied.

An order will be entered accordingly.

O R D E R

D. I. Stewart having made application to the Railroad Commission for a certificate of public convenience and necessity to operate an auto truck service between Los Angeles and Los Angeles harbor district, and Colton, San Bernardino, Redlands and East Highland, and also to Beaumont and Palm Springs, 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 operation of the service as proposed by applicant between Los Angeles and Los Angeles harbor district, and Colton, San Bernardino,

Redlands, East Highland, Beaumont and Palm Springs, and

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

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

H. H. Borendice

C. C. C. C.

Leon A. White

COMMISSIONERS.