

Decision No. 16987

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
CHARLES HAIR, doing business under)
the fictitious name HAIR TRUCK CO.)
for certificate of public convenience) Application No. 11361.
and necessity to operate freight ser-)
vice between Temecula, California,)
and San Jacinto and Los Angeles,)
California.)

George A. Saurau, for Applicant.

H. W. Kidd and W. O. Schell, for
Motor Transit Company, Protestant.

Henry J. Bischoff, for W. & S. Truck Co.,
Service Motor Express, Coast Truck
Line, Protestants.

BY THE COMMISSION:

O P I N I O N

In this proceeding Charles Hair, doing business under the fictitious name of Hair Truck Co., by his amended application, seeks a certificate of public convenience and necessity authorizing the establishment of an automobile truck service (1.) for the transportation of freight consisting principally of baled alfalfa and grain hay between San Jacinto, Hemet, Beaumont, Benning and intermediate points on the one hand, and Los Angeles on the other hand, and (2.) for the transportation

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of sacked oat, wheat and barley grain between San Jacinto, Hemet, Beaumont and Banning and intermediate points, and Riverside and Colton. Accompanying the amended application are applicant's proposed tariffs, time schedules and a detailed description of the routes to be followed, together with a description of the equipment which will be used in this service.

Public hearings were held before Examiner Austin at Riverside, the matter was consolidated for hearing with Applications Nos. 11833, 11897 and 11912, evidence was offered, the matter was submitted and it is now ready for decision.

A separate decision was rendered in Application No. 11833 (Dec. No. 16395, dated April 2, 1926), dismissing the same and separate decisions will be rendered in the other two applications which are still pending.

The applicant testified that during the past five years he had been engaged in hauling hay and grain from various ranches situated along the route described in his application. In so doing he has followed no fixed route, nor time schedule, his operations being conducted wherever business is offered. As a general rule he has handled full truck loads only, and during the grain season his trucks have been kept busy most of the time. The rates proposed are those which have been charged by other truck haulers in this vicinity, the traffic having moved freely under them.

Applicant called several witnesses in support of his application. A rancher in the Minifie Valley testified that last year Hair hauled 1200 tons of alfalfa hay and 100 tons of grain hay from his ranch to Riverside, the service being satisfactory and more expeditious than that afforded by the

rail lines. Another witness, engaged in the feed and fuel business at Riverside, testified that during the past season applicant had satisfactorily hauled about 500 tons of alfalfa and grain hay from ranches in the vicinity of San Jacinto, Hemet, Beaumont and Banning to Riverside. A rancher in the Perris Valley also expressed satisfaction with applicant's service in handling hay to Riverside. The local manager of the Sperry Flour Company at Riverside stated that during the past three years he had employed Hair to haul sacked grain to the company's storage plant at Riverside from ranches in the Perris Valley and also from Merino, Beaumont, Hemet and San Jacinto. Two years ago the quantity handled amounted to 1000 tons; last year it was about 600 tons; and during the present year, due to a shortage, it will not exceed 300 tons. This service was more satisfactory, expeditious and cheaper than that of the railroads. The secretary of the Alfalfa Growers Association, a co-operative association comprising 65 alfalfa growers in this territory, handling about 75 per cent of all the hay shipped from this district their shipments in 1924 amounting to 10,000 tons and 1925 to 8000 tons, stated that Hair had satisfactorily handled about one-third of the hay produced by the members. By stipulation between counsel it was understood that other witnesses would testify to the same effect as those who had been called. Applicant agreed not to haul from any warehouses except at San Jacinto, Hemet and at the various ranches.

The granting of this application was protested by Motor Transit Co., W. & S. Truck Co., Service Motor Express and Coast Truck Line. Testimony was given on behalf of the Service Motor Express describing its service. In addition, some of the wit-

nesses called by applicant voiced some objection to the proposed rates on the ground that they were too high. However, it appears that these rates do not exceed those ordinarily charged by truck operators generally in this territory for the handling of these commodities, and in our judgment they have not been shown to be unreasonable.

The record indicates a need for this service between San Jacinto, Hemet, Perris, Beaumont, Banning and intermediate points to Riverside, but no showing was made with respect to any of the other destinations mentioned in the application, viz.: Los Angeles and Colton. Accordingly, the certificate granted will be limited to Riverside as a destination. Since the record does not contain any adequate description of the location of the various ranches surrounding the towns mentioned, the certificate will be limited to the towns themselves; the record does not indicate any regularity of operations from the ranches themselves, such operations being sporadic and irregular. In accordance with the stipulation made at the hearing, applicant will not be permitted to handle grain from warehouses in any of these towns except at San Jacinto and Hemet. In view of our conclusions it will be necessary for applicant to file a tariff substantially different from the proposed schedule accompanying the application.

Upon full consideration of the evidence, we are of the opinion and hereby find as a fact that public convenience and necessity require the operation by Charles Hair, doing business under the fictitious name of Hair Truck Co., of an automotive truck service for the transportation of baled alfalfa and grain hay, and sacked oat, wheat and barley grain, between San Jacinto,

Hemet, Beaumont and Banning and intermediate points, on the one hand, and Riverside on the other hand, provided that no shipments shall be received or accepted for shipment at any warehouse or warehouses other than those situated at San Jacinto, Hemet or upon any ranch or ranches.

An order will be entered accordingly.

O R D E R

Public hearings having been held in the above entitled application, the matter having been duly submitted, the Commission being now fully advised and basing its order on the finding of fact which appears in the opinion preceding this order,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA hereby declares that public convenience and necessity require the operation by Charles Hair, doing business under the fictitious name of Hair Truck Co., of an automotive truck service for the transportation of baled alfalfa and grain hay, and sacked oat, wheat and barley grain, between San Jacinto, Hemet, Beaumont and Banning and intermediate points, on the one hand, and Riverside on the other hand, provided that no shipments shall be received or accepted for shipment at any warehouse or warehouses other than those situated at San Jacinto, Hemet or upon any ranch or ranches.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be, and the same is hereby granted to Charles Hair, doing business under the fictitious name of Hair Truck Company for the operation of the service hereinabove described, subject to the conditions hereinafter set

forth:

1. Applicant shall file his written acceptance of the certificate herein granted within a period of not to exceed ten (10) days from date hereof; shall file, in duplicate, tariff of rates and time schedules in the form satisfactory to the Commission within a period of not to exceed twenty (20) days from date hereof, such tariff of rates and time schedules to be identical with those attached to the application herein; and shall commence operation of said service within a period of not to exceed thirty (30) days from date hereof.
2. The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.
3. No vehicle may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by him under a contract or agreement on a basis satisfactory to the Railroad Commission.

For all other purposes, except as hereinabove stated, the effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 25th day of June, 1926.

H. H. Burdick
C. H. H. H.
Frank J. H.

Commissioners.