

Decision No. 17098

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
BAKERSFIELD AND LOS ANGELES FAST  
FREIGHT COMPANY, a corporation, for  
certificate of public convenience  
and necessity, allowing applicant  
to extend its service between Los  
Angeles and Bakersfield to and in-  
cluding the Town of Wasco.

ORIGINAL

Application No. 11244.

George Clark, for Applicant.

L. N. Bradshaw, for Southern Pacific Co., Protestant,  
M. Thompson, for American Railway Express Co. "  
E. T. Lucey, for The Atchison, Topeka & Santa Fe Railway  
Co., Protestant.

F. M. Hodge and H. A. Rose, for San Joaquin Valley  
Transportation Co. and Hodge Transportation Co.

G. F. Baker, for Joe Besone.

BY THE COMMISSION:

O P I N I O N

Bakersfield and Los Angeles Fast Freight Company,  
a corporation, has petitioned the Railroad Commission for an  
order declaring that public convenience and necessity require  
the operation by it of an automobile truck line as a common  
carrier of freight between Los Angeles and Wasco, and between  
Bakersfield and Wasco. The proposed service would be an ex-  
tension of applicant's present authorized freight service be-  
tween Los Angeles and Bakersfield.

A public hearing on said application was conducted before Examiner Satterwhite at Bakersfield, the matter was submitted and is now ready for decision.

Applicant proposes to charge rates and to operate on a time schedule in accordance with Exhibit B attached to said application, and the route proposed to be followed by applicant is the Fresno Highway north from Bakersfield for a distance of approximately seventeen miles to a point south of the town of Formosa, thence on the dirt road east from said Highway, and thence north to the town of Wasco for a distance of approximately nine additional miles.

The equipment which applicant proposes to operate in its proposed service consists of all the equipment now owned and operated by said applicant, a list of which is on file with this Commission, together with any additional and auxiliary equipment which may from time to time become necessary.

The Atchison, Topeka & Santa Fe Railway Company, the Southern Pacific Company and the American Railway Express Company protested the granting of said application.

The record shows that applicant is now operating an authorized freight truck service between Los Angeles and Bakersfield under the authority of this Commission's Decision No. 7063, dated January 17, 1920.

Applicant called a considerable number of witnesses consisting of merchants, business men and residents of the community of Wasco, all of whom testified to the public necessity of the proposed truck service.

The evidence shows that the town of Wasco is a rapidly growing community, distant 26 miles from Bakersfield, and that large shipments of goods, wares and merchandise are constantly made both from Los Angeles and Bakersfield to the merchants and shippers of this community. There is no authorized motor truck company operating between Los Angeles and Wasco or between Bakersfield and Wasco, and it appears without contradiction that the local shippers and consignees of freight are very desirous of a fast and direct truck transportation service which will afford a store door delivery and pick-up service. Many of the witnesses complained of the slow rail freight service from Los Angeles and testified to the effect that it takes from three to five days, some times seven days, to secure freight deliveries over the protesting rail carriers. On the other hand, it was shown that the proposed truck line would make prompt deliveries on the next day after the placing of an order either at Los Angeles or at Bakersfield. The record shows that large shipments of produce and perishable goods, such as meats, fruits, vegetables and ice cream, are made almost daily to Wasco from the points to be served.

The manager of one of the largest creameries at Wasco testified to the necessity of a rapid truck service for their creamery products to Los Angeles on the basis that the time schedules of the protesting rail carriers are unsatisfactory and that a direct delivery is essential to the maintenance of a first-class condition of its products. Wasco is located in an agricultural district and there is considerable evidence

in the record that there is frequent and constant demands by garages and machine shops for the shipment of emergency automobile parts and various kinds of farming, irrigation and industrial machinery. Representatives of general merchandise stores, drug stores and other business places appeared at the hearing in support of the application and gave testimony to the effect that a fast truck service is needed in the shipment from Los Angeles, as well as Bakersfield, of various food stuffs, such as perishable groceries, cookies, crackers, chocolates, candies and similar commodities.

Neither The Atchison, Topeka & Santa Fe Railway Company, nor the Southern Pacific Company, protesting rail carriers, offered any testimony in support of their protest.

American Railway Express Company, a protesting carrier, introduced oral evidence to the effect that it maintains daily two services each way between Wasco and the points proposed to be served which consist of south bound trains Nos 8 and 86 and north bound trains Nos. 7 and 87. This protestant also introduced an exhibit, showing its commodity rates on certain perishable products, such as milk, cream and butter, also fruits, vegetables and meats.

We have carefully considered all the evidence in this proceeding and are of the opinion and hereby find as a fact that public convenience and necessity require the proposed service of applicant and that the application should be granted.

#### O R D E R

A public hearing having been held in the above entitled

application, the matter having been submitted and being now ready for decision.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation by Bakersfield and Los Angeles Fast Freight Company of an automobile truck line, as a common carrier of freight between Los Angeles and Wasco, and between Bakersfield and Wasco.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity for the foregoing service be and the same is hereby granted, not as a separate and distinct service, but as supplemental and in addition to applicant's present freight operative rights between Los Angeles and Bakersfield, and subject to the following conditions:

1. Applicant shall file its 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 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 it 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 12<sup>th</sup> day of July, 1926.

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Commissioners.