

Decision No. 17374.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of
THE WHITE LINES, for certificate of
public convenience and necessity to
extend motor truck service between
Turlock and Merced and intermediate
points.

ORIGINAL

Application No. 12650.

W. J. Quinn, for Applicant.

F. A. Bell, for The Atchison, Topeka and Santa Fe
Railway Company, Protestant.

L. N. Bradshaw, for Southern Pacific Company,
Protestant.

Edward Stern, for American Railway Express Company,
Protestant.

BY THE COMMISSION:

O P I N I O N

The White Lines, 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 Stockton and Merced,
serving the intermediate points between Turlock and Merced. The
proposed service would be an extension of applicant's present auto
truck service between Stockton and Turlock.

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

Applicant proposes to charge rates in accordance with
Exhibit "A" attached to said application, and to use the equipment
set out in Exhibit "B" attached thereto.

It is the purpose of the applicant to operate a time schedule over its proposed extension in connection with the present time-table which it now operates under between Stockton and Turlock, and to establish a time-table which will serve the best interests of all its patrons in the territory proposed to be served.

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

Applicant now operates an authorized freight truck service between Stockton and Turlock, and enjoys a very extensive patronage from the wholesale merchants and jobbers at Stockton, who constantly ship large consignments of freight, not only to the points now served by applicant, but also to the points proposed to be served. It appears that Merced is the most southerly terminus of the territory served by Stockton jobbers and distributors. Representatives from various Stockton retail and wholesale firms appeared at the hearing and testified to the effect that the proposed extended service was very much desired and needed, on the ground that a store-door delivery is constantly required by their patrons as well as an earlier and more expeditious service by truck than is now afforded by the existing rail carriers.

The record shows that by reason of the lack of an authorized truck service to the points proposed to be served, many of these wholesale distributors and jobbers use their own trucks for the delivery of their goods. It was shown that orders for shipment of goods from Stockton are frequently received either by telephone or by mail after 4:00 P.M., which is the closing time for receipt of freight at the freight depots of the Southern Pacific Company and The Atchison, Topeka and Santa Fe Railway Company; and as the trucks of applicants do not leave Stockton until 6:00 P. M. or later, these telephone or mail orders could be transported over applicant's

line without any delay, reaching their point of destination early the next morning. The evidence shows that freight delivered at the depot of the Southern Pacific Company at 4:00 P.M. does not arrive for delivery at the points proposed to be served until 3:00 P.M. the next day, and that freight destined to Merced does not arrive for delivery until the second day after shipment. It does appear, however, that freight shipped from Stockton at 4:00 P.M. over the Santa Fe rail line reaches Merced for delivery at 8:00 A.M. the next day, but this protesting rail carrier does not pass through or serve the other points sought to be served by applicant under its proposed extension.

With reference to north-bound freight, the record shows that applicant has had frequent and constant demands for the extension of its truck service to the points proposed to be served. It appears that large shipments of farm products are continuously shipped to Stockton from this territory, and that a truck line will afford a direct and more expeditious transportation service for such commodities.

Southern Pacific Company and The Atchison, Topeka and Santa Fe Railway Company, protestants, offered in evidence their freight schedules, together with some oral testimony, showing the character of their freight service between the points proposed to be served. American Railway Express Company also introduced in evidence an exhibit showing its schedule of express service, both east-bound and west-bound, between the points sought to be served.

After careful consideration of all the evidence in this proceeding, we are of the opinion, and hereby find as a fact, that public convenience and necessity require the proposed extended service sought by 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 THE WHITE LINES, a corporation, of an automobile truck line as a common carrier of freight between Stockton and Merced, serving all intermediate points between Turlock and Merced.

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

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 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 21st day of
September, 1926.

H. H. Bondage

O. C. Seaver

Ernest West

Leon Whitell

Thos. B. Lovett

Commissioners.