

Decision No. _____

17466

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application)
of F. W. GRANGER for certificate)
of public convenience and necessity)
to operate as a freight carrier to)
and from Los Angeles and Pomona and)
other Southern California points.)

ORIGINAL

APPLICATION NO. 11364.

T. E. Guerin, for Applicant.

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

F. M. Smith and Phil Jacobson, for Rex Transfer,
Keystone Express, Hodge Transportation System,
Los Angeles & San Pedro Transportation Company
and City Transfer Company of Long Beach, Protes-
tants.

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

H. J. Bischoff, for Coachella Valley Transporta-
tion Company, Protestant.

BY THE COMMISSION:

O P I N I O N

F. W. Granger has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of a motor truck service for the transportation of freight to and from Los Angeles and Pomona and other Southern California points.

A public hearing herein was conducted by Examiner Williams at Riverside.

Applicant Granger is now conducting, under Decision No. 13355 on Application No. 8802, an operation between Los An-

geles and Colton for the transportation of certain commodities, particularly building materials, construction implements, lime, cement, etc., over four principal routes. In the instant application as amended, applicant proposes an enlargement of this service by adding the transportation of farm necessities, beans, briquets, coal, packed fruits, feed, fertilizer, fuel oil, grain, hay, implements, machinery, wood and livestock. He proposes eleven routes for this additional service, which include all the routes now used by him, with extensions and diversions. Applicant particularly asks that no separate certificate be granted for the additional service, but that it be considered an addition to and extension of the routing already followed by him. From this it appears that if the application were granted as requested, applicant's business would be enlarged over all routes for all commodities, including the commodities enumerated above, for which he does not now possess a certificate.

Applicant proposes no schedule of operation, but intends to conduct the business upon demand of shippers and to apply rates divided into two classes, "A" and "B", as distance rates per ton from 5 miles to 100 miles, in blocks of 5 miles each. It is stipulated that the minimum haul accepted will be 5 tons.

Applicant bases his application upon these alleged facts: That there are many shipments of farm products and materials now being made by truck between various points included in his application where no truck line is now authorized to perform service; that many dealers in fertilizers distribute in less than carload lots and require truck service; that applicant's headquarters are in Pomona, which is centrally located

in the territory to be served, and easily accessible; that shipments of livestock by rail to Pomona may be distributed by truck economically and without loss of weight in the animals; that emergencies require movements on short notice; and that the mobility of truck transportation eliminates the necessity of large storage stocks, which is an advantage to dealer and patron alike.

Applicant offers as equipment for this service four trucks and three trailers of 28½-ton's gross capacity, which equipment is now used under his present certificate.

As witnesses in support of his application, applicant presented O. T. Helpling, traffic manager of the Riverside-Colton Cement Company, whose testimony in general was that applicant has been transporting cement and fertilizer from the plant of the company at Colton to various points, and that his service on these commodities would be useful to the additional points named in the application. This witness testified that the cement plant ships all of its L C L freight by truck.

J. E. Adamson, manager of the Pomona Valley Orchard Association, testified that applicant's service had been used for the transportation of briquets, heaters and fuel from Los Angeles to Pomona, for distribution among the orchardists. Such movements have been largely in emergencies when weather changes required prompt service. Richard Anderson, manager of a La Verne orange grove of 200 acres, testified that applicant had transported farm machinery, fuel oil, and occasionally fertilizer, from Los Angeles and Los Angeles harbor to the ranch. On other shipments this witness said he had used the Keystone Express with satisfaction. C. E. Price of Santa Ana testified that he had used applicant's trucks to transport feeder pigs from the

rail siding at Pomona to his ranch at Santa Ana. He testified that he might also use applicant for similar service to and from Anaheim and Los Angeles. W. E. Anderson, a fertilizer agent at Pomona, testified that he had used applicant's trucks to transport bean straw from the San Fernando Valley to Pomona and had also used them on loads of fertilizer from Los Angeles to Pomona. J. C. Bennett, proprietor of a rabbitry at Pomona, testified that he had used applicant's service in the transportation of hay from Chino, and that he would require further service of this character.

It was stipulated by applicant that A. D. Houghton of the Santa Fe Springs ranch, E. E. Jones, an orchardist of Pomona, C. F. Whiting, an orange grower of Claremont, and Van Werner, E. Morton, Harry Wayson, R. A. Smith and H. Blodgett, all ranchers of Pomona, would testify along the same lines as the witnesses examined.

Analysis of the testimony herein discloses that practically all the movements for which applicant now seeks a certificate have been performed by him in the past without a certificate. While in the aggregate the volume of tonnage is large, the individual consignments of different commodities have been small and infrequent, often only once or twice a year, and not usually or ordinarily between fixed termini or over a regular route. Applicant's proof, both from his own testimony and the testimony of witnesses produced by him, lacks fixity of operation and regularity of service between termini or over regular routes. It appears that the service he has been performing is a casual "on call" operation, and

that he has assembled the numerous small "on call" movements for the purpose of enlarging his certificated operation.

Under decisions of the Supreme Court of California and the United States Supreme Court, this Commission is legally authorized to issue certificates to carriers only when public convenience and necessity require the establishment of common carrier service between fixed termini or over regular routes. In the instant application, applicant has assembled a rather mixed and widely scattered transportation business, practically none of which, according to the testimony, is or will be between fixed termini or over regular routes. A great deal of the business proposed by applicant, as shown by the evidence in this proceeding, is merely prospective, and not based upon public necessity that now actually exists.

We therefore find as a fact, upon the record herein, that public convenience and necessity do not require that a certificate be granted applicant for the operation proposed by him, and that the application accordingly should be denied. An order will be so entered.

O R D E R

F. W. Granger having petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of an auto truck service for the transportation of freight to and from Los Angeles and Pomona and other Southern California points, 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
herein, for the transportation of freight to and from Los
Angeles and Pomona and other Southern California points, and

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

The effective date of this order shall be twenty
(20) days from and after the date hereof.

Dated at San Francisco, California, this 13th
day of October 1926.

H. R. ...
O. ...
...

COMMISSIONERS.