

Decision No. 17487

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application)
of D. C. ANDERSON and N. A. JORDAN,)
a co-partnership, for a certificate)
of public convenience and necessity)
to operate auto truck freight serv-)
ice between points in the counties)
of Los Angeles, Orange, Ventura,)
Santa Barbara, Riverside and San)
Bernardino.)

ORIGINAL

APPLICATION NO. 11923.

Frank Smith, for Applicants.

Phil Jacobson, for Los Angeles & Santa Barbara
Motor Express, Los Angeles & Oxnard Daily Ex-
press, Keystone Express, Rex Transfer, Service
Motor Express and Tolson Transportation Com-
pany, Protestants.

R. E. Wedekind and D. W. Layne, for Pacific
Electric Railway Company, Protestant.

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

BY THE COMMISSION:

O P I N I O N

D. C. Anderson and N. A. Jordan, a co-partnership, have petitioned the Railroad Commission for an order declaring that public convenience and necessity require the establishment and operation by them of an auto truck service for the transportation of freight between the city of Los Angeles and other points situated in Los Angeles County and in the counties of Orange, Ventura, Santa Barbara, Riverside and San Bernardino, as set forth in Exhibit "A" attached to the application.

A public hearing herein was conducted by Examiner Williams at Los Angeles.

Applicants purchased the business which they now conduct from Charles Coverdale in 1921. Mr. Coverdale, as a witness for applicants, testified that the service was begun by him in 1911 as a local transfer business for the transportation of household goods and furniture, and that until 1916 he had few out-of-town movements except movements of household goods. The service performed was distinctly an "on call" service before the sale to applicants herein.

Applicants propose the transportation of fire-brick, structural iron, sheet iron, iron conduits, boiler tubes, sacked sand, clay and cement, water pumps, brick and tile. Six routes, reaching various termini, are proposed, and applicants in addition ask authority to deliver to any point within 15 miles on either side of the highways traversed. No scheduled operation is to be performed, the service being wholly on demand. Mileage rates are provided by applicants' Exhibit "A" for all movements except on pumps, motors, pipe, tile and building materials, which are on an hourly basis.

Applicant Anderson testified that fire-brick is transported only from the Alosta Street plant of the American Refractories to any point where it is required for the installation of steam boilers. He further testified that structural iron and other metal commodities are similarly delivered from the plant of the A. M. Castle Company in Los Angeles to points in Orange and San Bernardino Counties. Sacked materials, such as sand and clay used in the pottery industry, are delivered from the plant of the American Grinding Company, also on Alosta

Street, to pottery plants at Pomona, Burbank and Hermosa Beach, and the testimony shows that such movements are frequent every month and continue the year around. Water pumps are delivered by arrangement with the Luitwieler Pumping Engine Company of Los Angeles to any point south of Fresno upon a time-charge basis, delivery usually being made to ranches installing irrigation systems. Applicant also testified as to the movement of irrigation pipe and well casing. He explained that he hauls regularly tile from the Pomona Tile Manufacturing Company's plant to Los Angeles harbor, his service supplementing that of the factory's own trucks. Building material has been hauled from various consignors to various points whenever such business was offered to applicants. Mr. Anderson further testified that their relation with shippers was based on verbal contracts only, but that they desired to assume the duties of a common carrier and serve all demands for the transportation of the commodities they have been hauling.

On cross-examination applicant Anderson stated that he transports sacked pottery clay or sand from Los Angeles to Pomona about four times monthly. He also stated on cross-examination that no steel had been hauled by them during the last six months except once to Riverside and once to San Bernardino. Approximately 60 per cent of applicants' gross operation is within the city of Los Angeles.

Mr. Anderson's testimony was supported in general by the testimony of Ralph Thomas, superintendent of the A. M. Castle Company (in the city of Vernon, not in Los Angeles); Lester L. Boggs, manager of the American Grinding Company and American Re-

fractories; Edwin A. Brown of the Luitwieler Pumping Engine Company; R. J. Schroeder, President of the Pomona Tile Manufacturing Company; and M. L. Jontz of the American Encaustic Tiling Company. It appeared from the testimony of Mr. Boggs that neither plant represented by him is in the city of Los Angeles but is just beyond its eastern boundary.

These witnesses made it clear that the shipments required by them are not usually or ordinarily to one destination or over regular routes, except shipments of the American Grinding Company's finished products between the plant of this Company and the pottery plant at Pomona. They testified that they knew of the existence of authorized carriers operating on regular schedules to practically all points covered by the application herein, but stated that use of such service in most cases required delivery to the terminal of the carrier, while applicants picked up all consignments at the point of production.

Protestants Pacific Electric Railway and Southern Pacific Company introduced no testimony in support of their protest. L. T. Fletcher, general manager of the Service Motor Express, testified that this carrier has 40 pieces of equipment in service between Los Angeles, Riverside and San Bernardino, and that it hauls the same commodities that applicants seek authority to transport. L. R. Kagerise, operating between Los Angeles, Pomona and Ontario, gave similar testimony. L. G. Branch, auditor of the Los Angeles & Santa Barbara Express, testified that his company has 40 pieces of equipment available for the service sought by applicant, and that this carrier is now hauling all the commodities involved in the instant applica-

tion.

The record does not disclose reasonable public need for a certificated service as sought by applicants. It rather reveals a contract or "on call" operation in which only two movements have ever occurred with frequency, and these are in emergencies when shippers' own trucks are not adequate. The desire of applicants to become common carriers, apart from proof of need, is not sufficient. For these reasons, and upon the record herein, we find as a fact that the service proposed is not required by public convenience and necessity and that the application should be denied.

O R D E R

D. C. Anderson and W. A. Jordan, a co-partnership, having petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by them, as a common carrier, of an auto truck service for the transportation of freight between the city of Los Angeles and various other points in Los Angeles County and in the counties of Orange, Ventura, Santa Barbara, Riverside and San Bernardino, 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 the operation by applicants, as a common carrier, of an auto truck service for the transportation of freight between the city of Los Angeles and various other points in Los Angeles County and in the counties of Orange, Ventura, Santa Barbara,

Riverside and San Bernardino; 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. H. Brown, Jr.
C. S. Brown
E. W. Brown
Leon A. Brown

COMMISSIONERS.