

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
ANAHEIM TRUCK AND TRANSFER COMPANY,
a corporation, for a certificate of
public convenience and necessity to
operate a freight service between
Anaheim and San Pedro, Wilmington and
Los Angeles Harbor District.

ORIGINAL
Application No. 11535

L. A. Lewis and Hugh Gordon, by Hugh Gordon, for Applicant,
Phil Jacobson, for Hodge Transportation System, Triangle
Orange County & Santa Ana Express, Service Motor Express,
Orange County East Freight, and Richards Trucking
& Warehouse Co., Protestants.
R. E. Wedekind and D.W. Layne, for Pacific Electric
Railway Company, Protestant,
L. C. Zimmerman, for Southern Pacific Company, Protestant.

WHITSELL, Commissioner -

O P I N I O N

Anaheim Truck and Transfer Company, a corporation, by its amended application, has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by it of a motor truck line as a carrier of freight between Los Angeles Harbor and Anaheim; between Anaheim and El Segundo; and between Los Angeles, Fullerton and Anaheim.

Public hearings were held on this application at Santa Ana and Anaheim, evidence was received, the matter was duly submitted and is now ready for decision.

Applicant alleges that it is the successor in interest to a transportation business established in Anaheim in 1872, which business since 1909 has been conducted by applicant corporation; that various commodities have been transported between Anaheim and points in Southern California, and that the operation over the territory proposed by applicant is of such a degree of regularity as to require a certificate from the Commission, in conformity with the statutory law.

Exhibits showing rules, regulations, tariffs of rates, time schedules and equipment offered in the proposed service are attached to and form a part of the application.

Mr. J. B. Collings, Secretary and General Manager of applicant, corporation, testified that applicant had been engaged in general trucking operation between Anaheim and points in Southern California for many years, although a great portion of the business was local in that it was conducted within an area and not over five miles distant from Anaheim. The local hauling is generally from and to ranches, but as applicant is not herein seeking a certificate to cover such operation, such class of applicant's business does not require further consideration. The company is in good financial condition.

Applicant proposes to use as equipment 10 trucks with total rated capacity of 21½ tons and 7 trailers with a total rated capacity of 12 tons.

Witness further testified to the need for motor transportation of citrus fruit from the packing houses at Anaheim to Los Angeles and return shipments of fertilizer; petroleum products from Los Angeles and El Segundo to Anaheim; beverages, building material, printing paper, machinery and pumps from Los Angeles and Vernon to Anaheim and Fullerton; nursery stock from Anaheim to Los Angeles; and household goods between Anaheim and various points in its vicinity. The testimony given was general and the extent of the demand or need for transportation was not presented except as to particular shippers or consignees.

Mrs. J. E. Ritchie, Secretary-Manager of the Anaheim Orange Co-Operative Association, testified that the association employed applicant exclusively in hauling citrus fruits from ranches to the packing house and also for all truck movements of packed fruit to Los Angeles harbor. In 1924, 1147 cars of citrus fruit were shipped, of which 15 to 20 cars were transported by truck to Los Angeles harbor for water shipment. Fertilizer is transported from the harbor to the packing house at Anaheim

and then distributed to the ranches.

Mr. W. E. Shurman, Secretary-Manager of the Anaheim Citrus Fruit Association, testified that his association had a normal shipment of 750 cars per annum. Their own trucks, numbering four, were used and additional trucks were hired for the movement of the fruit from the ranches to the packing house and Los Angeles harbor. The association has about 48 hours advance information when fruit is to be shipped to the harbor. Shipments to the harbor started in 1930 and have since been increasing. Some dissatisfaction was expressed with the service rendered by an authorized carrier. These associations prefer truck movements rather than rail, as extra handling is obviated and the truck service is more flexible and expeditious.

Two witnesses, engaged in the retail lumber and building material business in Anaheim and Fullerton, testified as to the need for applicant's service between such points and Los Angeles. Witnesses do not carry a large stock on hand as stocks may easily be replenished by order on Los Angeles and moved quickly by truck. Rail facilities do not appear to offer this expedited movement on small lots.

Three agents who required transportation for lubricating oils, greases and petroleum products, testified regarding the need for applicant's service between El Segundo, Los Angeles and Anaheim. The combined business of these witnesses in such territory ranged from 7 to 10 loads per month.

Motor trucks have been hired by the City of Anaheim for the transportation of about 700 tons of cast iron pipe from Los Angeles harbor to Anaheim, although no similar movement of such commodity is anticipated. A representative of a pump company testified to the need for motor truck transportation of pumps and motors from Los Angeles to ranches in the vicinity of Anaheim.

Mr. A. D. Huck, Secretary of the Anaheim Beef Company, testified that his company operated its own equipment and the only need his company had for applicant's service was when such equipment was inoperative or in an emergency, neither occasion existing oftener than once a month. A witness, engaged in the nursery business, testified to his need and desire for applicant's service between Anaheim and Los Angeles.

Mr. Geo. W. Reid, Secretary of the Anaheim Chamber of Commerce, and Merchants' and Manufacturers' Association, and also Manager of California Valencia Orange Show, testified that it was the desire of the members of these organizations that a certificate be granted as applied for, their opinion being that a local concern should be encouraged.

Mr. S. B. Cowan, protesting the granting of this application, testified that he was the owner of Triangle Orange County Express which, since 1918, had operated a daily motor truck freight service between Los Angeles, Fullerton and Anaheim; between Los Angeles harbor and Anaheim and other points not herein proposed by applicant. His equipment consists of 17 trucks, 10 trailers and 6 semi-trailers, representing an investment of \$87,000. Witness testified that his operation to Los Angeles harbor was being conducted at a loss, and that business between Los Angeles and Anaheim had decreased due to a general lessening of business activity in the community.

Mr. H. Duesen, employed by Richards Trucking and Warehouse Co., protestants, testified that his company operated daily service between Los Angeles, Anaheim and other points, using in such service 35 trucks and trailers. At the present time 40% of this equipment is idle. Agencies are maintained in a number of cities.

The Commission has heretofore held, and I think properly, that when an applicant for a certificate is before this Commission that the burden of proof rests upon that applicant, and full and conclusive showing of public convenience and necessity must be made before a certificate will be issued. Applicant desires a certificate which will permit it to transport any commodity, and in any quantity, between

Los Angeles and Anaheim and with the exception of the testimony of applicant's Secretary-Manager, the evidence herein shows no justification for the issuance of a certificate of such scope.

Witnesses for applicant testified regarding the need for transportation of particular commodities only, but were not familiar with the transportation facilities now available by authorized carriers between the points which applicant proposes to serve.

I am in full sympathy with the purposes and desires of the local organizations whose representative testified regarding the encouragement of local enterprises, but certificates, as heretofore mentioned, may only be issued upon an affirmative and conclusive showing. I am not satisfied that such a showing has been made. Consideration must also be given to the authorized carriers who are now serving this territory and have been for about the past eight years. These carriers have complied with the terms of the Auto Stage and Truck Transportation Act, which became effective May 1, 1917.

After a very careful review of the evidence presented, I am of the opinion and hereby find as a fact, that public convenience and necessity require the granting of a certificate in conformity to the following order, and not otherwise.

Herewith the order -

O R D E R

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

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation by Anaheim Truck and Transfer Company, a corporation, of a motor truck service as a carrier of property, on call or demand, for the transportation of citrus fruits and fertilizer, in truckload lots of five tons or more, between Anaheim and Los Angeles Harbor (Wilmington and San Pedro); oil and oil products in truckload

lots of ten tons or over (except return of empty containers) between Anaheim and El Segundo; and of building material, lubricating oils and greases, pumps (including motors, pipe and miscellaneous equipment used in conjunction with each particular installation of pumps hauled), nursery stock and return of empty containers, between Los Angeles and Vernon on the one hand, and Fullerton and Anaheim on the other hand, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and the same hereby is granted to Anaheim Truck and Transfer Company, a corporation, in conformity to the foregoing declaration 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, within a period of not to exceed twenty (20) days from date hereof, tariff of rates, rules and regulations, and time schedules identical with those attached to the application as amended, and/or acceptable to this Commission; and shall commence operation of the service herein authorized on or before thirty (30) days from date hereof.

2- The rights and privileges herein authorized may not be sold; leased, transferred, assigned, nor service thereunder discontinued unless the written consent of the Railroad Commission to such sale, lease, transfer, assignment or discontinuance of service has first been secured.

3- No vehicle may be operated by applicant herein under the authority hereby conferred, 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 the effective date of this order shall be twenty (20) days from the date hereof.

The foregoing Opinion and Order are hereby approved and ordered filed as the Opinion and Order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 21st day of October, 1926.

John B. ...
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COMMISSIONERS.