

Decision No. 17551

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
McCONNELL HIRONS for a certificate
of public convenience and necessity,
authorizing the operation of an auto-
mobile stage line for the transpor-
tation of freight between Fresno and
Stratford, California.

ORIGINAL

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) Application No. 12584
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W. E. Simpson, for Applicant,
L. N. Bradshaw and A. G. Schmidt, for Southern
Pacific Company, Protestant,
Edward Stern, for American Railway Express Company,
Protestant.

BY THE COMMISSION:

O P I N I O N

In this proceeding McConnell Hiron seeks a certificate of public convenience and necessity, authorizing the establishment of an automobile truck service for the transportation of freight between Fresno and Stratford and intermediate points via Lemoore, a distance of 42 miles by applicant's route, and 41 miles by rail. Between April 1st and October 1st the service will be daily, except Sundays, and during the remainder of the year a tri-weekly service is proposed. Applicant's equipment consists of one 1-ton Ford truck and one $3\frac{1}{2}$ -ton White truck. Accompanying the application are the proposed tariff of rates

and time schedule.

A public hearing was held before Examiner Austin at Fresno, when evidence was offered, the matter was submitted and it is now ready for decision.

The applicant testified that since March, 1926, he has been operating under contract for certain merchants of Stratford, between Stratford and Fresno, handling groceries, ice cream and other commodities. The service has been convenient, he stated, because it is more expeditious than the tri-weekly rail service. He owns the equipment which will be used and appears to have sufficient means to conduct the proposed service. Applicant called three merchants of Stratford, who testified that this community is the center of a dairy farming and grain producing region, the business houses in the town itself consisting of three stores, one bakery and one garage and service station. An expeditious transportation service will enable the merchants to carry smaller stocks than at present, their testimony being that under the existing rail schedules shipments from Fresno are not received short of three or four days after the order has been placed, but by utilizing applicant's proposed summer service goods ordered by telephone can be delivered upon the same day. The proprietor of a confectionery store at Stratford stated that a daily truck service would be convenient for handling ice cream during the summer months, shipments now moving by rail from Fresno usually requiring two days in transit. A tri-weekly service will be adequate in winter.

as there is less business then than in summer. Applicant does not propose to haul any traffic between Lemoore and Fresno in either direction, nor from Stratford to Lemoore, but he does propose to handle freight from Lemoore to Stratford, stating that occasionally shipments would be picked up at that point to fill the orders of the merchants at Stratford. No showing was made as to the need for service between any other intermediate points.

The granting of this application was protested by the Southern Pacific Company and the American Railway Express Company.

Protestant Southern Pacific Company called P. W. Bernard, of its General Manager's staff, who described the L.C.L. freight service between Fresno and Stratford, stating that a tri-weekly service is conducted under which freight delivered at Fresno before 4:00 p.m. on Tuesday, Thursday and Saturday is available for delivery to consignees at Stratford by 1:30 p.m. on the following business day. Any delays in receiving freight, he stated, must have been due to the failure of the shippers to make timely delivery of their shipments at the railroad freight station in Fresno. An investigation of the service between Fresno and Stratford indicates that because of the light tonnage a more frequent schedule is not warranted.

Protestant American Railway Express Company offered no testimony.

The record shows a public need for the proposed

truck service, consequently the application will be granted. But the certificate will be limited to operations between Fresno and Stratford in either direction, and from Lemoore to Stratford, the evidence not warranting the authorization of service from or to any other intermediate point.

Upon full consideration of the evidence, we are of the opinion and hereby find as a fact that public convenience and necessity require the operation by McConnell Hiron of an automobile truck service for the transportation of freight as a common carrier between Fresno and Stratford, and from the intermediate point of Lemoore to Stratford (but excluding service from or to all other intermediate points) over and along the following route, viz.: from Fresno via Elm Avenue to Hub, thence by County Highway to Lemoore and thence by County Highway to Stratford.

An order will be entered accordingly.

O R D E R

A public hearing having been held in the above entitled application, the matter having been duly submitted, the Commission being now fully advised and basing its order on the finding of fact which appears in the Opinion preceding this Order,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation by McConnell Hiron of an automobile truck service for the transportation of freight as a common carrier between Fresno and Stratford, and from the intermediate point of Lemoore to Stratford (but ex-

cluding service from or to all other intermediate points) over and along the following route, viz.: from Fresno via Elm Avenue to Hub, thence by County Highway to Lemoore, and thence by County Highway to Stratford.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and the same is hereby granted to McConnell Hiron, for conducting the service hereinabove described, 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.

2- Applicant shall file, in duplicate, within a period of not to exceed twenty (20) days from the date hereof, tariff of rates and time schedules, such tariffs of rates and time schedules to be identical with those attached to the application herein, or rates and time schedules satisfactory to the Railroad Commission, and shall commence operation of said service within a period of not to exceed sixty (60) days from the date hereof.

3- 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.

4- 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 the effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 29th day of October, 1926.

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W. B. Brundage
C. E. Seaver
Ernest W. Smith
Thomas S. Rountree
Commissioners.