

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
WALTER WILLHOUR for a certificate of
public convenience and necessity to
operate an auto truck for freight
service in transporting fruit and vege-
tables from San Joaquin Valley points
to Los Angeles and San Francisco, and
in transporting oil and water well
machinery and supplies and building
materials from Los Angeles and San
Francisco to San Joaquin points, and
for temporary permit for hauling
fruit.

ORIGINAL

Application No. 11488

Fredericks & Hanna, by Clay Robbins, for Applicant,
L. N. Bradshaw, for Southern Pacific Company, Protestant,
M. Thompson, for American Railway Express Co., Protestant.
E. T. Lucey, for The Atchison, Topeka & Santa Fe Railway
Company, Protestant.
F. M. Hodge and E. A. Rose, for San Joaquin Valley
Transportation Company,
G. H. Baker, for Joe Besone.

BY THE COMMISSION:

O P I N I O N

Walter Willhour has petitioned the Railroad Commission,
in accordance with his amended application, for an order declaring
that public convenience and necessity require the operation by him
of an automobile truck line as a common carrier of fruit and
vegetables, building material, oil well and water well machinery

and supplies, groceries and furniture between San Francisco and Bakersfield and other places and communities named and designated in Exhibits "C," "D," "E" and "F," attached to said application, and as a common carrier of fruit and vegetables, furniture, and ground rock between Los Angeles and Bakersfield and the other places and communities named and designated in Exhibits "C," "D" and "F," attached to said application, and as a common carrier of building material, oil well and water well machinery and supplies between Los Angeles and Kern River Oil Field District and the places and communities named and designated in Exhibit "D," attached to said application.

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

Applicant proposes to charge the rates as set out in Exhibits "C," "D," "E," and "F," attached to said application and to operate on a time schedule as shown in Exhibit "B," attached to said application. Applicant proposes to use at least seven trucks and six trailers as shown in Exhibit "G" of said amended application and any further equipment that may be necessary.

The Southern Pacific Company, the American Railway Express Company and The Atchison, Topeka and Santa Fe Railway Company appeared in opposition to the granting of the application.

The record shows, in connection with the proposed service of transporting of fruits and vegetables, that applicant commenced hauling fruit and vegetables from the San Joaquin Valley to Los Angeles under the provisions of the so-called

Crittenden exemption from the Auto Stage & Truck Transportation Act and has continuously rendered this service up to the present time.

The evidence shows that applicant's operations in the transportation of fruit and vegetables have been almost entirely from a farming district located within a radius of five miles east of Bakersfield and that at least 90 per cent of applicant's tonnage has been transported from this agricultural section to Los Angeles and his service has involved the picking up of fruit and vegetables at the ranch or farm and delivering direct to consignees at Los Angeles. The north bound movement by applicant of fruit and vegetables to Bakersfield from Los Angeles has been very negligible as compared to his large south bound tonnage. Applicant admitted that he had only carried about a dozen loads of fruit and vegetables to San Francisco and had also transported from Arvin, which is a small farming community, only about 20 loads of fruit and vegetables to Los Angeles.

With reference to applicant's proposed service to transport oil and water well machinery and supplies, the record shows that his operations have consisted in the transportation of about 1200 tons of well equipment and supplies from Los Angeles to various points and places where oil wells and water wells were being constructed throughout the extensive district known as the Kern River Oil Field District. Practically all of the transportation of this oil field machinery and supplies has been done by private contract with the Kern River Oil Field Company of California, who own and operate a large number of wells scattered throughout the Kern River Oil Field District. Applicant

admitted that he had carried little or no oil well supplies from San Francisco and had had little or no demand for such service from San Francisco.

No evidence at all was offered by applicant in support of his proposed service to carry groceries or furniture from San Francisco to the points proposed to be served and in fact applicant admitted that he would carry no groceries from San Francisco south bound unless he were offered a capacity load of five tons. It appears that applicant also has carried little or no furniture from San Francisco to the points proposed to be served and that his transportation business in connection with furniture has been confined almost entirely to shipments moving between Los Angeles and Bakersfield and vicinity. Applicant has been hauling furniture from time to time for a furniture exchange located in Bakersfield and the evidence shows that his average business has been about eight loads monthly south bound from Bakersfield to Los Angeles, together with negligible shipments to other points proposed to be served.

The record shows that applicant has carried under private contract about 250 tons of ground rock from Los Angeles to Bakersfield to be used on contract jobs in that community. It appears, as hereinabove indicated, that the chief south bound tonnage of applicant has been in the transportation of fruit and vegetables from the farming section located east of Bakersfield to Los Angeles, and it also appears that the chief north bound tonnage of applicant has been in the transportation of oil well machinery and supplies

under private contract direct to the oil and water well sites located throughout a widely scattered district in the Kern River Oil Fields.

After a careful consideration of the evidence, we are of the opinion that the service proposed by applicant in connection with the transportation of fruit and vegetables from the farming territory in the vicinity of Bakersfield, and the service proposed by applicant in the transportation of building material, oil well and water well machinery supplies to the Kern River Oil Field District are not operations within the meaning of the Auto Stage and Truck Transportation Act, in that they are not operations between fixed points or over regular routes and that said application with reference to this proposed service should be dismissed without prejudice.

We have also carefully considered the evidence in connection with applicant's proposed service in the transportation of fruit and vegetables, furniture, groceries, building material and ground rock between San Francisco and San Joaquin Valley points and between Los Angeles and San Joaquin Valley points, as named and designated in said amended application, and we are of the opinion that applicant has offered insufficient evidence to justify an authorization of said service and his application should be denied.

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 do not
require the operation by Walter Willhour of an automobile
truck line as a common carrier of fruit and vegetables,
building material, oil well and water well machinery and
supplies, groceries and furniture between San Francisco
and Bakersfield and other places and communities named and
designated in Exhibits "C," "D," "E" and "F," attached to
said application; nor as a common carrier of furniture and
ground rock between Los Angeles, Bakersfield and the places
and communities named and designated in Exhibits "C," "D,"
"E" and "F" attached to said application; nor as a common
carrier of building material and oil well and water well
machinery and supplies between Los Angeles and Weed Patch
and Arvin.

IT IS HEREBY ORDERED that the service as herein
proposed by applicant, and as fully set forth in the fore-
going declaration be and the same hereby is denied.

IT IS HEREBY FURTHER ORDERED that the proposed
service of said applicant to carry fruit and vegetables
from the said farms and ranches in the farming territory
within a radius of five miles of Bakersfield to Los Angeles,
be and the same is hereby dismissed without prejudice.

IT IS HEREBY FURTHER ORDERED that the proposed
service of applicant to transport building material
and oil well and water well machinery and supplies between
Los Angeles and the s-called Kern River Oil Field District

be and the same is hereby dismissed without prejudice.

Dated at San Francisco, California, this 19th day
of November, 1926.

H. B. Brundage

Osborn

Garnett

W. D. Lunt

Commissioners.