

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
CHAS. DUFOUR, for certificate of pub-
lic convenience and necessity to op-
erate Auto truck service between
Los Angeles and Rosamond, Mojave,
Monolith and Tehachapi.

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) Application No. 12724
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- E. J. Emmons, for Applicant.
- L. C. Zimmerman, for Southern Pacific Company.
- H. W. Scruggs, for American Railway Express Company.

BY THE COMMISSION:

O P I N I O N

Chas. Dufour 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 freight between Los Angeles and Tehachapi, serving the intermediate points of Palmdale, Rosamond, Mojave, Monolith, and intermediate points between Palmdale and Tehachapi.

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

Applicant proposes to charge rates in accordance with Exhibit "A" attached to said application and to operate

over a route as shown in Exhibit "B," making three trips weekly between the proposed terminals. It is the plan of applicant to establish a service whereby freight shipments will be picked up in Los Angeles up to 6:00 p.m. and be delivered at Tehachapi not later than 10:00 a.m. the next day.

The Southern Pacific Company and the American Railway Express Company opposed the granting of this application.

Applicant called several witnesses, consisting of merchants and business men at Tehachapi.

The evidence shows that Tehachapi is a mountain town at the summit of Tehachapi mountains with a population of about 800 people. Los Angeles is the main purchasing center for the merchants of this mountain community. The testimony of these witnesses shows that they favor this service, upon the ground that they would be afforded the advantage of a store-door delivery, which would obviate the necessity of using their own trucks in hauling their freight shipments from the Southern Pacific depot to their respective stores. Complaints were also made by several of these merchants that delays of one or more hours often occur in securing their freight upon its arrival at Tehachapi from Los Angeles. These delays are occasioned by the fact that the Southern Pacific Company's agent is more or less dilatory in having the freight unloaded at once upon its arrival and the merchants are often compelled to search out their own freight shipments within the cars or wait until it has been taken out of the car by the freight agent. It appears that many of the merchants of Tehachapi do their own hauling from the freight depot and that their stores are located, as a rule, within

two or three blocks from the depot.

The proposed route of applicant traverses the Mojave desert and the intermediate points proposed to be served are small desert points, or towns on the line of the Southern Pacific Railroad. No witnesses from any of these desert points testified at the hearing, with the exception of the owner of a general merchandise store at Monolith, who endorsed this service on account of the proposed store-door delivery. A dairy man, operating a fair sized dairy on the Highway, about eight miles south of Tehachapi, also testified that he would use the truck service for the shipment of his products and for the securing of dairy supplies from Los Angeles. A retail butcher at Tehachapi, who buys a part of his meat at Palmdale, also testified in favor of the service.

The Southern Pacific Company, protestant, introduced in evidence exhibits showing its class rates between the points proposed to be served, also rates on flour, both carload and less-than-carload shipments from Los Angeles to Mojave and Tehachapi, and also gave oral testimony in connection with its less-than-carload freight service from Los Angeles.

The testimony offered by this rail carrier shows that less than carload shipments from Los Angeles, destined to Rosamond, are forwarded from Los Angeles at 7:45 p.m. Thursdays, Thursday and Saturday, being taken to Mojave, arriving at that point on the morning of day following departure from Los Angeles, transferred at Mojave, and returned from there to Rosamond the following morning, reaching Rosamond at about 8:00 a.m. of Thursday, Saturday and Tuesday; that less than

carload shipments from Los Angeles to Mojave are forwarded from Los Angeles at 7:45 p.m. Tuesday, Thursday and Saturday, reaching Mojave on the morning of Wednesday, Friday and Monday, and are available for delivery at approximately noon time of date of arrival at Mojave; that less than carload shipments from Los Angeles to Monolith leave Los Angeles at 7:25 p.m. Monday, Wednesday and Friday, reaching Monolith at about 9:00 a.m. on Tuesday, Thursday and Saturday; that less than carload shipments from Los Angeles to Tehachapi leave Los Angeles at 7:25 p.m. Monday, Wednesday and Friday and are available for delivery at Tehachapi at about 10:00 to 11:00 a.m. Tuesday, Thursday and Saturday.

The record shows that the above schedule of handling less than carload shipments from Los Angeles to Rosamond, which was in effect at the time of said hearing, has been now improved so that the handling of freight from Los Angeles to Rosamond, becoming effective June 16, and thereafter, permits shipments from Los Angeles to Rosamond to be forwarded daily at 10:30 p.m., arriving at Rosamond at about 4:30 p.m. of day following departure from Los Angeles.

The evidence indicates that the volume of freight shipments from Los Angeles to the merchants of Tehachapi and way points is comparatively limited and that the service of the Southern Pacific Company has been fairly satisfactory, with the exception of the delays herein referred to with respect to the unloading of freight cars on arrival at Tehachapi.

The Commission is of the opinion, after a careful review of all the evidence in this proceeding, that the public convenience and necessity do not require the proposed additional truck service of applicant at this time. We are of the opinion, however, that the

Southern Pacific Company should immediately improve its service with respect to delays in unloading its freight cars upon arrival in Tehachapi, as shown at the hearing, and that sufficient labor should be employed to insure the immediate and prompt delivery of freight upon arrival at that point.

The application will be denied, however, without prejudice. In the event that the Southern Pacific Company should hereafter fail to materially improve its service with respect to the delayed unloading of its freight consignments at Tehachapi this Commission will be disposed upon a renewal of said application to give favorable consideration to the proposed application for additional truck service.

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 proposed service of applicant between Los Angeles and Tehachapi, and

IT IS HEREBY ORDERED that said application be and the same is hereby denied without prejudice.

Dated at San Francisco, California, this 26th day of November, 1926.

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H. B. Rosendige
C. C. Beatty

Leon Whitell

Commissioners.