

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 LEE BELDEN, operating under the fictitious )  
 name of the Atlantic and S. P. Transfer, for )  
 a certificate of public convenience and )  
 necessity to operate auto truck freight )  
 service for the purpose of transporting ) Application  
 theatrical properties, trunks, scenery and ) No. 12470  
 paraphernalia between Los Angeles and )  
 Glendale, Pasadena, Venice, Santa Monica, )  
 Ocean Park, Long Beach, San Pedro, Whittier, )  
 Fullerton, Anaheim, Santa Ana, Pomona, )  
 Ontario, Riverside, San Bernardino, Redlands, )  
 Oxnard, Ventura and Santa Barbara. )

- Hill, Morgan & Bledsoe, by Woodward M. Taylor, for Applicant,
- E. T. Lucey for Atchison, Topeka & Santa Fe Railway Company, Protestant,
- Jos. Hellen for Southern Pacific Company, Protestant,
- E. E. Bennett and C.T. Solleder, for Union Pacific Railroad Co., Protestant,
- Phil Jacobson, for Sierra Van & Storage Co.,  
 Richards Trucking & Warehouse Co.; City Transfer  
 & Storage Co.; Keystone Express; Los Angeles &  
 Oxnard Express; and Rex Transfer.

BY THE COMMISSION -

O P I N I O N

Lee Belden, doing business under the fictitious name of Atlantic and S. P. Transfer, has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of an automobile truck line as a common carrier of theatrical properties, trunks, scenery and paraphernalia between the City of Los Angeles and Glendale, Pasadena, Long Beach, Venice, Ocean Park, Santa Monica, Whittier, San Pedro, Anaheim, Fullerton, Pomona, Ontario, Santa Ana, Oxnard, Riverside, San Bernardino, Redlands, Ventura and Santa Barbara.

A public hearing on this application was conducted by Examiner Handford at Los Angeles, the matter was duly submitted and is now ready for decision.

Applicant proposes to charge rates in accordance with a schedule as filed with the application herein, said schedule having been amended at the hearing regarding minimum rates to be charged; to operate at times requested by his patrons; and to use as equipment three specially constructed trucks with 16 foot bodies capable of 8 foot extension, and special trailers, one of which is 40 feet in length especially constructed for the handling of theatrical scenery.

Applicant relies as justification for the granting of the desired certificate upon the following alleged facts: that the handling of theatrical properties, scenery and paraphernalia is a particular and specialized business in that it is necessary for such service to be performed at a specific time in order to guarantee patrons delivery of shipments at destination in ample time for the opening of a theatrical engagement; that transportation must be prompt and efficient due to the limited time usually available between engagements; and that no existing authorized carrier possesses equipment or experience enabling the furnishing of adequate service for this class of transportation.

Applicant testified that he had been engaged in the local transfer business in Los Angeles since 1912; in 1914 he purchased the Atlantic Transfer and since such purchase he had specialized in the handling of theatrical baggage.

Applicant now hauls locally in Los Angeles practically the majority of the theatrical work and his calls for transportation to points outside of Los Angeles have increased to such an extent that, in his opinion, a certificate should be granted to enable his compliance with the statutory law.

Mr. Geo. L. Smith, manager of the Philharmonic Auditorium, Los Angeles, testified in behalf of applicant as to the use of applicant's service in the transportation of the instruments and properties of the Philharmonic Orchestra for the past

seven years. This service has been rendered each year when the orchestra was filling engagements at Santa Barbara, Glendale, Pasadena, Ontario and other points in Southern California. The work has been handled in a satisfactory manner and witness stated he knew of no other available service that he would consider satisfactory, the instruments used by the Philharmonic Orchestra being of considerable value and requiring great care in transportation.

Mr. Jas. Mc Carthy, Transportation Manager for West Coast Theatres, testified that he was using the service of applicant locally in Los Angeles, and between Los Angeles and Pasadena, Long Beach and Santa Ana. The service heretofore rendered has been very satisfactory and witness is desirous that it be continued.

Mr. Robert Mc Daniel, Transportation Agent for Pantages' Theatre, testified that he had known applicant for seven years and had used his service locally in Los Angeles and between Los Angeles and Pasadena, Los Angeles and Long Beach, same being very satisfactory and its continuance being necessary and desirable.

The granting of the application is protested by the Union Pacific System (Los Angeles & Salt Lake Railroad Co.), City Transfer & Storage Co., Atchison, Topeka & Santa Fe Railway Company, Sierra Van & Storage Company, Richards Trucking & Warehouse Company, Keystone Express, Los Angeles & Oxnard Express and Rex Transfer.

Mr. Zimmerman, Manager of protestant City Transfer & Storage Company, testified that his company operated a total of 67 pieces of equipment in their local business at Long Beach and inter-city movement; that they now handled theatrical business locally in the city of Long Beach; that large equipment with bodies 12 to 18 feet in length was operated and that a 25 foot body was available on tractors and accompanying trailer. This

protestant now handles theatrical properties for the Pantages' Circuit from the Santa Fe station in Los Angeles to Loew's State Theatre in Long Beach, and also between Pantages' theatres in Long Beach and Los Angeles. Five round trips daily are available for shippers over the authorized route of this protestant between Los Angeles and Long Beach.

Mr. L. R. Kagerise, proprietor of Keystone Express, testified that in his operation between Los Angeles, Ontario and Pomona he employed 14 trucks and 5 trailers; that he transports trunks and baggage; that he maintains agents at Los Angeles, Ontario and Pomona and a pick-up and delivery zone in Los Angeles, Witness has handled theatrical business for the West Coast Theatres and has had no complaint as to his service.

Mr. C. J. Husband, Manager of protestant Sierra Van & Storage Company, testified that his company operated two freight and two baggage trips daily between Los Angeles and Pasadena, three trucks being kept continuously busy in such service. This protestant has available 17 trucks and 2 trailers and heretofore has handled but little theatrical business except trunks.

Protestant, Union Pacific System, filed its rates and schedules as applicable to baggage, and its train schedules between Los Angeles and Long Beach. While this protestant transports 150 lbs. of baggage free with each first class passenger ticket, and charges for excess weight over 150 lbs. at tariff rates as filed with this Commission, no pick-up and delivery is made at points of origin or destination and local delivery and pick-up charges require to be paid by owners of the property transported.

We have carefully considered the record in this proceeding. It appears that it is almost the universal custom for members of the theatrical profession or of the traveling companies to pay for the transportation of their trunks, scenery and other paraphernalia. The theatre managers usually prefer

a specialized transportation service employing drivers familiar with the handling of scenery and theatrical properties. Much of this movement is during the late night and early morning hours as the trunks and other property can usually be shipped only after the conclusion of the night's performance. Applicant by reason of the familiarity of the needs of the theatrical profession as acquired from the experience gained by many years of handling such movement locally in the city of Los Angeles, is recommended by theatre employees to the actors having property to be transported and, as a result, requests have become numerous for the service to points outside Los Angeles as herein applied for. As is heretofore shown, applicant is provided with specially constructed equipment, particularly adapted to the transportation of theatrical properties, and in addition has developed an organization especially skilled in the handling of such property. The demand for this specialized transportation often occurs at hours which are not comparable with the schedules of regular authorized truck lines who may be engaged in a general commercial business. The item of trunks is the particular one around which the majority of the protest was centered. We believe that the general hauling of trunks and personal effects as baggage should not be permitted and that such items should only be handled when shipped with scenery or other theatrical property or paraphernalia, or, if shipped alone, only when containing personal effects, costumes, etc., used by members of the theatrical profession.

With the above restriction as to trunks and personal baggage the application should be granted, applicant having made an affirmative showing as to the convenience and necessity to be served by the proposed operation.

#### O R D E R

A public hearing having been held on the above entitled application, the matter having been duly submitted and now

ready for decision.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation by Lee Bolden, operating under the fictitious name of Atlantic & S. P. Transfer, of an automobile truck service for the transportation of theatrical baggage, trunks, scenery, theatrical properties and paraphernalia, between Los Angeles and Glendale, Pasadena, Long Beach, Venice, Ocean Park, Santa Barbara, Santa Monica, Whittier, San Pedro, Anaheim, Fullerton, Pomona, Ontario, Santa Ana, Oxnard, Riverside, San Bernardino, Redlands and Ventura, subject to the terms and conditions of the following order, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and the same hereby is issued to Lee Belden, operating under the fictitious name of Atlantic & S. P. Transfer, in accordance with the foregoing declaration, and subject to the following conditions:

1- The authority hereby conveyed does not include the handling of trunks and personal baggage, unless such trunks and personal baggage are a part of and accompany shipments of theatrical scenery, properties or paraphernalia, or if shipped separately are trunks and personal baggage containing costumes and other property of members of the theatrical profession.

2- Applicant herein shall file with the Railroad Commission his written acceptance of the certificate herein granted within a period of not to exceed ten (10) days from date hereof; shall file, in duplicate, tariff of rates and time schedules within a period of not to exceed twenty (20) days from date hereof, such tariff of rates and time schedules to be identical with those attached to the application herein; and shall commence operation of said service within a period of not to exceed thirty (30) days from 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 purposes, other than as hereinabove stated, the effective date of this order is hereby fixed as twenty (20) days from the date hereof.

Dated at San Francisco, California, this 29<sup>th</sup> day of November, 1926.

H. R. ...  
O. Seavey  
Ernest ...  
Leon ...  
Thos. ...  
COMMISSIONERS.