

Decision No. 17819

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 JOHN SHRODE for certificate of public)
 convenience and necessity to operate) Application
 motor freight service between Coachella) No. 12011
 Valley and Los Angeles, and Los Angeles)
 to Coachella Valley points.)

Duke Stone, for Applicant,
 T. A. Woods, for American Railway Express Company,
 Protestant,
 L. C. Zimmerman, for Southern Pacific Company, Protestant,
 H. J. Bischoff, for Motor Service Express, Protestant.

WEITSELL, Commissioner -

OPINION

John Shrode, in his application as amended, has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of a motor truck service between a designated section in Los Angeles, and the Coachella Valley points of Indio, Mecca, Thermal, Coachella and intermediate points, including a lateral area of ten miles along the route traversed, for the transportation of lumber, hardware, plaster, wallboard, household goods and furniture (where intended for resale), onions, vegetables, grapes, hay, lubricating oils and greases, and fertilizer; for the transportation of grain, cement and tile between Coachella Valley points and San Bernardino, Colton, Riverside and intermediate points, and for the transportation of flour between Coachella Valley points and Banning.

A public hearing was held on this application at Los Angeles on April 9, 1926, the matter was to be submitted upon the filing by counsel of concurrent briefs within one week from the date of the hearing. The time allowed in which to file briefs having elapsed, the matter is now submitted and is ready for decision.

Applicant alleges that he has been engaged in hauling for the public since 1917, and that the service rendered in the past and as herein proposed is not now offered the public by any other carrier.

The equipment proposed to be used in the offered service consists of one 2½ ton truck and one trailer. Service will be rendered on demand with a minimum loading of ten tons.

John Shrode, testified that he resided in Indio and was engaged in the trucking business both as to local and long distance hauling. Demand for service is made on him about once a week for the transportation of lumber, hardware, plaster, wallboard, vegetables, grapes, hay, fertilizer, oils and greases between Los Angeles and Coachella Valley points, also for transportation of cement, tile and other commodities between Coachella Valley points and San Bernardino, Colton and Riverside. Flour is moved from Banning to Coachella Valley in 12 ton lots.

All movements in the proposed service are to be in ten ton lots or more and from one consignor to one consignee. Service is to be on demand.

Mr. E. E. Black, a witness for applicant, testified that he was the owner of a business at Indio and also one at Thermal. His son is in actual charge of both these businesses but witness is fully informed as to their requirements; and as to the need of applicant's proposed service for the transportation of lumber, hardware, furniture, farm implements, and paints from Los Angeles to Thermal and Indio. He was not satisfied with the service received from the Coachella Valley Transportation Company. This company was acquired by protestant Motor Service Express under the authority of this Commission's Decision No. 15952 on Application No. 12244, as decided February 8, 1926.

Leo M. Black, Manager for E.E. Black at Indio and Thermal, which position he has held for the past two years, testified that he has need of applicant's service about once a week between these points and Los Angeles. This witness, in general,

confirmed the testimony of E.E.Black.

Mr. C. H. Hollis, residing at Thermal and a shipper of fruit and vegetables testified that he has favorably known applicant since 1917, and has need for transportation in the movement of onions, fruit and vegetables to Los Angeles and return shipments of fertilizer. Witness further testified as to instances of poor service rendered by Motor Service Express and was of the opinion that applicant's proposed service was a necessity for the Coachella Valley/^{and}for his particular business.

Mr. R. T. Gill, a resident of Coachella, and sales agent for the Union Oil Company, testified regarding the transportation needs of his company for the movement of lubricating oils and greases from Los Angeles and the return of empty containers. The business is divided between certain carriers and service was required at least once a month.

Mr. C. D. James, engaged in the mercantile business in Coachella Valley, testified regarding the need for transportation of grain between Riverside and Coachella Valley points, fertilizer between San Rodro and the latter points, and flour from Banning. Flour moves by rail to Banning in carload lots and is then distributed to surrounding points by motor trucks.

L. C. Zimmerman, Asst. General Freight Agent of protestant Southern Pacific Company, testified that his company operated a daily package car out of Los Angeles to Coachella Valley, the departure being after the day's loading, and arriving at Valley points for delivery next morning. This was approximately a fourteen hour service which had been in operation a number of years. No serious complaints as to service had been received.

Mr. L. T. Fletcher, for protestant Motor Service Express, testified to the operating rights now held by that concern, but only the rights between Los Angeles, San Bernardino, Indio, Coachella, Thermal, Mecca and intermediate points are germane to this proceeding. A daily motor freight service is rendered to these points, one or more trucks being dispatched regularly

out of Los Angeles and San Bernardino. Freight depots are maintained at Los Angeles, San Bernardino, Riverside, Beaumont and Indio. Thirty five trucks and trailers are operated. Witness stated that at present all the equipment was not being used and more business could easily be handled .

Applicant herein is offering a service that will have his individual attention which appears to be desired by certain shippers. His operations in the past were contrary, in all probability, to the requirements of Chapter 213, Statutes of 1917, and subsequent amendments, but it does not appear that this was a willful violation. If such had been the applicant's attitude, it would have been sufficient justification for the denial of the instant application. It appears rather that the applicant is making an effort to comply and abide by the law.

Careful consideration of the evidence has been given, and 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 recommended order, and not otherwise.

O R D E R

A public hearing having been held in the foregoing entitled proceeding, evidence taken, applicant only having availed himself of the privilege granted of filing a brief, the matter is now duly submitted and the Commission being now fully advised, and basing its decision on the statements and finding of fact which appear in the Opinion preceding this Order:

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation of a motor truck service by John Shrode, on demand,

1- Between Los Angeles and Coachella Valley for the transportation of lumber, hardware, plaster, lubricating oils and greases, wall board, household goods and furniture (for resale only), fertilizer, onions, vegetables, hay and grapes;

2- Between San Bernardino, Colton, Riverside and intermediate points and Coachella Valley for the transportation of grain, cement, and tile; and

3- Between Banning and Coachella Valley for the transportation of flour; all movements to be in 10 ton loads, or more, and from one consignee to one consignee; that Los Angeles as used in this declaration shall be deemed to be that portion of the city of Los Angeles bounded on the north by First Street, on the south by 68th Street, on the west by Vermont Avenue, on the east to the easterly limits of the city of Los Angeles, and including Los Angeles Harbor, and that Coachella Valley as used in this declaration shall be deemed to mean Indio, Coachella, Thermal, Mecca and intermediate points, including an area of five miles on each side of main route traversed between these points.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and the same is hereby granted, subject to the following conditions:

1- Applicant shall within a period of not to exceed ten (10) days from date hereof file his written acceptance of the certificate herein granted; shall file, in duplicate, tariff of rates, rules and regulations, and time schedules within a period of not to exceed twenty (20) days from date hereof, such tariff of rates, rules and regulations, and time schedules to be identical with those attached to the application, as amended, and/or acceptable to the Commission; and shall commence operation of the service herein authorized within a period of not to exceed thirty (30) days from date hereof.

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

3- No vehicle may be operated under the authority hereby conferred unless such vehicle is owned or is leased by applicant under a contract or agreement on a basis satisfactory to the Railroad Commission.

For all other purposes than hereinabove stated, the effective date of this order shall be twenty (20) days from and after 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 30 day of December, 1926.

H. B. ...
Chairman

Leon ...
Commissioners