

Decision No. 17947**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 TOLSON TRANSPORTATION SYSTEM, INC.,
 for certificate of public convenience
 and necessity to operate freight truck
 service between Long Beach and Los
 Angeles Harbor District.)
) Application No. 12024
)

P. G. Briney, for Applicant,
 Frank M. Smith, for City Transfer & Storage Co.,
 Protestant,
 D. W. Layne and W. R. Osborn, for Pacific Electric
 Railway Company, Protestant.

WEITSELL, Commissioner -

O P I N I O N

Tolson Transportation System, Inc., a corporation, has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by it of an automobile truck service as a common carrier of general merchandise between Long Beach and the Los Angeles Harbor District.

Public hearings on this application were held at Los Angeles and Long Beach, the matter was duly submitted and is now ready for decision.

Applicant proposes to charge rates in accordance with a schedule marked "Exhibit A", as attached to and forming a part of the application herein; to operate on order or request until such time as business may justify the establishment of a regular schedule; and to use as equipment vehicles which are now operated as a portion of applicant's transportation business.

Applicant relies as justification for the granting of this application on the alleged fact that there is an increasing demand from its patrons for applicant's service between Long Beach and the Los Angeles Harbor District, such demand indicating a public necessity.

Henry B. Cooke, Secretary-Treasurer of applicant corporation, testified that his company was now operating, under certificates of public convenience and necessity issued by this Commission, freight service between Los Angeles and Long Beach, and between Torrance and the Los Angeles Harbor District. Local hauling is also done in the City of Long Beach. The applicant corporation has been operating for a number of years and its patrons have frequently requested the establishment of the proposed service.

D. F. Harner, a witness for applicant, testified as to the need for the proposed service in the handling of products from the Harbor District to a cannery at Long Beach and for movement of finished products from Long Beach. Witness has used the service of protestant, Pacific Electric Railway Company, and has found such service satisfactory for the class of shipments moved. Truck movement has not been fully satisfactory and witness was of the opinion that the service proposed by applicant was necessary for the business of his company.

James R. Wallace, a grocery merchant and operating a purchasing association composed of 35 merchants, testified in favor of the application. Three other witnesses endorsed the proposed service.

The granting of the application is protested by City Transfer and Storage Company and Pacific Electric Railway Company.

J. R. Zimmerman, Secretary-Manager of protestant City Transfer and Storage Company, testified that his company had assigned two units of its equipment to the service between Long Beach and Los Angeles Harbor points; that additional equipment was available to meet any demands of traffic; that a representative was maintained at the Harbor to care for the business of his company and its patrons; and that, in his opinion, there was no necessity for the establishment of additional truck service between Long Beach and the Harbor District.

Three witnesses, patrons of protestant City Transfer and Storage Company, testified as to satisfactory service rendered

by such protestant and that they had, or knew of, no need for additional service.

After full consideration of all the evidence in this proceeding, I am of the opinion that applicant has made an affirmative showing which justifies the issuance of the desired certificate. The local hauling in the city of Long Beach places the applicant in contact with merchants who by their patronage prefer the service of applicant to that of other carriers and when shipments arrive at the Harbor District destined to such merchants applicant, who is already serving such merchants, is requested by them to do their hauling to and from the harbor. It is also of record that some complaint has existed as to the service rendered by the protestant City Transfer and Storage Company as to the character of service rendered, some of the merchants represented by witnesses favoring the application, and in view of all the facts herein presented it is my conclusion that the public convenience and necessity require the granting of the desired certificate.

ORDER

A public hearing having been held on the above entitled application, the matter having been duly submitted, the Commission being now fully advised and basing its order on the conclusion as appearing in the opinion which precedes this order,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation by Tolson Transportation System, Inc., a corporation, of an automobile truck line as a common carrier of property between Long Beach and Los Angeles Harbor District, via Anaheim Road, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and the same hereby is granted to Tolson Transportation System, Inc., a corporation, for the operation of an automobile truck line as a common carrier of property between

Long Beach and Los Angeles Harbor District, via Anaheim Road,
and subject to the following conditions:

1. The certificate hereby granted does not authorize the joining or merging of the rights herein conveyed with other operative rights now owned by applicant.
2. Applicant shall file its written acceptance of the certificate herein granted within a period of not to exceed ten (10) days from date hereof.
3. 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 thirty (30) days from the date hereof.
4. 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.
5. No vehicle may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by it under a contract or agreement on a basis satisfactory to the Railroad Commission.

For all purposes, other than hereinabove specified, the effective date of this order is hereby fixed as twenty (20) days from the date hereof.

The foregoing Opinion and Order are hereby approved as the Opinion and Order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 2^d day of February
1927.

Ernest W. Davis
H. B. Burdette
Chairman
Leon C. Russell
Thos. S. Routh
COMMISSIONERS.