

Decision No. 18460

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
COAST TRUCK LINE, a corporation, for)
a certificate of public convenience) Application No. 9040
and necessity to operate a freight)
auto truck service between Oceanside)
and San Diego and all intermediate)
points except service between Escondido)
and San Diego and intermediate points.)

ORIGINAL

H. J. Bischoff, for Applicant.
Warren E. Libby and E. L. Seavey, for Escondido
Truck Line, Protestant.
T. A. Woods, for American Railway Express
Company and Atchison, Topeka & Santa Fe
Railway Company, Protestants.

BY THE COMMISSION -

OPINION

Coast Truck Line, 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 line as a common carrier of freight between Oceanside and San Diego via San Luis Rey, Bonsall, Vista, San Marcos, Richland, Escondido, Bernardo and Miramar and serving such intermediate points.

A public hearing on this application was conducted by Examiner Handford at San Diego, the matter was duly submitted following the filing of briefs 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; to operate on a schedule of two trips southbound and one trip northbound, daily, using as equipment the trucks now used on applicant's authorized line between Oceanside and San Diego, via the Coast Route.

Applicant relies as justification for the granting of the desired certificate upon the following alleged facts: that the territory between Escondido and Oceanside produces quantities of farm and dairy products which are largely shipped to the San Diego market; that milk and cream require a special service, both morning and evening, which applicant proposes to furnish; that the farm products consist of vegetables, fruit and grain; that applicant proposes to transport farm and dairy supplies and other commodities from San Diego to points between Escondido and Oceanside; and that the communities proposed to be served are rapidly developing by reason of the construction of the Henshaw Dam which furnishes adequate water for irrigation. Applicant now operates, under the authority conferred by certificates from the Railroad Commission, service between Escondido and Oceanside, and between San Diego and Oceanside, and desires by the inauguration of the proposed service to furnish additional service over a more direct route.

A. V. Christiansen, Secretary of applicant corporation, testified that the routes sought would result, in the event of the granting of the application, in a rerouting of existing operative rights and enable dairy and farm products to be handled more expeditiously to the San Diego market; and that investigation had been made of the dairy shipments available which amount to 140 cans of milk daily.

The granting of the application is protested by Webb Brothers, a co-partnership operating between Escondido and San Diego under the fictitious name of Escondido Truck Line.

Exhibits filed by protestant show 11 trucks and 3 trailers, with a total rated capacity of 53 tons available for the handling of shipments over its line between Escondido and San Diego; and that during a representative month 9.4 percent of the truck capacity northbound and 75 percent of the truck capacity southbound was available for additional traffic.

We have given full consideration to the evidence and exhibits presented in this proceeding.

While no evidence was presented by any shipper or receiver of freight as to the need for the proposed service, it is the contention of the applicant that the desired certificate is sought to enable applicant to accomplish a rerouting thereby facilitating the movement of traffic between Escondido and San Diego. To accomplish such rerouting, however, applicant would duplicate the service now rendered by the Escondido Truck Line between Escondido and San Diego, and while applicant does not propose any service between Escondido and San Diego and intermediate points, it does propose to take business now originating between Bonsall and Escondido and the intermediate points of Vista, San Marcos and Richland, and which is delivered to or received from the protestants' terminal at Escondido and divert such business to its proposed new route herein sought to be established. We find no justification from the evidence herein which would warrant the Commission authorizing a duplication of service over an already authorized route, thereby diverting business from a carrier against whom the record shows no complaint and who is operating with 75 percent of capacity available in the southbound direction where applicant proposes two trips daily. Applicant already has the authority to serve all points herein proposed to be served, via Oceanside and thence to and from San Diego via the Coast Route. No affirmative showing has been made which justifies the granting of the application and the diversion of business from the route of an established and authorized carrier, particularly so when such diverted business is to be carried over the same route as that of the existing operator and no showing has been made that the public request or desire such service.

We therefore conclude and hereby find as a fact that public convenience and necessity do not require the establishment of the proposed service.

O R D E R

A public hearing having been held on the above entitled application, the matter having been duly submitted following the filing of brief, the Commission being fully advised and basing its order on the finding of fact as appearing in the opinion which precedes this order,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity do not require the operation by Coast Truck Line, a corporation, of an automobile truck service as a common carrier of freight between San Diego and Oceanside, via San Luis Rey, Bonsall, Vista, San Marcos, Richland, Escondido, Bernardo and Miramar, and serving such intermediate points, and

IT IS HEREBY ORDERED that this application be and the same hereby is denied.

Dated at San Francisco, California, this 3rd day of June, 1927.

COMMISSIONERS.