

Decision No. 18883

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of the RICHARDS TRUCKING AND WAREHOUSE COMPANY, a corporation, for an additional routing of its present operation via Harbor Truck Boulevard, and a certificate of public convenience and necessity to operate an auto truck and freight service between Los Angeles and San Pedro and the Harbor District.

APPLICATION NO. 13929.

Phil Jacobson, for Applicant.

Forrest A. Betts, for Pacific Electric Railway Company, Protestant.

BY THE COMMISSION:

O P I N I O N

Applicant Richards Trucking & Warehouse Company, a corporation, seeks a certificate of public convenience and necessity to establish an additional route for the transportation of freight and express over the Harbor Truck Boulevard between Los Angeles and Wilmington, and also to serve the San Pedro district of Los Angeles harbor over the same route.

A public hearing herein was conducted by Examiner Williams at Los Angeles.

Applicant, formerly operating under the fictitious name of the Thomas Richards Express, possesses a prescriptive right to operate between Los Angeles and Wilmington via Huntington Park and Long Beach over Long Beach Boulevard, and the tariffs filed by applicant have consistently shown such a

continuity of routing. In February, 1923, a new road to Wilmington and Los Angeles harbor district was constructed and opened, the same being an extension of Alameda Street from the southerly city limits of Los Angeles and being known as Harbor Truck Boulevard. It appears from the testimony of Thomas Richards that, with the opening of this new road, practically all of applicant's traffic was diverted from the Long Beach Boulevard route to Harbor Truck Boulevard, but that he did not procure a certificate from this Commission authorizing the change of routing, not being advised that such a certificate was necessary. Since that period applicant has used the Harbor Truck Boulevard in serving Wilmington and San Pedro harbor districts, although, according to its tariff filings and its expressed proffer of service, its prescriptive right permitted service only to Long Beach, and from Long Beach to Wilmington, and not to the San Pedro portion of the harbor district. In the present application a certificate is sought to conduct the operation as practically all other operations between Los Angeles and the harbor are conducted - over the Harbor Truck Boulevard. The operation of this trucking service by way of Long Beach entails a journey of 24 miles, while the Harbor Truck Boulevard routing is only 18 miles, the distances stated being between terminals of applicant.

As witnesses in support of public necessity for the service proposed, applicant presented M. J. Dee, manager of the Pyrate Products Company of California, manufacturers of cleaning compounds; R. H. Bennett, distributing agent of butter and canned milk for factories in Northern California and elsewhere on the Pacific Coast; A. W. Perry, sales agent for

Chase & Sanborn of Chicago, dealers in teas and coffees; A. E. Genter, tire dealer at San Pedro; Angelo Masserdoti, grocer of Wilmington; C. P. Johnson, traffic manager of the Carnation Milk Corporation, Los Angeles; and R. W. Goldwater, manager of Patek Company, laundry supplies.

These witnesses testified to from one to five years' use of applicant's service between Los Angeles and harbor points, and to the necessity for transportation over the most direct available route, because of competitive conditions and the need of replenishing small stocks almost daily. Some of these shippers receive large quantities by steamer, which are transported in carload lots to Los Angeles. The Richards service is mostly used for L C L transportation in both directions, and for distribution from applicant's Los Angeles warehouse.

Henry Deussen, traffic manager of applicant corporation, testified that the movement of tonnage over this carrier's service from January to June, 1927, between Los Angeles and San Pedro direct, had been 414 tons. Between Los Angeles and steamship docks at Wilmington, the movement had aggregated 5297 tons. In this connection it was admitted by applicant that only a negligible amount of this tonnage moved from or to the docks in the San Pedro district, nearly all of the commerce being received and discharged at the docks in the Wilmington district. Applicant, however, distributes considerable tonnage locally in the San Pedro district, and the first tonnage given by Mr. Deussen (414 tons) covers deliveries shipped almost wholly from Los Angeles to the San Pedro district.

Applicant, which is also engaged in operating transportation lines to Orange County points and elsewhere, has in use 44 pieces of equipment and conducts a large warehouse. Some of the witnesses for applicant house their stocks at this warehouse for distribution. Mr. Deussen testified that about 125 customers in Los Angeles, Wilmington and San Pedro use the expedited service maintained by applicant.

The granting of the application was not protested by any of the 28 authorized automobile carriers of freight operating between Los Angeles and the harbor district. The only protest made was that of the Pacific Electric Railway Company, which introduced no testimony except to the effect that steamer shipments are received only at Wilmington and that very few such shipments are received at what is known as the San Pedro district. The showing made by this protestant we believe to be ineffective.

This applicant frankly seeks to correct its own blunder. The Harbor Truck Boulevard was constructed of great width and paved with 8-inch solid concrete, in order to provide a direct and rapid contact between Los Angeles harbor and Los Angeles city proper. Applicant's blunder was in not seeking authority to use this route in preference to the longer one by way of Long Beach, when the short route was made available. During all these years applicant has conducted service over the shorter route, in the belief that it was authorized to do so, and there is nothing in the record to indicate that its service has not been adequate and efficient, or its rates reasonable for the service performed. Applicant's right to operate over this route was.

disputed in Case No. 1819, which was determined by Decision No. 18532, and subsequently, at the request of the complainant, Los Angeles & San Pedro Transportation Company, set aside and the complaint dismissed. In this proceeding applicant's right to make deliveries in the San Pedro district was also questioned.

After full consideration of all the facts herein, we are of the opinion that the service heretofore maintained by applicant over the Harbor Truck Boulevard to Wilmington and also to San Pedro harbor satisfactorily met a rather large public need, is now meeting such need, and should not be discontinued because of a technical blunder made by this carrier through ignorance of the law. We therefore believe the certificate sought by applicant should be granted, with the admonition to applicant that circumspection will be expected of it as regards all innovations adopted in its service in the future, to the end that they may be properly authorized by this Commission.

O R D E R

Richards Trucking & Warehouse Company, a corporation, having made application to the Railroad Commission for an additional routing of its present operation via Harbor Truck Boulevard, and for a certificate of public convenience and necessity to operate an auto truck and freight service between Los Angeles and San Pedro and the harbor district, a public hearing having been held, the matter having been duly submitted and now being ready for decision,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA
HEREBY DECLARES that public convenience and necessity require
the operation by applicant Richards Trucking & Warehouse
Company, a corporation, of its auto truck and freight serv-
ice between Los Angeles and the Los Angeles harbor district,
without intermediates between the south boundary of the
city of Los Angeles and the north boundary of Wilmington,
over and along the following route, to-wit:

Via Harbor Truck Boulevard; and

IT IS HEREBY ORDERED that a certificate of public
convenience and necessity for such operation be and the same
hereby is granted to applicant Richards Trucking & Warehouse
Company, a corporation, subject to the following conditions:

- I. Applicant shall, within twenty (20) days from date hereof, file with this Commission its acceptance of the above certificate, and its stipulation that the certificate herein granted is accepted as an extension and enlargement of its present valid operative rights, and a part thereof, and not as a new or separate operative right.
- II. 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 tariff 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 sixty (60) days from date hereof.
- III. The rights and privileges herein authorized may not be sold, leased, transferred nor assigned, nor service thereunder discontinued, unless the written consent of the Railroad Commission to such sale, lease, transfer, assignment or discontinuance has first been secured.

IV. No vehicle may be operated by applicant herein under the authority hereby granted unless such vehicle is owned by applicant or is leased by it under a contract or agreement on a basis satisfactory to the Railroad Commission.

For all other purposes the effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this 4th day of October 1927.

Ernest J. [Signature]
Chas. [Signature]
Leon [Signature]
David [Signature]
M. A. [Signature]
Commissioners.