

Decision No. 20420.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of CALIFORNIA TRANSIT CO., a corporation, for a certificate of public convenience and necessity to transport express matter within the one hundred pound limit on its operative rights between Los Angeles, Lancaster, Mojave and Bakersfield.

ORIGINAL

(Application No. 14924.)

Earl A. Bagby for
California Transit Company

Phil Jacobson for
Motor Freight Terminal Company.

BY THE COMMISSION:

O P I N I O N

The applicant, California Transit Company, operates passenger stages between Los Angeles and Bakersfield via Mojave, and between Mojave and Bishop under a consolidated operative right granted by Decisions Nos. 16725 and 20024. Its right to carry express, however, does not extend over this entire route. The above application is for an order granting it the right to carry express packages up to one hundred pounds on its passenger stages between points where it now has no express privilege at all or is limited to packages weighing less than one hundred pounds. To make its express right co-extensive with its passenger service, and to conform with express rights over other parts of its system, it prays that the limitation of forty pounds per package between Los Angeles and Lancaster be

increased to one hundred pounds and that a new right be granted to carry packages up to one hundred pounds between Lancaster and Bakersfield.

A public hearing was held in Bakersfield on September 4, 1928 before Examiner Rowell. The Motor Freight Terminals Company, which possess an operative right for the transportation of freight by truck between Los Angeles and Bakersfield over another route, protested the granting of the application on the ground that, insofar as the applicant would be permitted to render a through service between Los Angeles and Bakersfield such operation would compete with that of the protestant, and also on the ground that the protestant itself now has an application pending before the Commission to operate a freight service between Los Angeles and Bishop via Mojave. In answer to the first objection of protestant, the applicant claims that its proposed through service cannot be competitive with that of protestant because of the difference in mileage and rates in favor of protestant, and further, in answer to both objections, that an express service limited to packages weighing not more than one hundred pounds and carried on passenger stages exclusively cannot be considered competitive to the ordinary freight trucking service.

We are of the opinion that there is a distinct need for the proposed express operations of the applicant. Ample evidence was introduced to show that many residents along the main route between Los Angeles and Bakersfield and on the branch route into Owens Valley do not now have adequate express transportation, particularly since the

recent reduction in the schedules of the rail lines. We do not believe that the service proposed by applicant will be materially competitive with the freight service of protestant. It is coming to be the accepted practice of applicant, as well as of other stage carriers, to limit their undertaking for the transportation of property on passenger stages to packages weighing not more than one hundred pounds each, and when so limited, such a combined passenger and express service would appear ordinarily to meet a distinct transportation need and may be considered non-competitive with motor-truck freight service.

The applicant will carry express on each of its passenger stages on schedules as set forth in Exhibit No. 5, and will charge tariffs as shown on Exhibits Nos. 1, 2 and 3, under rules and regulations applicable to its general system.

O R D E R

A public hearing having been held in the above entitled application, the matter being submitted and now being ready for decision,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA hereby finds that public convenience and necessity require the California Transit Company to transport property for compensation on its passenger stages between Los Angeles and Bakersfield and intermediate points, such property to be limited to packages or articles weighing not more than one hundred pounds each, and

IT IS HEREBY ORDERED that a certificate of public

convenience and necessity be and the same is hereby granted to California Transit Company for such a service, the same to be consolidated with all other operative rights heretofore granted to the applicant, subject, however, to the following conditions:

1. That said certificate herein granted to the applicant is to be in lieu of and in substitution for all other existing rights heretofore granted to said applicant for the transportation of property over said route or parts thereof.
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 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 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.

The effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 31st day
~~of September~~ of ~~September~~, 1928.

C. Cleary

W. O. Lewis

M. A. ...
Commissioners.