

ORIGINAL

Decision No. 21779.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of
 HARRY S. PAYNE, operating under the)
 name of PACIFIC MOTOR EXPRESS, for)
 a consolidation of certain certifi-)
 cates of public convenience and)
 necessity to operate an automobile) Application No. 15516
 freight line for the transportation)
 of freight and personal property be-)
 tween Los Angeles and Temecula and)
 certain intermediate points now held)
 by applicant.)

Libby & Sherwin, by Wm. A. Sherwin, for Applicant.

Edward Stern, for Railway Express Agency, Inc.,
Interested Party.

E. T. Lucey, W.T. Quirk, Leo E. Sievert and
J. W. Glasgow for Atchison, Topeka
& Santa Fe Railway Company, Protestants.

R. E. Wedekind and L.B. Young, for Pacific
Electric Railway Company and Pacific
Electric Motor Transport Co.,
Protestants.

BY THE COMMISSION:

O P I N I O N

Harry S. Payne, doing business under the fictitious name of Pacific Motor Express operates an automobile transportation system for the carriage of property between Los Angeles and Temecula and certain intermediate points, under certificates granted by various decisions of this Commission. He now applies to the Commission for an order consolidating all of these operative rights into one certificate.

A public hearing was held before Examiner Gannon at Los Angeles, the matter was submitted and is now ready for

decision.

All protests were withdrawn upon applicant's statement that he sought only a consolidation of existing rights and did not propose service to any additional points now restricted on local runs. Applicant's operative rights are set forth in the following decisions of this Commission:

Decision No. 10,818, dated August 3, 1922, under Application No. 7985, and Decision No. 11,147, dated October 20, 1922, under Application No. 8306, granting to Harry S. Payne, doing business under the fictitious name of Pacific Motor Express, a certificate of public convenience and necessity for the operation of an automobile truck line as a common carrier of milk, dairy products and supplies only between Los Angeles and Glen Ivy, Alberhill, Elsinore, Sedco, Wildomar, Murrietta, Murrietta Hot Springs, Temecula and Pauba Ranch and Dairies in the vicinity thereof.

Decision No. 11401, dated December 23, 1922, under Application No. 8426, granting to Harry S. Payne, operating under the fictitious name of Pacific Motor Express, a certificate of public convenience and necessity to operate an automotive truck service for the transportation of milk, cream and dairy products and supplies between Los Angeles and Prado and dairy ranches within five miles East, South and West thereof and within two miles North thereof, but not for the transportation of any other classes of freight, the above described service to be operated in connection with and as a part of the extension of applicant's operative rights between Los Angeles, Pauba Ranch and certain points East of Corona, authorized by Decision No. 10,818, dated August 3, 1922, upon Application No. 7985 and Decision No. 11147 dated October 20, 1922 on Application No. 8306.

Decision No. 11,655, dated February 13, 1923, under Application No. 8425, granting to Harry S. Payne, operating under the fictitious name of Pacific Motor Express, a certificate of public convenience and necessity for the operation of an automotive truck service for the transportation of freight between Los Angeles and Pauba Ranch, serving Glen Ivy, Alberhill, Elsinore, Sedco, Wildomar, Murrietta, Murrietta Hot Springs, and Temecula as intermediate points, and also to serve in connection with said route the headquarters of the Vail Ranch near Temecula, and the plant of the Pacific Clay Products Company near Alberhill.

Decision No. 14, 840, dated April 25, 1925, under Application No. 10,033, granting to Harry S. Payne, operating under the fictitious name of Pacific Motor Express, a certificate of public convenience and necessity for the extension of his express and freight service in order that service may be given between Los Angeles, Alhambra, El Monte, Puente, Walnut, Spadra, Pomona, China, Ranger, Norco, Los Serranos Country Club, Corona, Glen Ivy, Alberhill, Elsinore, Sedco, Wildomar, Murrietta, Murrietta Hot Springs, Temecula, Pauba Ranch and Lake Shore Drive (via Alberhill, Elsinore or Sedco), provided that applicant shall not transport property between Los Angeles and Chino, inclusive, or intermediates, except when destined to or originating at points east and south of Chino over and along the following routes:

The route now traversed by applicant herein under authority of Decision No. 11,655, and five (5) miles on either side thereof between Chino and Corona only; and

To points on Lake Shore Drive via Alberhill, Elsinore, or Sedco; and that a certificate of public convenience and necessity therefor be and the same hereby is granted to applicant herein, subject to the following conditions:

That the right to operate on either side of the route and within five (5) miles thereof means that applicant may, upon demand only, depart from the route on either side to the distance of five (5) miles or less, for the purpose of receiving or discharging property which he is authorized to transport, and departures from said route for any other purpose are distinctly forbidden, and that such departures from the route herein authorized shall not include any point within the city limits of Chino."

Applicant is also the lessee with the right to purchase of certain other operative rights between Los Angeles and Temecula via Santa Ana Canyon described below and which applicant requests shall be consolidated with the balance of said certificates subject to lease and option agreement.

"Decision No. 17,595, dated November 10, 1926, under Application No. 13,277, approving the lease and sale by Pickwick Stages System to Harry Payne, doing business under the fictitious name of Pacific Motor Express, of operating rights for an automobile service for the transportation of freight between Los Angeles and Temecula and certain intermediate points, and the operation by said Harry Payne of the service authorized under said lease and sale."

As justification for granting of such certificate applicant alleges that the unification of his several operative rights into one certificate will simplify his operations, permit of a more efficient transportation service between points on his several lines, and effect a saving in operating expenses which will be reflected in rates to the public.

In addition to consolidation of above operating rights applicant requests an alternative routing between Los Angeles and Corona via either Santa Ana Canyon or Alhambra. Under existing certificates applicant serves certain points between Corona and Los Angeles on trips between the termini of his main run, viz: Los Angeles and Pauba Ranch. When leaving Los Angeles going east or leaving Corona going west, he would, of course, know if he had any deliveries or pick-ups for the territory between Los Angeles and Corona. In the event that he has not, he desires the privilege of routing his trucks via Santa Ana Canyon, which route appears to be shorter and generally to present more favorable operating conditions.

The evidence in this proceeding is sufficiently convincing to warrant the granting of the application and an order will be entered accordingly. We are of the opinion and hereby find as a fact that public convenience and necessity

require the consolidation of applicant's operative rights and the operation as one unified system of through service for the transportation of property between Los Angeles and Pauba Ranch and authorized intermediate points specifically described in the following order. We are also of the opinion that public convenience and necessity require the routing of his trucks via either Santa Ana Canyon or Valley Boulevard between Los Angeles and Corona.

ORDER

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

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA hereby declares that public convenience and necessity require the consolidating of the operative rights heretofore granted to Harry S. Payne, which rights are more fully described in the opinion preceding this order, and the operation by Harry S. Payne of said consolidated rights as a unified system, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity consolidating said rights be and the same is hereby granted to said Harry S. Payne subject to the following conditions:

1. That the order herein shall not be construed as authority to enlarge said operative rights as to territory or points to be served or commodities to be transported except that when no pickups or deliveries are

required on his Valley Boulevard route he may route his trucks via Santa Ana Canyon between the points of Corona and Los Angeles.

2. Applicant shall file his written acceptance of the certificate herein granted within a period of not to exceed ten (10) days from the 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 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 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 him 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 12th day of November, 1929.

Thos S. Lott
C. Seamy
Emmerson
Leon Whitall
M. J. Carr
Commissioners.