

Decision No. 22021

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
L. and M. S. AMSELL, co-partners, for
certificate of public convenience and
necessity to operate auto freight
transportation service between Los
Angeles, Newhall, Saugus, Vincent, Harold,
Palmdale, Lancaster, Rosamond, Gloster,
Fleta, Mojave and intermediate points.

ORIGINAL
RECEIVED
Application
No. 15484

Schweitzer & Hutton, by Frank C. Hutton, and F.C. Stevens,
for applicants.

Philip T. Lyons, for Forest F. Sullivan, Proprietor,
Red Line Express, Protestant.

Edw. Stern, for American Railway Express, Protestant.

L. C. Zimmerman and Edward Stern for Southern Pacific
Company, Protestant.

BY THE COMMISSION -

O P I N I O N

L. Amsell and M. S. Amsell, co-partners, have petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by them of an automobile truck line as a common carrier of property for compensation between Los Angeles, Newhall, Saugus, Vincent, Harold, Palmdale, Lancaster, Rosamond, Gloster, Fleta, Mojave and intermediate points and to merge the proposed service, if the certificate be granted, with the present service now operated by applicants between Los Angeles, Johannesburg and Randsburg.

A public hearing on this application was conducted by Examiner Handford at Los Angeles, the matter was duly submitted and is now ready for decision.

Applicants propose to charge rates in accordance with a schedule marked "Exhibit A", as attached to and forming a part of the application herein; to operate one round trip daily, except Sundays and holidays; and to use as equipment the vehicles now in service on the regularly authorized route of applicants between

Los Angeles and Randsburg, together with such additional equipment as may be required by the demands of traffic.

Applicants rely as justification for the granting of the desired certificate on the alleged fact that frequent inquiries have been received requesting the establishment of intermediate service, to and including Mojave, on the present route of applicants between Los Angeles and Randsburg; that the present service of other lines now serving between Los Angeles and Mojave and intermediate points is inadequate, irregular and not dependable.

One of the partners, herein applicant, testified that operation had been conducted between Los Angeles and Randsburg since February, 1929, under the authority of the Commission as contained in Decision No. 20751 on Application No. 15145, decided February 5, 1929, said authority restricting operation to points north of Mojave and permitting no local service Los Angeles to and including Mojave; that the partnership was at present operating three trucks and one trailer with a total carrying capacity of 20 tons; that applicants propose to establish agencies at Lancaster and Mojave, as well as at other points if the development of the traffic so warrants; and that the partnership is prepared to furnish all necessary equipment for the operation of the proposed service, owning the present trucks, garage and other equipment and there being no encumbrance thereon. On cross examination witness stated that he knew of no inadequacy of service chargeable to the truck line of Forest F. Sullivan between Los Angeles and Lancaster and intermediate points other than that a proceeding had been instituted by the Commission against said Sullivan relative to accounting for the proceeds of C.O.D. collections.

Two witnesses, representing shippers at Los Angeles, were called by applicants. These witnesses had but slight knowledge of the proposals of the applicants and knew nothing as to the alleged inadequacy of the service of existing carriers, either by rail or truck.

Forest F. Syllivan, proprietor of the Red Line Transfer, operating between Los Angeles and Lancaster and intermediate points, a protestant herein, testified that his service had been operating between Los Angeles and Lancaster for over eight years; that 6 trucks and 10 trailers were available which equipment was ample to care for the needs of all shippers desiring truck transportation over his route; that he had an investment of approximately \$35,000, in his business; and that there was not sufficient traffic in the territory between Los Angeles and Lancaster to justify a duplication of the service now rendered by his authorized line.

C. F. Smith, dealer in automobiles and proprietor of a garage, E. A. Kneit, plumbing, hardware and electrical supplies, and a witness operating a machine and auto repair shop, all of Lancaster, testified as to reliable and satisfactory service having been rendered by the line of protestant Sullivan, and that, in their opinion, there was no need or necessity for the establishment of additional truck service to Lancaster.

A witness, employed by John Deere Plow Company and Los Angeles Implement Company, at Los Angeles, testified that his employers maintained a branch establishment at Lancaster. Witness has known of and patronized the Sullivan service for the past three and one-half years, making from 200 to 300 shipments each year. The service has been satisfactory, no claims for loss and damage having been necessary, nor complaint as to delay in transportation. Witness has no need for the additional service as proposed.

M. J. Baeggs, a salesman for Alenite Lubricating Company, Los Angeles, testified that he had made shipments over the line of Sullivan for the past eight years, averaging 6 to 8 shipments weekly; that the service was entirely satisfactory in all respects; that he knew of no need for additional service into the territory proposed; and that he would continue to use the present authorized service.

E. Tattersfield, employed by the Electric & Carburetor Engineering Company, of Los Angeles, testified that he had used the facilities of the Sullivan line for more than one and one-half years, finding such service very satisfactory and having had no cause for complaint. Witness is of the opinion that any additional service is not necessary and stated that he would continue to patronize the Sullivan line.

Protestants, Southern Pacific Company and American Railway Express, offered no testimony in support of their protest.

From the record herein there appears no evidence justifying the granting of the application. The service rendered by the existing authorized carrier, Forest F. Sullivan, operating under the fictitious name of Red Line Transfer, has been in operation for some eight years and no complaint against such service, as of record herein, justifies the granting of a certificate to a competing line, nor does the evidence indicate that a competing line, if established, would secure sufficient business to warrant its operation.

O R D E R

A public hearing having been held on the above entitled application, the matter having been duly submitted and the Commission being now fully advised,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity do not require the operation by L. Amsell and M. S. Amsell, co-partners in business, of an automobile truck line as a common carrier of property, for compensation, between Los Angeles, Newhall, Saugus, Vincent, Harold, Palmdale, Rosamond, Gloster, Fleta, Mojave and intermediate points as a portion of and in connection with applicants' present

authorized operative rights between Los Angeles and Randsburg
and intermediate points north of Mojave, and

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

Dated at San Francisco, California, this 3rd day
of February, 1930.

Chas. J. Weaver
Edmund J. [unclear]

Thos. J. [unclear]

Commissioners.