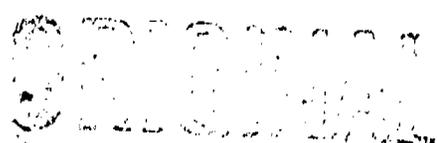


Decision No. 22434



BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 WINSOR W. MC LEAN for certificate of)
 public convenience and necessity to)
 operate freight and express service) Application
 as a common carrier between Barstow) No. 16316
 and Needles.)

B. W. WILLITTS, for Applicant.
 W. F. Brooks, W. T. Quirk and G. E. Harrison,
 for The Atchison, Topeka & Santa Fe Railway
 Company, Protestant.
 Mark Thompson, for Railway Express Agency, Inc.,
 Protestant.
 Phil Jacobsen, for Victorville Motor Express,
 Protestant.

BY THE COMMISSION -

O P I N I O N

Winsor W. Mc Lean has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of an automobile truck line as a common carrier of freight and express between Barstow and Needles and intermediate points.

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

Applicant proposes to charge rates in accordance with a schedule marked "Amended Exhibit A" as filed with the application, to operate one round trip daily between Barstow and Needles, serving the intermediate points of Newberry, Mojave Water Camp, Pisgah, Lavic, Ludlow, Siberia, Bagdad, Amboy, Chambless, Summit and Kleinsfelter.

Applicant relies as justification for the granting of the desired certificate upon the following alleged facts; that there

is now no authorized truck service for the carriage of property between Barstow and Needles; that public convenience and necessity require motor express service along the National Old Trails Highway for the reason that the present service by railroad with stations for freight delivery at a distance from consignees located along the highway; and that by the establishment of motor truck service direct delivery would be made to the door of consignees thereby eliminating the necessity of trips to the railroad stations to ship or receive freight or express.

W. W. Mc Lean, applicant herein, testified that his investigation of the proposed route indicated that the establishment of the proposed service would be justified and that the business to be obtained from oil stations, garages and lunch rooms along the Old Trails Highway would prove remunerative, the Old Trails Highway being one of the main routes for transcontinental automobile traffic and some of the oil stations and tourist camps being located at points off the line of the railroad, which also serves Barstow and Needles and the intermediate points. Applicant proposes to use two new $1\frac{1}{2}$ ton trucks, to be secured on time payments, and to invest approximately \$1500 in the establishment of the proposed service.

Two witnesses testified in behalf of applicant, one operating a creamery at Barstow and who was desirous of shipping milk to the auto camps and lunch rooms along the route as well as to Needles. This witness had complaint regarding shipments by rail arriving at destination with bottles of milk short, consignees having so complained, but no claim had been made to the carrier for investigation and adjustment. The other witness, employed by the Barstow Garage, testified that his concern shipped tires, tubes and auto repair parts to the territory proposed to be served, and that it would be a convenience to have truck operation available for the purpose of shipping to oil stations, garages and auto camps at points on the highway

between Barstow and Needles. This witness had no complaint regarding the l.c.l. freight service of the Atchison, Topeka & Santa Fe Railway nor of express and C.O.D. service as rendered by the Railway Express Agency, Inc.

The granting of the application was protested by The Atchison, Topeka & Santa Fe Railway Company and Railway Express Agency, Inc.

Witnesses for these protestants presented exhibits showing train service available for the transportation of freight and express and express rates applicable for shipments between Barstow and Needles and intermediate points.

A. L. Doran, Manager, Barstow Garage; A. H. Pendleton, proprietor of a meat market; and P. Mortensen, operating a bakery; all of Barstow, testified in behalf of protestants. All these protestants were now using the express service and occasionally the l.c.l. freight service of protestants and were fully satisfied with the existing facilities and service. None of these witnesses had need for the proposed truck service in their respective businesses, and were of the opinion that it was not necessary.

The record shows a daily l.c.l. freight service to be available in each direction between Barstow and Needles and intermediate points. For express service there are available four round trips daily between the terminals of Barstow and Needles, and two round trips daily serving the intermediate stations between said terminals. Agency stations are open for the transaction of business longer hours than is usually the rule in communities of such limited population, the station at Barstow being open 18 hours daily and the stations of Goffs, Newberry, Daggett and Needles having 24 hour service.

After full consideration of all the evidence and exhibits presented herein it appears that applicant has not carefully canvassed the territory he proposes to serve and that the

limited volume of business that would be available would not be sufficient to meet the expense of the proposed operation, to say nothing of a proper return on the investment in property devoted to a public use. The rates proposed by the applicant are materially lower than those of existing carriers, even the l.c.l. freight rates of the railroad, but the necessity for the establishment of an automobile truck service between Barstow and Needles and the intermediate sparsely inhabited desert country does not appear, even from the testimony of the applicant which presents no facts or assurance that the proposed operation could be successfully inaugurated and continued as a method of public transportation. The relatively small volume of shipments now moving are reasonably and adequately cared for by the existing rail and express facilities, both methods of transportation having facilities ample to care for not alone the traffic now being offered but for a greatly increased volume without the necessity for rearranging present facilities or the providing of additional service.

Under the facts and circumstances as presented by the record in this proceeding the proposed service is not necessary, has practically no chance of financial success and would divert business from carriers already having ample equipment and facilities to continue the satisfactory handling of all traffic offering in the territory proposed. The application will, therefore, be denied.

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 Winsor W. Mc Lean of an automobile truck service as

a common carrier of freight and express between Barstow and
Needles and intermediate points, and

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

Dated at San Francisco, California, this 14th day
of May, 1930.

Cl. Sawyer

Thos. B. Linton

W. J. Lee
COMMISSIONERS.