

Decision No. 23012

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

MOTOR FREIGHT TERMINAL COMPANY, a
 corporation, and SAN JOAQUIN VALLEY
 TRANSPORTATION COMPANY, a corporation,

Complainants,

vs.

GENERAL TRANSIT, Inc., a corporation,
 Defendant.

Case No. 2833

ORIGINAL

O'Melveny, Fuller & Myers, by Penn Works, for
 Complainants.

W. S. Johnson and Edw. Stern for Southern Pacific
 Company and Railway Express Agency, Inc.,
 interested parties.

Harry N. Blair, for Mr. Ball and Mr. Hayes,
 interested parties.

BY THE COMMISSION -

OPINION

Motor Freight Terminal Company, a corporation, and
 San Joaquin Valley Transportation Company, a corporation,
 have filed a complaint against General Transit, Inc., a corpor-
 ation, alleging that the defendant corporation does not have
 a certificate of public convenience and necessity from the
 Railroad Commission entitling said defendant to operate as a
 common carrier, and/or a transportation company as said term
 is defined by Chapter 213, Statutes of 1917, (as amended);
 that notwithstanding the absence of such authorization from the
 Railroad Commission that said defendant is and for a long time
 past has been maintaining and regularly owning, controlling,
 operating and/or managing auto trucks used in the business of
 transportation of property as a common carrier for compen-
 sation over the public highways between Los Angeles, Fresno,
 Tulare, west side oil fields, Kettleman, Coalinga and other
 points in the San Joaquin Valley intermediate between Los

Angoles and Fresno; and that said operations of defendant are unauthorized and illegal and injurious to the transportation business conducted by the complainants. Complainants pray for an order of the Railroad Commission requiring the defendant to cease and desist from the alleged illegal and unauthorized operations.

Although due service of this complaint was regularly made by the Commission upon the defendant, no answer was filed to this complaint by the defendant herein.

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

M. Hayden, handling the warehousing and shipping for Petroleum Equipment Company of Los Angeles, testified that his concern began shipping by the trucks of defendant during the year of 1929 and discontinued in June, 1930. These shipments averaged three times per week during the above period, and were made from Los Angeles to various points in the oil fields as orders for material were received.

E. F. Mc Cue, Traffic Manager for Crane Company, Los Angeles, testified that he had used the trucks of defendant for the transportation of contract loads, having begun shipment some two or three years ago. While witness had shipped on a contract basis, the service was at all times available and in such instances where it was patronized was satisfactory to witness.

J. E. Robertson, Manager; Fred Russell, employed in the traffic department, and Mr. Northwaite, employed as an investigator, all with Pacific Freight Lines, testified as to the operation by defendant of truck service between Los Angeles and points in the oil field territory; regarding service available daily, and as to the checking of shipments enroute from Los Angeles to points in the oil field district.

A. S. Meininger, employed by the Railroad Commission as an inspector, testified regarding the operations of defendant company as observed by him during a series of inspections. This witness had made shipments from Los Angeles and Taft for which regular receipts were issued, delivery receipts taken, and for which compensation was paid. Documents supporting such transactions were filed as exhibits at the hearing on this complaint.

This witness, accompanied by Lieut. Detective E. R. Reynolds of the Los Angeles Police Department assigned to the Board of Public Utilities and Transportation, made several checks of shipments moving on trucks of defendant company from Los Angeles to points in the oil fields and the San Joaquin Valley. The results of these checks are as shown in the following summary:

June 10, 1930, truck owned by General Transit, Inc., Graham Truck bearing License PCC 62-77, driven by P.L. Bess, from Los Angeles contained the following shipments:

<u>No. of shipments</u>	<u>Destination</u>	<u>Weight</u>
1	Follows	40 lbs.
3	Mc Kittrick	144 "
2	Kettleman Hills	24946 "
4	Coalinga	2731 "

June 10, 1930, truck bearing License No. PCC 1058 and trailer bearing License No. PT 15571, driven by Chas. L. Ball:

<u>No. of shipments</u>	<u>Destination</u>	<u>Weight</u>
2	Bakersfield	32296 lbs.
1	Pozo Creek	1200 "
3	Taft	4097 "

June 11, 1930, Graham Truck bearing License PCC 917 and trailer bearing License 41039 driven by A. Bester:

<u>No. of shipments</u>	<u>Destination</u>	<u>Weight</u>
4	Bakersfield	6706 lbs.
2	Taft	7383 "
3	Kettleman Hills	207 "
1	Follows	130 "
1	Avenal	707 "
6	Mc Kittrick	610 "

At the hearing it was stated by counsel for interested parties, Ball and Hayes, that defendant company had ceased operation by reason of financial difficulties. There is no evidence of record, however, that would indicate that the corporation has been dissolved or that the financial difficulties are such that operation of the trucking service may not be resumed.

After full consideration of all the evidence and exhibits in this proceeding we are of the opinion that defendant General Transit, Inc., a corporation, has operated an automobile truck service as a common carrier, for compensation, over the highways of this state over regular routes and between fixed termini, and specifically between Los Angeles and Bakersfield, Taft, Fellows, Mc Kittrick, Kettleman Hills, Coalinga, Pozo Creek, and Avenal, without having secured from the Railroad Commission a certificate of public convenience and necessity as required by the provisions of Chapter 213, Statutes of 1917, and effective amendments thereto.

ORDER

A public hearing having been held upon the above entitled complaint, the matter having been duly submitted, the Commission being now fully advised and basing its order on the finding of fact as appearing in the opinion which precedes this order,

IT IS HEREBY ORDERED that defendant General Transit, Inc., a corporation, immediately cease and desist the operation of an automobile truck line as a common carrier of property for compensation over the highways of this state, and specifically between the fixed termini of Los Angeles and the communities of Bakersfield, Taft, Fellows, Mc Kittrick, Kettleman Hills, Coalinga, Pozo Creek and Avenal, and not resume said operation unless and until said defendant, General Transit, Inc., a corporation, shall have secured from the Railroad Commission a certificate of public convenience and necessity for the conduct of said

operation after application will have been made therefor in accordance with the provisions of Chapter 213, Statutes of 1917, and effective amendments thereto, and

IT IS HEREBY FURTHER ORDERED that the Secretary of this Commission be and he hereby is directed to forward a copy of this order, by registered mail, to the District Attorneys of the Counties of Los Angeles, Kern, Tulare, Kings and Fresno.

The effective date of this order is hereby fixed as twenty (20) days from the date hereof.

Dated at San Francisco, California, this 27th day of October, 1930.

C. E. Seaver
E. M. ...
Leon ...
Thos. D. ...

COMMISSIONERS.