

Decision No. 23080

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BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
LOS ANGELES TRANSFER COMPANY, a California)
corporation, for certificate of public)
convenience and necessity to operate a)
transfer service for the purpose of)
handling baggage for patrons over the lines)
of the Southern Pacific Company between) Application
Glendale and Los Angeles, Beverly Hills and) No. 16271
Culver City, and Glendale and Pasadena,)
South Pasadena, San Marino and Alhambra,)
and the unincorporated territory in the)
County of Los Angeles generally known as)
Altadena, Lamanda Park and Flintridge.)

Overton, Lyman & Plumb, by Edward D. Lyman and
George W. Prince, for the Applicant.

Harry W. Blair, for Keystone Express, Protestant.

H. J. Bischoff, for Rice Transportation Company;
Glendale Verdugo Hills Express; Security Van &
Storage Company, Alhambra Transfer & Storage;
Pasadena Express; Motor Transportation Corporation;
Union Transfer & Storage; Simon Transfer Company;
Baetz Transfer Co.; Glendale & Los Angeles Express;
Joe & Ed's Express; Richards Trucking & Warehouse
Company, Protestants.

LOUTWIT, Commissioner -

ORDER OF DISMISSAL

This is an application of Los Angeles Transfer Company for authority to operate as an automotive common carrier of baggage for patrons of Southern Pacific Company only, between Glendale and other territory as set out above. The service proposed will consist of house to house calls and deliveries to the railroad depot in Glendale and from the depot to houses. Applicant is the authorized transfer company for various rail and ship lines entering Los Angeles, and has operated heretofore solely within that city. No schedule of rates has been submitted and applicant alleges that it will maintain no time schedule and can give no sketch of proposed routes.

It is the position of applicant that the Commission has no jurisdiction over the proposed operations, the application having been filed in order to obtain a ruling prior to entering upon the business. No testimony was offered at the hearing. Counsel for protestant Keystone Express contends that the service is private in nature and, because of an agreement with Southern Pacific Company, subject to the control of the latter. Counsel for protestant Rice Transportation Company claims that applicant will perform a common carrier service between fixed termini over regular routes, but has not complied with the rules of procedure in failing to set forth the routes proposed to be followed. Applicant's brief urges a dismissal on the ground that the proposed operations will not be within the jurisdiction of the Commission.

From the application it appears that the service there outlined may or may not be operated in such a manner as to fall within the provisions of the regulatory statute. At the hearing counsel for applicant took the position that the operations would not be subject to the Commission's jurisdiction.

IT IS HEREBY ORDERED that the application be dismissed.

The foregoing order is hereby approved and ordered filed as the order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 13th day of November, 1930.

C. S. James
Edward B. Smith
Thomas D. Smith
M. P. Lane
Commissioners