

Decision No. 23112.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of LEWIS A. MONROE, Agent for common carrier freight truck lines, viz., City Transfer & Storage Company, Dinuba Truck, Fortier's Transportation Company, E. Frasher Truck, Fresno-Lanare Truck, Fresno-Orange Cove Truck, George Harm Truck, Keystone Express System, Madera Truck, Morgan's Auto Express & Freight, Motor Service Express, Inc., Rice Transportation Company, San Joaquin Valley Transportation Company, Triangle Transfer Company, Valley Motor Lines, Inc. and Western Truck, for an order granting permission to continue to assess freight charges under proportional rates as now published in tariffs on file with the Railroad Commission.)

ORIGINAL
Application No. 16269.

In the Matter of the Application of LEWIS A. MONROE, Agent for common carrier freight truck lines, viz., Dinuba Truck, Fortier's Transportation Company, E. Frasher Truck, Fresno-Lanare Truck, Fresno-Orange Cove Truck, Fresno-Stratford Truck, Fresno & Visalia Freight & Express, George Harm Truck, Madera Truck, Morgan's Auto Express & Freight, Ramsey Auto Truck, Triangle Transfer Company, Valley Motor Lines, Inc. and Western Truck, for permission to publish and file a tariff containing through joint freight rates, class and commodity, in lieu of proportional rates now in effect between the said lines.)

Application No. 16939.

Sanborn, Roehl and Smith, by A. B. Roehl, for the applicants.

Edward Stern, for Railway Express Agency, Incorporated, as their interest may appear.

W. S. Johnson, for Southern Pacific Company and Pacific Motor Transport Company, protestants.

CARR, Commissioner:

O P I N I O N

These proceedings are the outgrowth of Case No. 2839, Decision No. 22594 of June 30, 1930, an investigation on our own

motion to determine the lawfulness of certain proportional rates published by respondents for the transportation of freight in motor vehicles between various points in California. The nine respondents in Case 2839, operating under the names of the Valley Motor Lines, Madera Truck Line, Dinuba Truck Line, E. Frasher Truck Line, Western Truck Line, Geo. Harm Truck Line, San Joaquin Valley Transportation Company, Motor Service Express and Rice Transportation Company, are required by the order to cancel on or before December 1, 1930, all proportional rates involved in the proceeding unless an order authorizing their continuance is obtained before the effective date of the order.

The proceedings were set for joint hearings and some were conducted at San Francisco October 31 and November 8, 1930.

Application No. 15869 on behalf of the nine carriers respondents in the foregoing Case No. 2839, and seven others here seeks authority to continue in effect certain proportional rates, but no one appeared on behalf of the applicants and the protestants moved that the proceeding be dismissed. Failure to support a formal application by proper testimony implies an abandonment; however, in the instant proceeding it would appear the responsible parties may have misunderstood the necessary procedure and therefore the application will be held in suspense until December 30, 1930, and if on or before that date the proper action is not taken the application will be dismissed and the proportional rates ordered cancelled from the tariffs.

Application No. 16939 on behalf of fourteen truck lines, viz., Valley Motor Lines, Madera Truck Line, Dinuba Truck Line, E. Frasher Truck Line, Western Truck Line, Geo. Harm Truck Line, Fortier's Transportation Company, Fresno-Lanare Truck Line, Fresno-Orange Cove Truck Line, Morgan's Auto Express & Freight Line, Triangle Transfer Company, Fresno-Stratford Truck Line,

Fresno & Visalia Freight & Express Line, and Ramsey Auto Truck, seeks an order authorizing the publication and filing of tariffs containing joint through rates, as set forth in Exhibit "a" attached to and made a part of the application, between San Francisco and points via Fresno in the San Joaquin Valley north of Bakersfield, the joint rates to supersede the present proportional rates and constructed to result in substantially the same total charges for the through movements as now prevail by use of the combination of the proportional rates to be cancelled.

Witnesses for the parties in Application No. 16939 showed that the proportional rates were filed under the belief that they were proper and in the public interest. When and why these rates were published was carefully considered in Case 2839, supra, in which it was found that their filing was without authority and was illegal. These matters are now immaterial. The question for determination in this proceeding is whether public convenience and necessity will be served by the publication of the proposed joint rates.

There were testimony and exhibits from applicant carriers and shipper witnesses showing a constant and heavy movement of less than carload freight, especially from and to San Francisco and the San Francisco Bay district. During the period September 1 to October 15, 1930, there were forwarded from San Francisco to points south of Fresno 415,710 pounds from 118 consignors to 35 different towns and communities. This was practically all package freight and the truck service included a store door pick-up and delivery. The record clearly demonstrates the value and importance of the proposed joint rates and their convenience and necessity to the shipping public.

Protestants confined their participation to the cross-examination of witnesses and to testimony as to the service

offered and to be offered by the Southern Pacific Company. This service applies between the rail depots, in no case includes pick-up or delivery and requires much more time than the truck service.

Upon full consideration of the record we are of the opinion and find that public convenience and necessity require the establishing of joint through freight rates as proposed between San Francisco on the Valley Motor Lines on the one hand, and on the other, points on the lines of Madera Truck, Dinuba Truck, H. Frasher Truck, Western Truck, Geo. Harm Truck, Fortier's Transportation Company, Fresno-Lanare Truck, Fresno-Orange Cove Truck, Morgan's Auto Express & Freight, Triangle Transfer Company, Fresno-Stratford Truck, Fresno & Visalia Freight & Express, and Ramsey Auto Truck.

I recommend the following form of order:

O R D E R

Public hearings having been held in the above entitled proceedings, testimony introduced, the matters submitted, and the Commission being fully advised,

IT IS HEREBY ORDERED that the following common carrier truck lines, viz., Valley Motor, Madera Truck, Dinuba Truck, H. Frasher Truck, Western Truck, Geo. Harm Truck, Fortier's Transportation Company, Fresno-Lanare Truck, Fresno-Orange Cove Truck, Morgan's Auto Express & Freight, Triangle Transfer Company, Fresno-Stratford Truck, Fresno & Visalia Freight & Express, and Ramsey Auto Truck, be and they are hereby authorized to file within a period of not to exceed thirty (30) days from date hereof, effective within ten (10) days after filing, joint rates as set forth

by Exhibit "A" attached to the application herein, quoting rates, rules and minimum charges between San Francisco and points beyond Fresno on lines of applicant carriers.

IT IS HEREBY FURTHER ORDERED that Application No. 16869 be continued for further consideration until December 30, 1930.

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

Dated at San Francisco, California, this 26th day of November, 1930.

W. S. Harvey

Leon A. Smith

W. S. Smith

W. S. Smith
Commissioners.