

Decision No. 23455.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the matter of the Application
of FRED A. SUTHERLAND, for a
permit to transport merchandise
in connection with his stages,
between San Diego, California, and
San Ysidro, California, and
intermediate points.

ORIGINAL

) Application No. 17018

Hendee & Rodabaugh by E. E. Rodabaugh for applicant.

R. G. Dilworth and F. B. Dorsey for San Diego & Arizona
Railway Company and Railway Express Agency, Inc.,
protestants.

H. S. Dixon for San Diego Electric Railway Company,
Interested Party.

Harold W. Dill for International Express, Inc., Protestant.

BY THE COMMISSION:

O P I N I O N

Applicant operates an automobile stage line for the transportation of passengers between San Diego and San Ysidro and intermediate points, and by this application seeks authority to carry express packages on said passenger vehicles. It is not proposed to transport any package weighing in excess of one hundred pounds. A minimum rate of twenty-five cents is fixed for each consignment up to twenty-five pounds and a rate of one cent per pound in excess of such weight, said rates to apply between any two points.

A public hearing was held by Examiner Gannon at San Diego and the matter was submitted.

Applicant Sutherland testified that since the discontinuance of airplane package service between San Diego and the border (San Ysidro) he has had frequent requests from merchants and others for the transportation of package merchandise, particularly to meet a demand said to exist with respect to emergency shipments. Many of the merchants in the smaller towns carry limited stocks of goods which could readily be replenished on short notice from San Diego. Several San Ysidro merchants testified as to the need for quick and frequent emergency service for small packages, which could best be rendered by automobile stage. Their testimony is that the heavy freight service performed by existing authorized carriers is satisfactory enough in its way, but does not fully meet the requirements.

The circulation manager of a San Diego daily newspaper, and the manager of a news agency at the same place, testified that present facilities are inconvenient and irregular and generally unsatisfactory and that the proposed service would adequately meet their particular requirements. A petition signed by some thirty businessmen of San Diego, and towns in the southern part of the county, was filed as an exhibit, and sets forth that the proposed service would be a "tremendous help" to merchants in the shipment of small packages.

Protestants San Diego and Arizona Railway and Railway Express Agency, Inc., through F. B. Dorsey, traffic manager of the railroad, offered testimony as to the present rail service. He testified that the rail line operated one freight train daily between San Diego and San Ysidro, leaving San Diego at 8:40 p.m. Another train carrying passengers and express leaves San Diego daily at 5:15 p.m. A tri-weekly local freight train is also operated. In the opinion of this witness the territory is adequately served.

The manager of International Express, Inc., a truck line, testified that his company operated two round trips daily between San Diego and San Ysidro and that a third trip is operated as occasion demands. This is entirely a freight-trucking service.

A review of the evidence in this proceeding convinces us that the service proposed by applicant will meet a public demand. Sutherland operates twenty schedules each way daily between San Diego and San Ysidro, at half hourly intervals. Express transportation, on frequently operated stages, undoubtedly tends to serve public convenience and necessity and in this instance will aid materially in meeting the transportation requirements of a territory not now enjoying an adequate service for the carrying of small emergency shipments. We therefore find as a fact that the service proposed by applicant is required and the application should be granted.

ORDER

A public hearing having been held in the above entitled proceeding and the matter having been submitted,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA hereby declares that public convenience and necessity require the transportation of express matter on the automobile passenger stages operated by Fred A. Sutherland under rights fully set forth in Decision No. 21844, said express service to be limited to such points and subject to the restrictions imposed on said passenger stage service as are set forth in Decision No. 21844, and

IT IS HEREBY ORDERED that a certificate of public convenience

and necessity for such express service be and the same hereby is granted to Fred A. Sutherland subject to the following conditions:

1. The right to transport express herein granted shall not be considered as a separate operating right but as a part of the operating rights described in Decision No. 21844.
2. No package weighing in excess of 100 pounds shall be transported, and the transportation of express shall be limited to passenger vehicles operated as described by Decision No. 21844.
3. Applicant shall file his written acceptance of the certificate herein granted within a period of not to exceed fifteen (15) days from date hereof.
4. Applicant shall file in duplicate and make effective within a period of not to exceed thirty (30) days from the date hereof a tariff or tariffs constructed in accordance with the requirements of the Commission's General Orders and containing rates and rules, which, in volume and effect, shall be identical with the rates and rules shown in the exhibit attached to the application insofar as they conform to the certificate herein granted.
5. Applicant shall file, in duplicate, and make effective within a period of not to exceed thirty (30) days from the date hereof time schedules, covering the service herein authorized, in a form satisfactory to the Railroad Commission.
6. The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.
7. No vehicle may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by him under a contract or agreement on a basis satisfactory to the Railroad Commission.

For all other purposes the effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 2nd day of

March, 1931.

C. S. [Signature]
L. B. [Signature]
W. J. [Signature]
M. B. [Signature]
Fred G. [Signature]
Commissioners.