

Decision NO. 24570.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of
PUCKETT FREIGHT LINES, LTD., for an
order authorizing applicant to con-
solidate and unify operating rights
for automotive freight service,
heretofore transferred to it, with the
operating rights of applicant, and to
amend the order granting operative
rights to applicant to conform thereto.

Application No. 17548.

ORIGINAL

Henry E. Carter, for Applicant.

E. T. Lucey, for The Atchison, Topeka & Santa Fe
Railway Company, Interested Party.H. J. Bischoff, for Donovan Transportation Company,
Motor Service Express, Pacific Freight Lines,
and San Bernardino Transportation Company,
Rice Transportation Company, Protestants.Frank Karr and R. E. Wedekind, by R. E. Wedekind,
for Pacific Electric Railway Company and
Pacific Motor Transport Company, Protestants.

Harry N. Blair, for Keystone Express, Protestant.

M. H. Richards, for Richards Trucking & Warehouse
Company, Protestant.

Phil Jacobson, for Rex Transfer Company, Protestant.

BY THE COMMISSION:

O P I N I O N

Puckett Freight Lines, Ltd., a corporation, has petitioned the Railroad Commission for an order authorizing applicant to consolidate and unify and hereafter to operate as one unit all operative rights now owned by said applicant and heretofore transferred to it by decisions of this Commission, and that amendment be made to the provisions of Decision No. 23349 on Application No. 17112, as decided February 2, 1931, authorizing the transportation of all commodities and classes of freight to and from all destinations mentioned in the decision, and to and from all

intermediate points on said route and without restriction as to class of freight, and covering a distance of five miles on either side of the highways traversed.

Public hearings on this application were conducted by Examiner Handford, the matter was duly submitted upon the filing of brief by applicant's counsel, the Commission is now fully advised and the matter is ready for decision.

Applicant proposes to charge rates in accordance with a schedule filed at one of the hearings as a portion of the application, to operate an "on call" service (rendering service within not more than 24 hours from time call is received), and to use as equipment that presently operated together with such additional as may be required by the demands of traffic.

J. P. Puckett, president of Puckett Freight Lines, Ltd., testified that in the present operation of his various lines he frequently received complaint from shippers as to inability to transport all items, some of his routes now being restricted as to commodities to be handled. Applicant has an unrestricted franchise between Los Angeles Harbor and Los Angeles, but is restricted as to commodities on two other franchises owned and operated by the applicant, to points beyond Los Angeles. If the present application were to be granted shipments would be made directly to and from Los Angeles Harbor points and the delay in transfer at Los Angeles would be avoided. The unification of present franchises and the removal of restrictions on certain commodities would also facilitate the handling of shipments by the applicant.

This witness stated that it was the intention of his company to make arrangements with some local drayman in any city of any consequence to make the local delivery due it from the line haul truck, thus enabling the truck to proceed to other

destinations and expedite deliveries. This witness also prefers to have the lines remain as at present and not to consolidate or unify the operation unless the present application is granted and the present restrictions against certain commodities are removed.

George Medigovich, residing at Wilmington and engaged in the real estate business at Los Angeles testified that in the spring of 1931 he had a client that was considering the establishment of an industrial location at Wilmington to distribute throughout Southern California. The industry finally located in another location, where Los Angeles pick-up and delivery was available and no location was purchased in the Wilmington or Los Angeles Harbor District.

Chas. E. Bayley, employed as secretary of the Crescent Wharf and Warehouse Company and the Crescent Warehouse Company located at Terminal Island, Los Angeles Harbor testified that his companies had lost storage business due to their inability to distribute merchandise direct to points in Southern California without forwarding same through Los Angeles for handling by trucks moving from that point.

R. Piebish, employed as traffic manager for the Van Camp Seafood Company, Inc. of Terminal Island, canners of tuna, sardines and mackerel, testified that his company made shipments to Glendale, Riverside and San Bernardino and preferred the direct routing instead of a transfer at Los Angeles. Witness was not aware that a direct service daily was available by the trucks of the Motor Service Express to Riverside and San Bernardino and was unable to state whether or not his company had used such presently available service.

J. W. Puckett, vice-president and traffic manager of applicant company testified that freight destined to interior points beyond Los Angeles had been considerably delayed in

delivery at destination by reason of transfer at Los Angeles and that a direct haul from Los Angeles Harbor would result in quicker delivery at destination. Witness in his investigation has interviewed the larger shippers and there were letters presented as exhibits from Southern California Fish Corporation, packers of tuna and sardines at Terminal Island, Cedal Manufacturing Co. Inc. of Wilmington; City and Harbor Warehouse, Ltd. of Wilmington; Franco-Italian Packing Co., Inc. of Terminal Island and Coast Fishing Company of Wilmington. All these concerns endorse the proposed service although none state the volume of tonnage that would be shipped via the proposed routes.

C. B. Carter, manager of the Wilmington Transfer and Storage Company at Wilmington testified that his patrons frequently made distribution of their products to points beyond Los Angeles and that direct shipment was desirable, some accounts having been lost because such method of distribution was not available. Witness is of the opinion that public convenience and necessity demand the granting of the application and the direct routing of shipments to points of destination instead of a transfer in Los Angeles.

The Wilmington Chamber of Commerce by resolution regularly adopted at a regular meeting endorse the granting of the application.

The granting of the application is protested by the Donovan Transportation Company, Rice Transportation Company, Motor Service Express, Pacific Freight Lines, San Bernardino Transportation Company, Pacific Electric Railway Company, Pacific Motor Transport Company, Keystone Express, Richards Trucking and Warehouse Company and Rex Transfer Company.

M. E. Richards of the Richards Trucking and Warehouse Company testified that his company operated twice daily between

Los Angeles and all Orange County points, also operated daily direct from Los Angeles Harbor to Los Angeles, Pasadena, South Pasadena, Altadena and Lemanda Park. The service has been operated for the past seventeen or eighteen years and now operates some sixty-three pieces of equipment. Witness also testified that his company maintained an active solicitor at Wilmington, an agent at Los Angeles Harbor and agents at Los Angeles and other principal points served by its lines. The witness was also familiar with the service of the City Transfer & Storage Company of Long Beach. This company operates 75 or 80 pieces of equipment and operates daily service from Wilmington and the Los Angeles Harbor District into Long Beach.

H. P. Merry testified that he was the General Manager of the Rice Transportation Company, the Motor Service Express and the Donovan Transportation Company. The Motor Service Express serves Riverside, San Bernardino, Banning, Beaumont, San Jacinto, Hemet, the San Jacinto Mountain resorts and points in the Coachella Valley, a daily service being rendered from Los Angeles Harbor on all commodities. The Rice Transportation Company operates from Los Angeles Harbor and Long Beach to Orange County points serving the towns of Fullerton, Anaheim, Orange, Santa Ana, La Habra, Brea, Tustin, Irvine and smaller points as far south as El Toro on the San Diego route. Service is rendered once daily from the harbor and twice daily from Los Angeles to the principal points.

Phil Jacobson, a witness for Rex Transfer Company, testified that that company operated from Los Angeles to Colton, Redlands, Yucaipa and San Bernardino. The company maintains depots and agents in Los Angeles, Redlands and San Bernardino, also has agents located at Colton and Yucaipa. This company is also a party to the joint tariff issued by the Los Angeles

& San Pedro Transportation Co. and handles Los Angeles Harbor shipments under a through rate destined to or from points in Riverside and San Bernardino Counties. The company is not operating to capacity at the present time and has had no complaint as to the elapsed time in transit or rates from the shipping public served by its line.

We have carefully considered the evidence and exhibits in this proceeding. It appears that none of the public witnesses presented by the applicant promise any tonnage if the application be granted, neither were such witnesses familiar with the rates proposed by the applicant as against existing through rates. The showing herein made does not lead us to conclude that public convenience and necessity require the removal of restrictions now existing on applicant's lines and the establishment of additional service to and from Los Angeles Harbor points. By taking advantage of present facilities shippers may either forward their consignments direct or by transfer at Los Angeles and we find no material complaint from shippers as to rates or service as now available. No promise is made of any specific tonnage by any shipper which would accrue to applicant if this application were to be granted. As the president of the applicant company testified that he did not wish the present conditions to be changed if the application were not granted, we are of the opinion that the instant application should be denied without prejudice, there being no showing of public convenience and necessity before us which justifies its granting.

ORDER

Public hearings having been held upon the above entitled application, brief having been submitted by applicant,

the matter having been duly submitted and the Commission being now fully advised,

IT IS HEREBY ORDERED that this application be and the same hereby is denied without prejudice.

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

Dated at San Francisco, California, this 14th day of March, 1932.

C. Weaver
Leon Whitwell
M. A. [unclear]
W. B. [unclear]
Fred G. Stewart
Commissioners.