

Decision No. 10022

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the matter of the application of G. B. THOMPSON and H. FRASHER, a co-partnership, doing business under the name of The United Truck Lines, for certificate of public convenience and necessity to operate automobile freight service between Fresno and Turlock in concurrence with The White Lines, now operating between Turlock and Stockton.

Application No. 7308.

L. B. Randall and Harry N. Blair for Applicants and for The White Lines.

H. E. Patterson for Fresno County Chamber of Commerce.

John R. Graham for Merced Chamber of Commerce.

C. S. Cothran for Board of Supervisors, Merced County.

Matthew Conley for L. Ireland Truck Line.

E. T. Lucey for Atchison, Topeka & Santa Fe Railway Company.

L. N. Bradshaw for Southern Pacific Company.

E. Stern for American Railway Express Company.

BY THE COMMISSION.

O P I N I O N

Public hearings were held by Examiner Westover at Fresno and Merced upon the above application to operate freight truck service between Fresno and Turlock in concurrence with The White Lines, now operating between Turlock and Stockton.

The White Lines originally operated by authority of the Commission between Fresno and Stockton, but on September 7,

1920, ceased serving points south of Turlock, this abandonment being without notice to or authority from the Commission. One effect of granting the application would be to authorize The White Lines to serve this territory through concurrence in tariffs, quoting through rates, with the applicants. Incidentally it appears from the testimony that the parties proposing to concur in the tariffs and classification have not agreed upon a division of the rates concurred in.

Applicants propose to operate one round trip daily, except Sundays and holidays, between Fresno and Turlock upon a schedule connecting at Turlock with the schedules of The White Lines, all shipments to be transferred at Turlock. Applicants also propose to operate a second round trip daily, serving Fresno and Chowchilla and intermediate points.

It appears from the evidence that The White Lines quit serving south of Turlock because that portion of the line could not be operated at a profit, as it was being operated with agencies at Merced, Chowchilla, Madera, and Turlock.

The application states, as conditions justifying its granting, that merchants at Turlock, Fresno, and intermediate points, and also The White Lines, claim that the service is needed.

While there was testimony to the general effect that traffic conditions between Fresno and Turlock were different than when The White Lines abandoned service in this territory, owing to the establishment of new concerns in Fresno, there was no testimony showing specifically what concerns were referred to, their estimated tonnage, points to which they wish to ship, nor to show what specific firms need the service.

The present service in this territory is furnished by the Southern Pacific, serving all of the points which applicants

propose to serve; by the Santa Fe system, serving Fresno and Merced; the American Railway Express Company, operating over both rail lines; and by the L. Ireland Truck Line, serving Fresno, Madera, and intermediate points, which applicants propose to serve.

It appears from the testimony that by improved service, recently established by the Southern Pacific, l.c.l. freight delivered to the railroad at Fresno by 4:00 P.M. is available for consignees at Madera and Merced the following morning at 7:00 A.M., and at other points between Fresno and Merced the schedule provides for arrival at hours varying from 7:35 A.M. at Herndon, to 12:52 P.M. at Athlone; and at points north of Merced at times varying between 8:15 A.M. at Fergus and 10:42 A.M. at Turlock. It appears from exhibits showing Southern Pacific tonnage that the great bulk of l.c.l. freight moving in this territory is destined to Madera, Chowchilla, Merced and Atwater, with relatively small shipments to the other towns in question.

The Santa Fe exhibit showing performance of merchandise car service, Fresno to Merced, during November and to December 7, 1921, shows l.c.l. freight received by 4:00 P.M., leaving Fresno the following morning about 8:00 A.M., and arriving at Merced usually by 1:00 or 2:00 P.M., but, on one occasion, as late as 4:15 P.M., and ready for delivery in Stockton the following morning at 7:00 A.M., while the southbound service from Stockton shows arrival at Merced usually between 10:00 and 11:00 the following morning, and at Fresno by 7:00 A.M.

The American Railway Express operates nine round trips daily between Fresno, Turlock, and Stockton, with free pick-up and delivery in specified zones at Fresno, Madera, Merced, Turlock, Ceres, Modesto, and Stockton.

The proposed rates, including store delivery, are approximately rail rates, plus drayage charge at destination. The whole-

sale houses now absorb drayage charges at points of origin, which they would have to do under applicants' rates, as no pick-up is provided for at Stockton or Fresno. The present express rates are much lower than proposed rates on milk and cream, ice cream, live poultry and baggage, on shipments of butter, eggs and meat, and on fruit and vegetables, fresh and dried, where weights are less than 75 pounds. These articles constitute a large part of the traffic in the territory in question.

The application was actively opposed at the hearings by the Fresno County Chamber of Commerce, the Merced Chamber of Commerce, and the Board of Supervisors of Merced County, upon the ground that present shipping facilities are adequate and the proposed service not necessary or a public convenience. They also raise questions of public policy involving questions of taxation for up-keep of highway, damage to highway due to overloading of trucks, and the safety of the traveling public on the highway, which questions of public policy are not given consideration herein as they are questions within the province of the Legislature, undoubtedly considered by it at the time of the adoption and amendment of the statute upon the subject of regulation of transportation companies.

A careful analysis of all of the testimony presented fails to show that public convenience and necessity require the authorization of the proposed service, and the application must, therefore, be denied.

#### ORDER

Public hearings having been held upon the above entitled application, the matter being submitted and now ready for decision,

THE RAILROAD COMMISSION HEREBY DECLARES that public con-

venience and necessity do not require the service proposed by applicants, therefore,

IT IS HEREBY ORDERED that application be and it is hereby denied.

Dated at San Francisco, California, this 30<sup>th</sup> day of January, 1922.

H. T. Brundage

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Wesley H. Brown

J. P. Anderson  
Commissioners.