

Decision No. 10661

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of G. E. GALBREATH for a certificate of public convenience and necessity to operate an automobile freight service between Chino and Corona, California.

Application
No. 7277.

In the matter of the application of K. F. BEYERLE, proprietor of Murrieta Valley Motor Freight Line, for certificate to extend present service of the Murrieta Valley Motor Freight Line to serve the town of Corona, California.

Application
No. 7579.

ORIGINAL

H. N. Blair, for applicant in Application 7277
and for protestant in Application 7579.

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

C. W. Cornell, for Pacific Electric Railway
Company, protestant.

T. A. Woods, for American Railway Express
Company, protestant.

K. F. Beyerle, for applicant in Application 7579
and for protestant in Application 7277.

B. M. Tucker, in propria persona.

BY THE COMMISSION:

OPINION

G. E. Galbreath, doing business under the name of the Chino Express and Transfer, has petitioned the Railroad Commission, in accordance with his amended application, for an order declaring that public convenience and necessity require the operation by him of an automobile truck line as a common carrier of freight between Los Angeles and Corona, and between Pomona and Corona, serving intermediate points

between Pomona and Corona, via Chino.

Applicant proposes to charge rates and to operate on a time schedule as set out in the amended application, using the equipment described in Exhibit C, attached to said application.

K. F. Beyerle, doing business under the name of the Murrieta Valley Motor Freight Line, has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of an automobile truck line as a common carrier of through freight between Los Angeles and Corona.

Applicant proposes to charge rates in accordance with Exhibit A, attached to said application, and to operate under the same time schedule as applicant is now operating from Los Angeles to Temecula, via Corona, and to use the same equipment now in service on applicant's line.

Public hearings on the said applications were conducted by Examiner Satterwhite at Corona, at which time the matters were duly submitted and are now ready for decision. Said applications were consolidated for the purpose of receiving evidence and for decision.

Each applicant protested the application of the other. The Atchison, Topeka & Santa Fe Railway Company, the Pacific Electric Railway Company, and the American Railway Express Company appeared in opposition to the granting of these applications.

Applicant C. E. Galbreath is now operating an authorized through freight service between Los Angeles and Chino, via Pomona. Applicant K. F. Beyerle is now operating an authorized freight service between Los Angeles and Temecula, by way of Anaheim and Corona, with authority to serve intermediate points only between Corona and Temecula.

Each of said applicants testified in his own behalf and called several witnesses in support of his said application.

The testimony of each applicant shows that there have been frequent and numerous demands at their terminal stations in Los Angeles from wholesale firms and merchants and others to transport goods, wares and merchandise of all kinds to Corona. These various demands have occurred almost daily and the character of consignments offered has consisted of small packages and parcels weighing a few pounds, up to shipments of one-half ton and even in much larger amounts. These requests for transportation have been made because of a desire for immediate and direct delivery. There are, in Corona, a large number of retail merchants and business men engaged in conducting drug stores, confectionery and ice cream places, automobile stores, garages, and blacksmith shops, who desire the operation of a through freight truck service as proposed by said applicants, as it will afford them an opportunity to secure prompt and rapid consignments of freight from Los Angeles. It appears that there are eight or ten garages at Corona and many of these often have emergency calls for parts which have to be purchased at Los Angeles. The testimony shows that other retail merchants, from time to time, have need for an expedited conveyance of goods, perishable or otherwise, which are secured from Los Angeles. Many of these Corona merchants and business men have endorsed this proposed truck service because it will afford a store door pick-up and delivery within the business district, and orders can be placed in Los Angeles in the morning and be delivered by noon of the same day, under the proposed schedule of one of the applicants.

Applicant Galbreath called several witnesses in support of the local service between Pomona and Chino and

Chino and Corona. The testimony shows that there is very little freight moving between Pomona and Corona or Chino and Corona. It appears that the merchants of Corona do little or no buying at either Pomona or Chino and that the merchants at Pomona and Chino purchase little or nothing at Corona. It appears that farming machinery and implements are occasionally sold to the farmers in the vicinity of Corona. The only shipments of any consequence that would be made over this proposed service would be from the packing plant of Libby, McNeill & Libby at Chino, who operate their plant four months of each year and would make shipments direct to Corona from its plant. Applicant Galbreath admitted at the hearing that the freight traffic between Chino and Corona would be so small that it would not justify a local operation unless through service from Los Angeles to Corona were authorized. The record shows, however, as regards the intermediate service between Pomona and Chino, that there are several large manufacturing firms who make three or four shipments a week to Nared, located on the rail line of the Southern Pacific Company. This rail carrier maintains no agent at Nared and its station was removed some time ago. The evidence shows that from time to time Pomona merchants have occasion to ship goods and merchandise to points intermediate between Pomona and Chino, and this proposed truck service would be available to handle this local traffic.

The Atchison, Topeka & Santa Fe Railway Company, protestant, called several witnesses who testified to the effect that its service had always been satisfactory. A majority of these witnesses of this protestant were representatives of large fruit and citrus fruit companies, who

testified that their consignments consisted chiefly of carload lots and that shipments often ran into several hundred carloads for transcontinental transportation. Some of the other witnesses of this protestant were local merchants whose shipments were often in carload lots, or at least consisted of large consignments of freight either from or to Los Angeles. This protestant operates a daily freight car, except Sundays, from Los Angeles to Corona, which leaves Los Angeles about 9:00 o'clock in the evening, arriving in Corona at midnight, which is unloaded for delivery about 7:30 the next morning, and also operates a daily freight car, except Sundays, to Los Angeles, leaving Corona some time between 9:00 and 11:00 a. m. and arriving at Los Angeles usually not later than 4:00 p. m.

The Pacific Electric Company, a protestant, offered evidence to the effect that it maintains a daily freight service, except Saturdays, leaving Los Angeles at 11:00 o'clock in the evening and arriving in Corona not later than 8:00 the following morning. It appears that consignments of freight must be delivered to this protestant not later than 4:30 p.m., the closing time of its freight office.

A study and consideration of the testimony in this case indicates that while the large shippers of freight who patronize the protesting rail carriers are satisfied with their service, there are a large number of merchants and business men and citizens in Corona who desire and need the operation of a through truck service as proposed by each of said applicants. It is clear that the proposed service of one only of these truck lines will be adequate to meet the demands of the traffic. Several witnesses during the hearing indicated that it would be more satisfactory to have the de-

sired franchise granted to the Murrieta Valley Motor Freight Line because of the fact that this truck service now operates through Corona over a more direct and shorter route from Los Angeles and would serve no intermediate points. We are in accord with this view.

After full consideration of all the evidence, we are of the opinion and find as a fact that public necessity and convenience require the operation of a through freight line as proposed by F. K. Beyerle, under the name of Murrieta Valley Motor Freight Line.

After a careful consideration of the evidence we are of the opinion and find as a fact that public convenience and necessity require the operation of a freight line by G. E. Galbreath between Los Angeles and Chino, and between Pomona and Chino, serving intermediate points only between Pomona and Chino, via Narod.

ORDER

A public hearing having been held in the above applications, the matters being submitted and now ready for decision,

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by G. E. Galbreath, doing business under the name of the Chino Express and Transfer, of a freight auto truck line between Los Angeles and Chino and between Pomona and Chino, serving intermediate points only between Pomona and Chino, via Narod.

THE RAILROAD COMMISSION HEREBY FURTHER DECLARES that public convenience and necessity require the operation by K. F. Beyerle, under the name of Murrieta Valley Motor

Freight Line, of a through freight truck service between Los Angeles and Corona, via Anaheim,

Provided, that the operative rights and privileges hereby established may not be transferred, leased, sold nor assigned, nor the said service abandoned unless the written consent of the Railroad Commission thereto has first been procured, and

Provided further, that no vehicle may be operated in said service unless said vehicle is owned by each applicant herein or is leased by said applicant under a contract or agreement satisfactory to the Railroad Commission.

IT IS HEREBY ORDERED that applicants shall, within twenty (20) days from the date hereof, file with the Railroad Commission their schedules and tariffs covering said proposed service, which shall be in addition to proposed schedules and tariffs accompanying the applications, and shall set forth the date upon which the operation of the lines hereby authorized will commence, which date shall be within ninety (90) days from date hereof, unless time to begin operation is extended by formal supplemental order.

Dated at San Francisco, California, this 6th
day of July 1922.

H. B. Lundigo

Charles H. Turner

W. F. Benedict
Commissioners.