

Decision No. 10818

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of HARRY S. PAYNE and WILLIAM M. HARRIS, partners in business, under the name of Pacific Motor Express, for certificate of public convenience and necessity to operate motor, express and freight service between Los Angeles and Temecula, Riverside County, permitting applicants to pick up freight and express within the City of Los Angeles for delivery southeasterly of Corona City limits, and picking up freight and express from and including Temecula, through Murrieta, Wildomar, Elsinore, Alberhill, and other intermediate and contingent points or territory to the southeasterly city limits of Corona, and delivering the same in the City of Los Angeles.

ORIGINAL

Application No. 7985.

C. W. Guerin for Applicants.  
M. Thompson for American Railway Express Co.,  
Protestant.  
E. T. Lucey for Atchison, Topeka & Santa Fe  
Railway, Protestant.  
K. F. Beyerle for Murrieta Valley Freight Line,  
Protestant.  
N. C. Folsom for Pickwick Stages, Inc., and  
Motor Transit Co., Protestants.  
Joseph A. Hawkins for M. Anderson Truck Service.

BY THE COMMISSION.

O P I N I O N

A public hearing was held by Examiner Westover at Los Angeles upon the above entitled application to operate motor truck freight and express service between Los Angeles and points east of Corona, including Glen Ivy, Alberhill, Elsinore, Sedco, Wildomar, Murrieta, Murrieta Hot Springs, Temecula and Pauba Ranch.

The Atchison, Topeka & Santa Fe Railway Company, American Railway Express Company, and Mr. Beyerle's Murrieta Valley Freight Line each now renders a similar service, six days a week, and the passenger stages of Mr. Beyerle and of Pickwick Stages carry small parcels several times daily; and the Motor Transit Company serves part of the points daily on several schedules.

The principal need shown is for a milk service operated daily. Mr. Beyerle's line does not haul milk in the summer because it sours so easily, and the rail service is not operated Sunday. The objection to this service is that the dairies must deliver it at the stations, and there is considerable deterioration in warm weather although the express company will re-ice, when needed, and at its own cost, milk iced when delivered to it, and will keep wet burlap-wrapped cans if so delivered to it, and also provide ample ventilation in baggage cars in which milk is carried. No milk is offered prepared in either way, and it appears that shippers do not know that shipments will be iced, wetted or ventilated.

It will be noticed that small packages can be sent several times per day by passenger stages. It also appears that Mr. Beyerle's 3/4 ton truck is operated to only about 75% capacity eastbound, and about 10% capacity westbound, and that a 2-ton truck was taken off because such capacity was not needed, although <sup>he</sup> occasionally sends 5-ton trucks with large loads.

It appears from the testimony and also from certain affidavits that several complaints against his service have arisen, mostly on account of overcharges. All that have been presented to him have been satisfactorily adjusted, however. A number of other complaints, arising from other causes, as set forth in the affidavits, were satisfactorily explained, but most of these were never made to Mr. Beyerle although he testified it is his custom

to collect freight bills each month and at that time inquire of each shipper for complaints. Some of the adjusted claims arose through silence of the tariffs on points questioned; others, on weight, resulting from using weights of consignors. The first can be prevented by amending the tariffs, which we recommend. Probably the management, with its experience in this territory, can remove any question regarding weights. This should be done if possible.

It is clear that only the milk service is needed and this principally because of the proposed pick-up at the dairies. The application will be denied as to other features.

#### ORDER

A public hearing having been held upon the above entitled application, the matter being submitted, and now ready for decision,

THE RAILROAD COMMISSION HEREBY CERTIFIES that public convenience and necessity require the operation by Harry S. Payne and William M. Harris, partners under the name and style of Pacific Motor Express, of a motor truck service for the transportation of milk, dairy products and supplies only, between Los Angeles and Glen Ivy, Alberhill, Elsinore, Sedco, Wildomar, Murrieta, Murrieta Hot Springs, Temecula and Pauba Ranch, and dairies in the vicinity thereof.

The authority is granted upon the following conditions:

1. Nothing herein contained shall be construed to authorize the transportation of other classes of freight or express besides those hereinabove described.
2. 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.

3. No vehicle may be operated in said service unless said vehicle is owned by the applicants herein or is leased by said applicants under a contract or agreement satisfactory to the Railroad Commission.
4. IT IS HEREBY ORDERED that applicants shall, within fifteen days from the date hereof, file with the Railroad Commission schedules and tariffs covering said proposed service, which shall be in addition to proposed schedules and tariffs accompanying the application; shall show each point proposed to be served and quote rates to and from each such point; and shall set forth the date upon which the operation of the line hereby authorized will commence, which date shall be within thirty days from date hereof, unless time to begin operation is extended by formal supplemental order herein.
5. The authority herein contained shall not become effective until and unless the above mentioned schedules and tariffs are filed within the time herein limited.

Dated at San Francisco, California, this 3d day  
of August, 1922.

H. P. Brundage

Erving Martin  
Charles A. Rowell

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Commissioners.