

Decision No. 10979

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application
 of H.E. SHRAINER for an Order de-
 fining routes in connection with
 Certificates of Public Convenience
 and Necessity for operation of
 Automobile Truck Line between Los
 Angeles and Dairy Ranches in the
 vicinity of Van Nuys, Lankershim,
 Burbank, Glendale and Tropicco.

Application No. 7257
 (Supplemental)

Frank R. Carrell, for Applicant
 E.D. Killion, for E.D. Hall, Protestant.

BY THE COMMISSION:

OPINION

In this application, H.E. Shrainer asks the definition of the operating rights transferred to him by Decision No. 9643 from the estate of C.W. Mingus, predecessor of applicant.

A public hearing was held by Examiner Williams at Los Angeles.

The mere definition of the route to be followed by Shrainer under his rights is not difficult as the testimony clearly shows that his predecessor, whose rights were established by operation before May 1, 1917, did perform service over all parts of the route now claimed by him. However, all of this route, except a portion on Fourth Street and Lankershim Boulevard, is in the City of Los Angeles and has been ever since the establishment of service by applicant's predecessor,

Mingus. The route, therefore, sought by applicant, is sustained by his proof of bona fide operation, and should be defined as the valid route transferred under Decision No.9643.

It is to be noted that this transfer includes the vicinity of Burbank, Glendale and Tropic, but as applicant does not now urge any definition including these points, and as they were not sustained in proof, they may be eliminated.

Applicant seeks also to have the operating rights of E.D. Hall, granted by Decision No.8319, defined and restricted, and also the operating rights of H.J. Hartsell (since transferred to F.E. Smith by Decision No.10248), in order that alleged invasion of applicant's territory may be terminated.

Hall appeared and resisted the purpose of applicant, but Hartsell did not. From all the testimony, however, it appears that an interpretation of Hall's operating rights cannot legally be made in this proceeding.

After careful consideration of all the evidence in this proceeding we are of the opinion and hereby find as a fact that applicant herein is entitled to conduct operation over the route heretofore covered by C.W. Mingus, said route having been transferred to applicant under the provisions of the Commission's Decision No.9643 and as particularly described in the following order.

O R D E R

IT IS HEREBY ORDERED that the prayer of applicant herein be granted and that the route described following is and shall be the valid route over which applicant herein is authorized to receive milk for transportation to the business portion of the City of Los Angeles:

From Los Angeles on Sunset Boulevard to Hollywood Boulevard, to Cahuenga Avenue to Ventura Boulevard, to Pacoima Avenue, thence south on Pacoima Avenue two blocks to the Maxwell Dairy, thence back on Maxwell Avenue to Ventura Boulevard, thence west on Ventura Boulevard to Woodman Avenue, thence back on Ventura Boulevard to Fulton Avenue, thence north on Fulton Avenue to Camarillo Street, thence west on Camarillo Street to Woodman Avenue, thence back on Camarillo Street to Pacoima Avenue, thence north on Pacoima Avenue to Sherman Way, thence east on Sherman Way to Lankershim Boulevard, thence south on Lankershim Boulevard to Cahuenga Avenue to Los Angeles, and points not more than one and one-half miles distant in either direction from said route.

Dated at San Francisco, California, this 14th
day of September, 1922.

H. H. Burdige
Driving Master
Dean H. G. G. G.
J. J. G. G.
Commissioners.