

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of)
CALIFORNIA HIGHWAY EXPRESS, a cor-)
poration, for certificate of public con-)
venience and necessity, to operate)
motor-truck service for transportation of) Application
certain personal property between San)
Francisco and Los Angeles, and Los Angeles) No. 7565.
and San Francisco, and intermediate points,)
via the so-called Coast Route.)

Milton Marks for Applicant,
I. N. Bradshaw for Southern Pacific Company,
Protestant,
Edward Stern for American Railway Express Company,
Protestant,
A. F. Hunt and E.T. Lucey for Atchison, Topeka &
Santa Fe Railway, Protestant,
Durley and Downes by W. M. Durley, for Los Angeles
and Santa Barbara Motor Express Company, Pro-
testant,
S.V. Wright for E. L. McConnell and R. J. Hearne,
Protestants.

BY THE COMMISSION:

O-P-I-N-I-O-N

California Highway Express, a corporation, has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by it of an automobile truck line as a common carrier of certain personal property between Los Angeles and San Francisco and intermediate points, via the so-called "Coast Route".

A public hearing on this application was conducted by Examiner Handford at San Francisco, the matter was duly submitted and is now ready for decision.

Applicant proposes to establish a service for the

transportation of household, office and store furniture, fixtures and equipment, household goods, baggage, personal effects and pianos between San Francisco and Los Angeles and intermediate points, excepting, however, the carriage of such articles between San Francisco and San Jose and points intermediate between such terminals, and between Los Angeles and Santa Barbara and points intermediate between such terminals. Applicant also requests authority to serve all territory located within twenty-five miles of the main "Coast Route" highway between San Francisco and Los Angeles.

The rates proposed by applicant are set forth, together with the rules and regulations governing same, on a schedule marked Exhibit "A" and attached to the application herein and as amended by a supplemental schedule filed at the hearing; the time schedule to be observed providing for one trip each week in each direction, using as equipment two enclosed vans, each of $3\frac{1}{2}$ tons capacity; one stake body Giant Truck of $2\frac{1}{2}$ tons capacity; one Chevrolet stake body truck of 1 ton capacity; one Garford furniture truck of 2 tons capacity; and one Garford furniture truck of $1\frac{1}{2}$ tons capacity. Applicant proposes to serve the following intermediate points between Los Angeles and San Francisco;- Santa Barbara, Goleta, Las Cruces, Los Alimos, Santa Maria, Arroya Grande, San Luis Obispo, Santa Margarita, Templeton, Paso Robles, San Miguel, Bradley, San Ardo, San Lucas, King City, Soledad, Gonzales, Salinas, San Juan, Gilroy, Morgan Hill, San Jose, Mountain View, Palo Alto Redwood City, San Mateo, and to serve Oakland, Berkeley and Alameda as points beyond the terminus of San Francisco.

Applicant relies as justification for the granting of the application upon an alleged public demand for the character of transportation herein proposed and the fact that no other

carrier is equipped adequately and properly to transport uncrated furniture, household and office, personal effects and pianos.

Witnesses for applicant testified as to the demand for transportation between Los Angeles and San Francisco via the so-called "Coast Route" similar to that now rendered by applicant via the "Valley Route" under the authority of a certificate heretofore granted by this Commission. The demand, however, appears to be for transportation from intermediate points to either San Francisco or Los Angeles, or for shipments originating at such points and destined to an intermediate point. We are not convinced from the evidence herein that any substantial need exists for the authorization of another through service between Los Angeles and San Francisco, and that for through service the applicant already possesses operative rights via the "Valley Route". Neither do we find from the evidence any justification for the serving of territory located as far distant as twenty-five miles from the main highway between Los Angeles and San Francisco, and in our opinion a distance of five miles from the main highway is a reasonable distance in which the proposed service should be given by the applicant herein.

By stipulation at the hearing the application insofar as the intermediate communities of Oxnard and Calabassas were proposed to be served was amended and applicant waived any right to serve such points.

By written stipulation with R.J. Hearne and E.L. McConnell, protestants, applicant agreed to a condition in the order granting any portion of this application waiving the right to handle any local intermediate business between San Miguel and Orcutt and adjacent territory; also agreed that in the event

such stipulation was hereafter violated by applicant to forfeit to protestant, Hearne, the actual amount of compensation received for any goods transported between San Luis Obispo and Arroyo Grande; and to forfeit to protestant, McConnel, the actual amount of compensation received for any goods transported between San Miguel and Orcutt.

The granting of this application was protested by Southern Pacific Company, the Atchison, Topeka and Santa Fe Railway Company, American Railway Express Company, Los Angeles and Santa Barbara Motor Express Company, E. L. McConnel and Raymond J. Hearne. The protests of McConnel and Hearne were withdrawn following the stipulations made at the hearing and referred to above. Exhibits were received from protestants, Southern Pacific Company and American Railway Express, indicating comparison of rates with those proposed by the applicant and outlining service available by the scheduled service of such protestants.

A witness for protestant, Los Angeles and Santa Barbara Motor Express, testified as to the equipment owned and service rendered by such protestant carrier and as to the ability of such carrier to handle all of the class of shipments for which authority is sought by applicant between Los Angeles and Santa Barbara and intermediate points. The application herein eliminates the intermediate business between Los Angeles and Santa Barbara and the evidence justifies the exclusion of Santa Barbara, the existing authorized motor freight carrier being able to satisfactorily render such service as may be required by the public wishing to have their shipments handled by motor truck.

After careful consideration of all the evidence and the exhibits in this proceeding, we are of the opinion that public convenience and necessity require a partial granting

of the operative right herein sought.

The rate schedule proposed by applicant and as amended at the hearing shows Oakland, Alameda and Berkeley as terminal points. No evidence justifying the including of such points was offered by applicant and they will be eliminated as points authorized to be served.

O-R-D-E-R

A public hearing having been held in the above entitled proceeding, the matter having been duly submitted and the Commission being fully advised,

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by California Highway Express, a corporation, of an automobile truck line as a common carrier of household, office and store furniture and fixtures, household goods, trunks, personal effects and pianos between Los Angeles and San Francisco via the state highway commonly designated as the "Coast Route" and for a distance of five miles on each side of the main highway over regularly accepted roads joining said main highway. Provided, however, that this declaration does not authorize any through service between Los Angeles and San Francisco, or the rendering of service to or from the cities of Oakland, Berkeley^{and Alameda}; or the operation of applicant from Los Angeles to Santa Barbara and intermediate points including Santa Barbara; or local service between San Miguel and Orcutt and intermediate and adjacent territory; or local service between San Francisco and San Jose and intermediate points and adjacent territory including San Jose.

IT IS HEREBY ORDERED that applicant, California Highway Express, a corporation, file with the Railroad Commission

within 15 days from the date of this order, a written acceptance of the terms of this order such acceptance to state the date upon which the operation herein authorized shall commence, such date to be not less than thirty days from the date of said acceptance.

Applicant, California Highway Express, a corporation, is hereby required to file with the Railroad Commission, within 30 days from the date of this order, in conformity with the provisions of the Commission's General Order No. 51 and other regulations, its tariff of rates, rules and regulations, and time schedules covering the proposed operation over the route as herein authorized.

The basic rates herein authorized for the carriage of commodities herein authorized are as follows:-

<u>Between San Francisco and</u>	<u>Rate Per Cwt.</u>	<u>Between Los Angeles and</u>	<u>Rate Per Cwt.</u>
Morgan Hill	\$ 1.55	Goleta	\$ 1.80
Gilroy	1.60	Las Cruces	1.90
San Juan	1.70	Los Alamos	2.10
Salinas	1.85	Santa Maria	2.30
Gonzales	2.00	Arroya Grande	2.45
Soledad	2.05	San Luis Obispo	2.60
King City	2.20	Santa Margarita	2.70
San Lucas	2.25	Templeton	2.80
San Ardo	2.35	Paso Robles	2.85
Bradley	2.45	San Miguel	2.90
San Miguel	2.55	Bradley	3.00
Paso Robles	2.60	San Ardo	3.10
Templeton	2.65	San Lucas	3.20
Santa Margarita	2.75	King City	3.25
San Luis Obispo	2.85	Soledad	3.40
Arroya Grande	3.00	Gonzales	3.45
Santa Maria	3.15	Salinas	3.60
Los Alamos	3.35	San Juan	3.75
Las Cruces	3.55	Gilroy	3.85
Goleta	3.65	Morgan Hill	3.90
Santa Barbara	3.70	San Jose	4.05
Ventura	3.95	Mountain View	4.15
Points between Ventura and		Palo Alto	4.20
Los Angeles, but not including		Redwood City	4.25
Los Angeles	4.40	San Mateo	4.30
		San Francisco	4.40

The rules and regulations governing the application of the above rates are to be in accordance with those filed as an exhibit with the application herein and as amended by supplemental exhibits filed at the hearing.

The rights and privileges herein authorized may not be sold, leased, transferred, assigned or hypothecated unless the approval of the Railroad Commission by its formal order for such sale, lease, transfer, assignment or hypothecation shall have first been secured.

No vehicle may be operated by the applicant herein unless such vehicle is owned by said applicant or is leased by it under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 29th day of November, 1922.

W. H. Brundage
William Martin
Charles D. Dore
J. J. Trenchard

Commissioners.