

Decision No. 11294

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application
of J. C. LIBBEE for Certificate
of Public Convenience and Necessity
to operate a freight line service
between the City of Fresno and the
Town of Caruthers.)
Application No. 8288.

Everts, Ewing & Wild, by J. R. Fitch
for applicant.
L. N. Bradshaw for Southern Pacific
Company, protestant.
Edw. Stern for American Railway Express Co.,
protestant.

BY THE COMMISSION.

O P I N I O N

A hearing on the above entitled application seeking a certificate of public convenience and necessity to operate an automobile freight service between Fresno and Caruthers was had before Examiner Eddy at Fresno on November 17, 1922.

The distance between Fresno and Caruthers by road is 16.5 miles and by the line of the Southern Pacific 31 miles. Under the schedule submitted with the application the truck will leave Fresno every morning at 7:00, arriving Caruthers one hour later; on the return trip the truck will leave Caruthers at 1:30 P.M. reaching Fresno at 2:30 P.M. The applicant has under consideration establishing also a "vegetable run" and if this is done the truck would make two round trips a day leaving Fresno at 6:00 A.M. and 11:00 A.M. and Caruthers at 7:00 A.M. and 1:30 P.M. The application shows a proposed rate of 15¢ per 100 pounds, minimum charge 25¢,

but after listening to the testimony of the Southern Pacific Company's representative leave was asked to amend the application so as to charge "as much as the Southern Pacific". Finally a rate of 20¢ per 100 pounds was fixed. The applicant owns no equipment but if granted the certificate proposes to purchase a Nash 2-ton truck.

Several witnesses were offered by the applicant in an effort to prove that public convenience and necessity require the establishment of the proposed service. Under the railroad schedule freight delivered at the depot in Fresno by 4 o'clock in the afternoon reaches Caruthers the following morning around 9:30. Shipments made by railroad must, of course, be trucked to the freight depot at Fresno and from the depot at Caruthers. The American Railway Express Company operates a free pick-up service in Fresno but none at Caruthers. If any necessity at all exists for the proposed service it would be in the handling of highly perishable commodities such as ice and ice-cream. The proprietor of an ice-cream parlor at Caruthers uses as much as 3000 pounds of ice per day which is now being hauled for him under contract. Ice-cream shipments delivered to the Express Company at 5:30 in the morning reach Caruthers four hours later. A representative of an ice-cream concern at Fresno testified that while this schedule was satisfactory his company was now obliged to bear the expense of getting the cream to the depot which expense would be eliminated if the applicant were to call at their plant for the cream. It is difficult to see how, under the proposed schedule of one round trip a day, any added convenience would result to the residents of Caruthers since the truck would leave Fresno at 7 o'clock in the morning before the opening of the stores. If the applicant were to make two round trips a day between Fresno and Caruthers it is probable that the service would be an added convenience to the residents of Caruthers, said to number about 300 persons.

It is not clear, however, that the prospective tonnage, estimated at about 1-1/4 tons a day, would warrant the installation of any such service or permit its continuance. Practically the entire tonnage originates at Fresno; very little traffic would be handled on the return trip from Caruthers to Fresno.

The record indicates beyond question that the reasonable requirements of the community are now being met by the service furnished by the Southern Pacific Company and the American Railway Express Company and that public convenience and necessity do not require the operation of the proposed line. The application will therefore be denied and an order to that effect will be entered.

O R D E R

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

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

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

H. B. Brundage
Orville Martin
Reverend J. J. Power
J. J. Power

Commissioners.