

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application
of JOSEPH K. HAWKINS for a certi-
ficate permitting him to operate
an automobile truck service for
the hauling of certain commodities
between Los Angeles and San Bern-
ardino and certain points inter-
mediate thereto.

Application No.8175

In the Matter of the Application
of J.E. PULLIAN for Certificate of
Public Convenience and Necessity to
operate Freight service between San
Bernardino and Los Angeles.

Application No. 8296

H.W. Kidd, for J.K. Hawkins, Applicant
and Keystone Express and T.R. Rex, Protestants
Grant Holcomb, for J.H. Pullian, Applicant
E.T. Lucey, for Atchison, Topeka & Santa Fe Railway,
Protestant
L.T. Fletcher, for Service Motor Express, Protestant
T.A. Woods, for American Railway Express, Protestant
C.H. Jones, for Pacific Electric Railway, Protestant

BY THE COMMISSION:

O P I N I O N

J.K. Hawkins has applied to the Railroad Commission for a certificate of public convenience and necessity to operate an automobile truck service of certain commodities between Los Angeles and San Bernardino and certain points intermediate thereto.

J.E. Pullian has applied to the Railroad Commission for a certificate of public convenience and necessity to operate freight service between San Bernardino and Los Angeles, and intermediate points.

A public hearing was held by Examiner Williams at San Bernardino, the applications, by stipulation, being consolidated for hearing.

Each applicant seeks the business of transporting milk, eggs, butter, etc., from dairies in the vicinity of San Bernardino to Los Angeles and from certain points intermediate, and feed and empty cans on the return trip. The rates proposed by each differ slightly, applicant Hawkins asking 40 cents per can in a zone within two miles of San Bernardino, 45 cents in a zone from two to eight miles, and 50 cents in a zone eight to twelve miles. Return freight rates are 25 cents per hundred. Applicant Pullian proposes a single rate for any point of 40 cents a can, pick-up zones about San Bernardino not being proposed, (although applicant testified that he expected to pick up within a radial distance of 15 miles from San Bernardino) with 25 cents per hundred on return loads, except empty cans, which are free.

Necessity for a service of the character applied for was shown by a number of dairymen in the principal region to be served. They testified that the market at San Bernardino is not large enough to absorb all production and that Los Angeles creameries afforded a constant market at a higher price. Rail transportation, they testified, resulted in delay in delivery to creameries. The testimony was convincing that a rapid truck transportation service for dairymen in and about San Bernardino is needed to equip the industry with a facility that will touch a new market for their milk, at higher prices, and to encourage larger production.

Service, such as is applied for, was begun by applicant Pullian in June, 1922, without proper authority and he desisted only when prosecution under the law was imminent. However, according to his own testimony, he did not desist transporting the milk of many producers from ranches to Colton for shipment by

rail to Los Angeles and was still so doing at the time of the hearing. He claimed that he was advised by his former counsel that he was legally free to operate without authorization. Counsel for applicant at the hearing did not urge such legal ground. This applicant is before us in a reluctant attitude and still continuing a service in defiance of the law.

Applicant Hawkins is an experienced operator already serving efficiently under proper certificate large areas near Pomona, Ontario and Uplands, and the testimony shows has ample equipment to extend his service to San Bernardino and ample means to sustain an operation that, at the outset, at least, appears to be of doubtful profit. He has eight trucks and eight trailers. He expects to use one two-and-one-half ton truck and a trailer for the San Bernardino service, leaving San Bernardino at 7:00 A.M. and reaching Los Angeles at 11:00 A.M., returning at 1:00 P.M. and reaching San Bernardino at 5:00 P.M. with empty cans (free) and dairy supplies. He also proposes service to points along the Valley Boulevard between San Bernardino and Gausti, at the same rates proposed for San Bernardino, though there was no testimony that shipments are now available.

Applicant Pullian proposes service with a one-and-one-half ton truck which he has contracted to purchase. His testimony was not satisfying that he has means to enlarge his equipment, nor to meet emergencies in case of break-down. He proposes a flat rate of 40 cents a can from any point served by him. He testified that he averaged about thirty cans daily from San Bernardino region, and that return traffic was light. Considering that the round trip is about 130 miles, it is apparent that the volume of business is so small that a profitable and efficient service by an independent carrier is doubtful. There was no

proof that service at intermediate points would augment this business.

It appears from all the evidence that an extension of the service of applicant Hawkins to the San Bernardino region is to the advantage of the shipping public, as he will bring long experience, excellent organization and ample equipment into this service, at rates which are not materially higher than those proposed by applicant Pullian. For this reason, the application of Hawkins should be granted and the application of Pullian denied.

Protesting rail carriers did not show ability to furnish the rapid collection, dispatch and delivery proposed by applicant, and as these are pre-essentials to meet the public demand shown by the testimony, their present service cannot be regarded as adequate, though admittedly efficient to the extent given.

As there was no proof of the necessity for the transportation of eggs, butter, and "miscellaneous dairy products" to Los Angeles, the order will cover only milk in cans between San Bernardino and Los Angeles and points intermediate between San Bernardino and Guasti, and only for the transportation of dairy feed and supplies between Los Angeles and points east of Guasti. The operating right is an extension of applicant's present service and is to be consolidated therewith and is not a new right except between Guasti and San Bernardino, over the route stated in the order.

ORDER

J.H. Pullian having applied to the Railroad Commission for a certificate of public convenience and necessity to operate freight service between San Bernardino and Los Angeles, a public hearing having been held, the matter having been duly submitted,

and now being ready for decision,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA
HEREBY DECLARES that public convenience and necessity do not
require the service proposed by said applicant, and that the
application be and the same hereby is denied.

J.K.Hawkins having applied to the Railroad Commission
for a certificate of public convenience and necessity to operate
automobile truck service between Los Angeles and San Bernardino,
a public hearing having been held, the matter having been duly
submitted and now being ready for decision,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA
HEREBY DECLARES that public convenience and necessity do not re-
quire the service proposed by applicant in transporting eggs,
butter, and miscellaneous dairy products between Los Angeles and
San Bernardino, but that public convenience and necessity do
require the service proposed by applicant in transporting milk
and dairy feed and supplies between Los Angeles and San Bernardino,
over and along the following route:

From San Bernardino to Colton via Colton Avenue, thence
west via Valley Boulevard to Guasti, where it will conjoin with the
existing routing of said Hawkins from Guasti to Pomona and thence
to Los Angeles,

And that a certificate of public convenience and neces-
sity be and the same hereby is granted therefor, on the following
conditions:

- 1 - That applicant file within fifteen (15) days, a stipula-
tion that he will accept the certificate as an extension
of his present service only from Guasti to San Bernardino,
and not as a new or separate certificate between the termini
of San Bernardino and Los Angeles.
- 11 - That applicant J.K.Hawkins shall file within fifteen (15)
days from date hereof, his written acceptance of the cer-
tificate herein granted, and shall file within thirty (30)
days of the date hereof, duplicate tariff of rates and time
schedules, in accordance with General Order No. 51 of the
Railroad Commission, and that operation of such service

shall begin within a period of thirty days from date hereof.

- III - That applicant J.K.Hawkins shall not sell, lease, assign or discontinue the service herein authorized, unless such sale, lease, assignment, or discontinuance shall have been authorized by the Railroad Commission.
- IV - That no vehicle shall be operated by applicant unless such vehicles are owned by said applicant, or are leased under an agreement satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 11th
day of December, 1922.

H. H. Bunnidge
Erving Martin
Charles D. Lawrence

Commissioners.