

Decision No. 11468

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of )  
THOMAS HILBERT WILLIAMS for certi- )  
ficate of public convenience and )  
necessity to operate express and )  
freight service between Fontana, )  
Riverside, Arlington, Corona, Chino, )  
Ontario, Upland, San Antonio Heights, )  
Walnut, Otterbein, Claremont and )  
Pomona and Los Angeles. )

Application No. 8438.

Hemp & Clewett, by Mr. Clewett, for  
applicant.  
E. M. Hucey for Atchison, Topeka and  
Santa Fe Railway Co.  
Geo. F. Squires and R. E. Widdekind,  
for Pacific Electric Railway Co.  
E. E. Bennett for Union Pacific System.  
Mark Thompson for American Railway Ex-  
press Company.  
H. N. Blair for G. E. Galbreath (Chino  
Express and Transfer) and Hodge  
Transportation System.  
Chas. W. Fribit Jr., for L. R. Hagarise,  
(Keystone Express) and Fletcher and  
Tremble (Service Motor Express)  
all protestants.

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 for authority to operate freight and express service from poultry ranches in and about Corona, Chino, Ontario, Upland, Fontana, Riverside, Arlington, San Antonio Heights, Claremont, Pomona, Walnut, and Otterbein, to Los Angeles, the service proposed to be limited to transporting eggs of members of the Poultry Producers Association of Southern California, between members' ranches and the warehouse of the Association in Los Angeles, and of poultry supplies from Los Angeles to the ranches of members.

It appears from the testimony that applicant has been operating such service for about five years and nine months, except during the time when he was in the Navy in the World War, from which he did not return until after July 22, 1919, the date when Chapter 280, Statutes of 1919, became effective. During his absence service was continued by Parker and Lichte under an arrangement by which they were to purchase the business and re-sell it to applicant upon his return, an unauthorized transaction.

Applicant serves at present about 165 consumers, the number increasing in the height of the season by about 25 or 30 additional producers. The total shipments range between 250 and 1200 cases per week, depending upon seasonal production. The eggs are transported from the ranches once or twice per week depending upon production. The method of handling is to operate three loop routes from Pomona and return, and thence direct by Valley Boulevard to Los Angeles. The proposed rates per crate, which are substantially those at present in effect, range from 21¢ from Pomona to 29¢ from Corona, and from San Antonio Heights 30¢ the first half of the year and 34¢ the second half of the calendar year.

Of the present carriers the American Railway Express Company serves all of the points referred to in the application except San Antonio Heights, Walnut and Otterbein, with pick-up service in Pomona, Ontario, Corona and Riverside. Its rates are 46¢ per case from Fontana, Corona, Arlington, and Riverside, as against applicant's rates of 28, 29, 27 and 27 cents respectively, and 43¢ per case from other points served by it which applicant proposes to serve, as against applicant's rates of 21¢ from Otterbein, Walnut and Pomona, and 24¢ from Claremont, Upland, Ontario and Chino, and the rates of 30 and 34 cents from San

Antonio Heights previously referred to. The Express rate on returned empties is 15¢ as against applicant's return of empties free, being included in rates as stated. The Hoystone Express serves Pomona, Upland, Ontario, Claremont and Walnut with a rate of 20¢ per case, empties 5¢. Chino Express and Transfer serves Chino and Pomona with a rate of 50¢ for the first case, 25¢ for each additional case in the shipment, empties free. Murrieta Valley Auto Freight Line, serving Corona, has a rate of 40¢ per 100 pounds on eggs in cases and also empty cases, or about 22¢ per case of eggs.

All of the rates herein referred to apply between Los Angeles and points named, and all of the carriers except applicant give a daily service, with the possible exception of Sundays and holidays. Applicant produced testimony to the effect that transporting eggs by specially equipped trucks such as he operates results in less breakage, the flavor of the eggs is not contaminated by other articles having a strong odor, and empties are returned promptly.

It appears from the testimony of applicant and the few producers who testified that a service once or twice a week, depending upon production and weather, is sufficiently frequent as the smaller producers do not accumulate a case of eggs in less time and it is not practicable to ship smaller quantities, although one witness engaged in the business considered a daily service an advantage. Applicant's proposed pick-up and delivery limits include a half mile on each side of the roads traveled, the incorporated limits of the various

towns he wishes to serve, and a half mile beyond in all directions except that he would not serve to the north of Riverside city limits.

No reason appears why the proposed service should be limited to members of the poultry association, or any other group or class, nor why the public shipping eggs should not be given any advantage which may be incident to the proposed service. Such authority as is granted by the order will be only for operation as a common carrier.

Applicant did not show a public need for additional or different service from the towns above referred to as now having truck service which would justify his proposed service at those points. Present carriers provide pick-up service within the city limits of Pomona, Ontario, Claremont, Upland, and Walnut, and within a certain defined area of Chino.

Hodge Transportation System service is not mentioned herein for the reason that its service is limited to lots of not less than three tons as the total of any individual shipment.

#### C O R D E R

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

THE RAILROAD COMMISSION HEREBY CERTIFIES that public necessity and convenience require that Thomas Halbert Williams operate a service for the transportation of eggs and poultry supplies between Los Angeles, Fontana, Riverside, Arlington, San Antonio Heights and Otterbein, and in a zone a half mile outside of the city limits of Corona, Chino, Ontario, Upland, Fontana, Riverside, Arlington, San Antonio Heights, Claremont, Pomona, Walnut, and Otterbein, and from the following roads to

be traveled, to-wit: Garey Avenue, Foothill Boulevard, Tenth Street, San Antonio Avenue, Mountain Avenue, Euclid Avenue, Central Avenue, Riverside Drive, Rosena Avenue, Colton Avenue, Crestmore Road, River Boulevard between Ontario and Riverside, Magnolia Avenue and Auburndale Road, and in that part of Chino beyond the area bounded by Walnut Avenue, Riverside Drive, 15th Street, Chino Avenue, Central Avenue, Shaffer Avenue, and East First Street.

Nothing herein contained shall be construed to authorize service from Corona, Chino, Ontario, Upland, Claremont, Pomona and Walnut; but applicant may assemble in Pomona eggs from territory he is herein authorized to serve and transport them thence to Los Angeles via Valley Boulevard and Mission Road.

The authority herein contained is granted upon the following conditions:

1. 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.

2. No vehicle may be operated in said service unless said vehicle is owned by the applicant herein or is leased by said applicant under a contract or agreement satisfactory to the Railroad Commission.

5. IT IS HEREBY ORDERED that applicant 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.

4. 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 6<sup>th</sup> day  
of January, 1923.

H. V. Brundage  
Ernest Martin

J. H. Whittlesy  
Commissioners.