

Decision No. 11557

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of )  
CHARLES H. KERSEAW for a certificate )  
of public convenience and necessity )  
to operate freight service between )  
Fresno and Minturn. )

Application No. 8592

ORIGINAL

C. H. Kershaw in propria persona.

L. M. Bradshaw for Southern Pacific  
Company, protestant.

Edward Stern for American Railway  
Express Company, protestant.

BY THE COMMISSION:

O P I N I O N

The applicant herein seeks a certificate of public convenience and necessity to operate an automobile truck line between Fresno and Minturn, a distance of about forty miles. According to the application, heard before Examiner Eddy on January 12th, but one round trip will be made weekly, on Wednesday, but the applicant's testimony indicates that he proposes to operate as frequent a service as is necessary properly to handle the traffic offered him for transportation. He owns a three and one-fourth ton traffic truck and has been operating over the route for several years, not on a regular schedule however, but only when called upon. It appears that the applicant in addition to picking up at Fresno shipments destined to points on the highway between Fresno and Minturn has also performed a "shopping service" for the merchants at those points.

The Southern Pacific Company and the American Railway Express Company appeared to protest the granting of the application. Less-than-carload shipments delivered at the Southern Pacific freight station in Fresno by 4:00 P.M. on any given day reach Chowchilla, a point one mile south of Minturn, late the following afternoon; ordinarily deliveries are not made until the morning after arrival although in case of emergency delivery can sometimes be had the same afternoon. Between Fresno and Chowchilla, here regarded as a typical intermediate point, the freight rate proposed to be charged by the applicant is 24 cents. The freight rate of the Southern Pacific is 14 cents on groceries and 17½ cents on perishable goods, but the minimum charge of the Railroad Company is 50 cents while that proposed by the applicant is but 25 cents. The record indicates that for various reasons certain commodities such as flour and cereals arrive at their destination in better condition when handled via truck than if transported by railroad. Up to November 15, 1922, the Southern Pacific operated a tri-weekly service only between Fresno and Merced; since that date a daily service has been operated except on Sundays. A statement submitted by that company shows that the total weight of shipments handled by it from Fresno to Chowchilla from November 15th to December 15th, 1922, was 37,237 pounds; the largest shipment on any one day being 3,637 pounds. If the total weight of the shipments on any given day to any destination aggregate 5,000 pounds they are handled in a set out car and are ready for delivery the morning following shipment from Fresno.

The American Railway Express operates a frequent service between Fresno and Minturn and intermediate points, express being carried on five trains a day in each direction. Trains carrying express reach Chowchilla from Fresno at 7:13 A.M., 12:05 P.M. and 2:59 P.M., which service should be ample to care for any shipments of an emergency character. The shopping service rendered his patrons by the applicant, possible lower costs via the truck line and the convenience of having deliveries made at their store doors are not such matters as we may consider in the granting or withholding of certificates. Aside from the statements that certain commodities such as flour and cereals arrive at destination in better condition when handled by the applicant's truck than when transported by rail, there is nothing of record to warrant a finding that the existing facilities are not in all respects sufficient to properly care for such traffic as is offered for transportation. It is apparent therefore that the service now being rendered by the Southern Pacific Company and the American Railway Express Company at stations between Fresno and Minturn must be regarded as satisfactorily meeting the requirements of the communities involved, and that no necessity has been shown for the additional service here contemplated. The application will therefore be denied and an order will be entered accordingly.

ORDER

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

IT IS HEREBY ORDERED that the above entitled application be, and the same hereby is denied, and

IT IS HEREBY FURTHER ORDERED that applicant herein shall immediately discontinue operation of an automobile truck as a common carrier of freight between Fresno and Minturn and intermediate points.

Dated at San Francisco, California, this 25th day of January, 1923.

*O. Seaver*  
*W. H. ...*  
*J. ...*

*J. T. Whitting*  
Commissioners