

ORIGINAL

Decision No. 6190

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of)
COMPTON TRUCK COMPANY for certificate)
of public convenience and necessity to)
operate truck service between Compton,)
Calif. and Los Angeles and vicinity.)

Application No. 4226.

In the Matter of the Application of)
C. T. BOYD and C. S. KENT operating)
under the fictitious name of Highway)
Transportation Company, for certificate)
of public convenience and necessity to)
operate express, freight, baggage and)
transportation service between the)
City of Los Angeles and those portions)
of the City of Los Angeles known as)
Wilmington, San Pedro and the Harbor)
District, and intermediate points.)

Application No. 4252.

In the Matter of the Application of)
M. M. PRIVER, doing business as)
Priver's Auto Delivery, for certificate)
of public convenience and necessity to)
operate freight and express service)
between Los Angeles and Long Beach.)

Application No. 4317.

Mrs. Laura M. Chaffee for Compton Truck Company

J. W. MacNair for M. M. Priver

Arthur M. Hadley for C. T. Boyd and C. S. Kent

E. E. Morris for Pacific Electric Railway Company,
Protestant

James H. Daly for City Transfer, Van and Storage
Company of Long Beach, the Long Beach Transfer
& Warehouse Company, the Union Transfer Company
of Long Beach, and Rice Auto Delivery,
Protestants.

Franklin D. Howell for Los Angeles-San Pedro Trans-
portation Company, Inc., Protestant.

BY THE COMMISSION

O P I N I O N

H. A. Chaffee, operating under the fictitious name of
Compton Truck Company, has petitioned the Railroad Commission
for an order declaring that public convenience and necessity re-

quire the operation by him of an automobile truck service as a common carrier of freight between Los Angeles and Compton and intermediate points.

C. T. Boyd and C. S. Kent, partners in business operating under the fictitious name of Highway Transportation Company, have petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by them of an automobile truck line as a common carrier of express, freight and baggage between the City of Los Angeles and those portions of the City of Los Angeles known as Wilmington, San Pedro and the Harbor District and intermediate points.

M. M. Priver, doing business under the fictitious name of Priver's Auto Delivery, has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of an automobile truck line as a common carrier of freight and express between Los Angeles and Long Beach.

A public hearing was conducted by Examiner Handford at Los Angeles on February 6, 1919 at which time attorneys for applicants agreed that the applications might be consolidated for hearing, portions of the routes applied for being identical.

Applicant, E. A. Chaffee, proposes to charge rates in accordance with a schedule marked exhibit "A" and filed with his application in this proceeding and to operate on a schedule of one round trip daily, except Sunday, between Los Angeles and Compton using as equipment one Donby truck three ton capacity, licensed by State Motor Vehicle Department under License No. 417169 also one trailer three ton capacity, licensed by State Motor Vehicle Department under License No. 776.

Applicant herein purchased a truck line formerly oper-

ated by another party and applicant herein seeks to continue operation in accordance with statutory requirements and the regulations of the Commission. Applicant seeks authorization only for through business between Los Angeles and Compton and does not contemplate nor desire handling business to intermediate points. Applicant herein has been operating the line for which certificate is sought for some months, having purchased same from another party and continuing the operation without an understanding of the requirements of the statute known as Chapter 213, ~~Laws of~~ Laws of 1917, and we are of the opinion that the application, under such circumstances, should be granted.

M. M. Priver, applicant herein, proposes to charge rates in accordance with a schedule marked exhibit "A" and filed with his application in this proceeding and to operate on a schedule of one round trip daily using as equipment one White truck, 22 H. P., one and one half ton capacity, licensed by State Motor Vehicle Department under License No. 78368, and one Service truck, 22 H. P., one and one-half ton capacity, licensed by State Motor Vehicle Department under License No. 78367.

Applicant is at the present time operating under contract and desires a certificate of public convenience and necessity that he may enter the business of a common carrier thereby accepting any and all consignments which may be offered.

At the hearing on this application no witnesses were presented in behalf of this application, although same is protested by the Pacific Electric Railway Company, the City Transfer, Van and Storage Company of Long Beach, the Long Beach Transfer & Warehouse Company, the Union Transfer Company of Long Beach, and the Rice Auto Delivery.

The Pacific Electric Railway Company operates a regular

freight service between Los Angeles and Long Beach daily except Sunday and in addition to such regular operation extra trains are run to care for car load traffic. Express service is also operated, there being three round trips per day between Los Angeles and Long Beach.

The City Transfer Van and Storage Company have operated between Long Beach and Los Angeles for a period of about five years and during the last four years have furnished daily, except Sunday, service operating at the present time four trucks with trailers. This company has available a total of eleven trucks to care for its business and have handled as high as ninety tons in one day between Los Angeles and Long Beach and have not at any time been unable to handle all business offered by reason of shortage of equipment or other facilities, being in a position to furnish additional equipment at any time the traffic demands same.

The Long Beach Transfer and Warehouse Company object to the granting of this application and have been operating between Los Angeles and Long Beach since March 18, 1916, making trips daily except Sunday. This company claims to be in position to handle more business than it is now enjoying and that it is in financial condition to furnish additional equipment to care for traffic, should same be necessary.

The Union Transfer Company has been engaged in the transportation of freight, baggage and express between Long Beach and Los Angeles for the past five years running one truck regularly, daily except Sundays. This company also claims to be in position to furnish additional equipment should same be in demand by the requirements of traffic.

The Rice Auto Delivery objects to the granting of the

desired certificate and has been in operation in the transportation of freight between Los Angeles and Long Beach for a period of seven years, operating two round trips per day between termini and claiming to be in position to furnish additional equipment should such be required.

All the above protestants have regularly filed schedules and tariffs with the Railroad Commission and all were in business prior to May 1, 1917, which was the date recognized by the legislature as that upon which transportation companies operating in good faith were not required to secure certificates of public convenience and necessity from this Commission nor local permits from the governing bodies of all political subdivisions through which their routes passed.

In view of the fact that no witnesses appeared in behalf of the application of M. M. Driver to substantiate the public convenience and necessity proposed to be served, and of the protests of the Pacific Electric Railway Company and the four motor truck transportation companies now serving the territory sought by applicant, we are of the opinion and find as a fact that public necessity and convenience do not require the operation of an additional truck line as a common carrier of freight, baggage and express between the points herein sought by applicant.

Applicants C. T. Boyd and C. S. Kent, partners in business operating under the fictitious name of Highway Transportation Company, propose to charge rates in accordance with a schedule marked exhibit "A" and filed with the application in this proceeding and to operate on a schedule of one round trip daily except Sundays and holidays serving the intermediate communities at Slauson Avenue, South Los Angeles, Compton Road,

Torrance Road, Anaheim Avenue, Wilmington and San Pedro pick up and delivery zones using as equipment one National truck, 40 H. P., two ton capacity, licensed by State Motor Vehicle Department under License No. 482218, additional equipment to be provided if traffic conditions should demand.

Applicants rely as justification for the issuance of a certificate of public convenience and necessity upon the additional facilities to be provided in the matter of pick up and delivery in certain zones at the Los Angeles and San Pedro-Wilmington termini, also upon the alleged need of the agricultural interests in the territory intermediate between Los Angeles and San Pedro for a service such as is contemplated by applicants herein.

The granting of this application is opposed by the Pacific Electric Railway Company and the Los Angeles and San Pedro Transportation Company.

The Pacific Electric Railway Company operate a freight service between Los Angeles and San Pedro on a schedule of three roundtrips daily except Sunday. Package service by express cars is also operated on a schedule of six round trips daily and such additional service is operated by extra trains as may be necessary to care for ship cargo arriving at the municipal docks at Los Angeles Harbor. The Pacific Electric Railway Company claim to have ample equipment and facilities to handle any amount of car load or less than car load freight and express package business that can be secured and to furnish adequate service to the territories proposed to be served by applicants herein and to be in position to furnish such additional equipment and facilities as may be required by the demands of traffic.

The Los Angeles and San Pedro Transportation Company is a corporation successor to a line which has been operating for the past four years between Los Angeles and San Pedro. This corporation operates twelve trucks making regular trips and claiming to be able to furnish all additional motor transportation which may be necessary between Los Angeles and the San Pedro Harbor District, handling at the present time in the neighborhood of from 1500 to 2000 tons of freight monthly. The equipment of this protestant company is not as yet taxed to capacity and the company claims to be willing and able to place additional equipment on the line should the needs of traffic justify.

At the hearing on this application there was no showing made by the applicant which was persuasive that public necessity and convenience requires the establishment of additional freight, express or package service between Los Angeles and the San Pedro Harbor District and, as the Commission has frequently stated in opinions on applications of this nature, the desire of the applicant to enter the business of a common carrier is in no wise controlling as evidence of public convenience and necessity.

When the evidence shows that the territory proposed to be served is already receiving adequate transportation service at reasonable rates by the agency of established carriers no public need is served by the authorization of additional carriers whose operation would only serve to divide the business with the possibility of eventually financially crippling all the carriers proposing to serve a specific route.

In this instance the existing carriers apparently have ample facilities for satisfactorily caring for the volume of business now existing over the proposed route and are able and

willing to provide such additional equipment as may be requisite to properly handle any increased traffic that may offer over the line for which certificate is sought by applicant herein.

We are of the opinion and find as a fact that public convenience and necessity do not require the operation by C. T. Boyd and C. S. Kent, proposing to operate under the fictitious name of Highway Transportation Company, of an automobile truck line as a common carrier of express, baggage and freight between Los Angeles and those portions of the City of Los Angeles known as Wilmington, San Pedro and the Harbor District and intermediate points.

O R D E R

H. I. Chaffee, operating under the fictitious name of Compton Truck Company, having petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of an automobile truck line as a common carrier of freight between Compton and Los Angeles; M. M. Priver, operating under the fictitious name of Priver's Auto Delivery, having petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of an automobile truck line as a common carrier of freight and express between Los Angeles and Long Beach; C. T. Boyd and C. S. Kent, partners in business operating under the fictitious name of Highway Transportation Company, having petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by them of an automobile truck service as a common carrier of express, freight and baggage between the City of Los Angeles and those portions of the City of Los Angeles known as Wilmington, San

Pedro and the Harbor District and intermediate points; a public hearing having been held and the matters having been duly submitted and the Commission being fully advised and basing its order on the findings of fact as set forth in the preceding opinion.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by H. A. Chaffee, operating under the fictitious name of Compton Truck Company, of an automobile truck service as a common carrier of freight between Los Angeles and Compton; provided, however, that this declaration shall not become effective until said H. A. Chaffee shall have filed herein certified copies of permits issued by the Board of Supervisors of the County of Los Angeles, the Board of Public Utilities of the City of Los Angeles and the Board of Trustees of the City of Compton in accordance with the requirements of Section 3 of Chapter 213, Laws of 1917, and provided, further, that the rights and privileges herein granted may not be transferred nor assigned unless the written consent of the Railroad Commission to such transfer or assignment shall have first been procured.

IT IS HEREBY ORDERED that no vehicle may be operated under this permit unless such vehicle is owned by the applicant herein or is leased by such applicant under a contract or agreement on a basis satisfactory to the Railroad Commission.

THE RAILROAD COMMISSION HEREBY FURTHER DECLARES that public convenience and necessity do not require the operation by M. M. Priver, operating under the fictitious name of Priver's Auto Delivery, of an automobile truck line as a common carrier of freight and express between Los Angeles and Long Beach; that public convenience and necessity do not require the operation by

C. T. Boyd and C. S. Kent, operating under the fictitious name of Highway Transportation Company of an automobile truck line as a common carrier of express, freight and baggage between the City of Los Angeles and those portions of the City of Los Angeles known as Wilmington, San Pedro and the Harbor District, and intermediate points and,

IT IS HEREBY ORDERED that the applications of M. M. Priver and C. T. Boyd and C. S. Kent be and the same hereby are dismissed.

March Dated at San Francisco, California, this 12th day of ~~February~~, 1919.

Edwin O. Edgerton
A. D. Loveland
James R. DeLong

Commissioners.