

ORIGINAL

Decision No. 6588.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of
CHARLES D. BOYNTON, owner and operator
of the Boulevard Express, for certificate
of public convenience and necessity to
operate freight and express service
between the City of San Diego, California,
and the City of Los Angeles, California. }

Application No. 4754.

Hendee and Rodabough by E. E. Rodabough for Applicant

M. W. Reed and C. K. Adams for The Atchison, Topeka and
Santa Fe Railway

B. J. Cross for Southern Pacific Company

M. Thompson for American Railway Express

T. J. Day for Pacific Electric Railway Company

BY THE COMMISSION

O R D E R

Charles D. Boynton, operating under the fictitious name of Boulevard Express, 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 express and freight between the City of Los Angeles and the City of San Diego.

A public hearing was conducted by Examiner Handford at Los Angeles on July 30, 1919, the matter was duly submitted and is now ready for decision.

Applicant proposes 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 Saturday and days preceding holidays, using as equipment three 2½ ton, one 2 ton and one 4 ton trucks, all of Moreland manufacture, also one Ford truck of ½ ton capacity.

Applicant originally established service over the route herein sought during the month of July, 1918, such service being established under the assumption that as applicant had been operating a truck service between San Diego and Boulevard prior to and on May 1, 1917, the fact of such operation entitled applicant to extend his service to other points without the necessity of procuring a certificate of public convenience and necessity from the Railroad Commission in accordance with the provisions of Section 5 of Chapter 213, Statutes of 1917. Upon learning of the necessity of complying with such statutory enactment, applicant prepared the application herein that his operation might be placed upon a proper and authorized basis.

The original business handled by applicant on the route herein sought was shipments of fresh fish, meats and vegetables. The shipments of fish originate at San Diego and are taken directly from the wharf and delivered to consignees in Los Angeles at an early hour on the following morning ready for the early market opening. Shipments of fresh meat originate at packing houses in the cities of Los Angeles and Vernon and are transported during the night to San Diego and deliveries are made directly to the markets in San Diego, some thirty meat markets in San Diego receiving meat by the service of the applicant, deliveries being accomplished in the early morning hours and before the markets open for the day's business. Vegetables and garden produce are gathered in the farming communities between San Diego and Carlsbad and are transported to Los Angeles during

the night, deliveries being accomplished in the early morning hours and some fifteen or sixteen produce markets in Los Angeles are supplied by the service of applicant.

The business of handling meats, fish and perishable garden truck products has been supplemented by the handling of other non-perishable freight and express matter, but the especial attention given perishables has resulted in approximately seventy-five per cent of the applicant's business being derived from the handling of such perishables.

The service of the applicant results in commodities, particularly perishable food products, being transported from the shippers to the consignees with a minimum of delay, in the elimination of extra handling, and in the arrival of products at destination in time for early market distribution.

The rates charged by applicant are in excess of the less than carload rates of The Atchison, Topeka and Santa Fe Railway, but are less than the rates of the American Railway Express. The service rendered by the applicant is superior to the service of either the Railway or the Express Company in that it includes pick-up and delivery over a wider area than is offered the public by the express company and an advantage of early deliveries at hours attractive to consignees engaged in the meat, fish or produce business.

A comparison of rates, as proposed by the applicant, with those of The Atchison, Topeka and Santa Fe Railway and the American Railway Express is as follows:

	Classes		(per cwt)	
	1	2	3	4
The Atchison, Topeka and Santa Fe Railway	.50¢	37½¢	31½¢	25¢
American Railway Express	\$1.65	\$1.24	Grapes in ton lots 75¢ per cwt.	
Applicant's Rates	\$1.40	\$1.00	75¢	12¢ cu.ft.
	Fish	.75¢		
	Grapes	.75¢		

At the hearing on this application, it was stated by applicant that no intermediate business was sought other than the service rendered in the picking up of vegetables and garden produce in the territory between San Diego and Carlsbad; the transportation of meat from the City of Vernon, and the delivery of shipments to Camp Kearny and the certificate as granted will be so conditioned.

We are of the opinion that the service, which has been established by the applicant herein, and for which authority is now sought in compliance with the requirements of Chapter 213, Statutes of 1917, is necessary and desirable and offers a facility in the transportation of meat, fish and perishable products over the route herein sought that is not available by the rail transportation of The Atchison, Topeka and Santa Fe Railway and the American Railway Express.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by Charles D. Boynton, operating under the fictitious name of Boulevard Express, of an automobile truck line as a common carrier of express and freight between Los Angeles and San Diego serving

as intermediate points the city of Vernon and the military reservation at Camp Kearny; also receiving perishable freight and express in the agricultural communities between San Diego and Carlsbad, no authority being hereby conveyed for the transaction of local business at any other point along the route herein authorized; provided, that the rights and privileges hereby granted may not be transferred nor assigned unless the written consent of the Railroad Commission to such transfer or assignment has first been secured.

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

Dated at San Francisco, California, this 16th day of August, 1919.

Edwin O. Edgerton

H. D. Leonard

Francis R. Deuby

Commissioners.