

# ORIGINAL

Decision No. 6629.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of  
MURIETTA VALLEY MOTOR FREIGHT LINE  
owned by K. F. BEYERLE and WILLIAM  
A. RANDLE for certificate of conven-  
ience and necessity to operate freight  
service between Los Angeles and Nor-  
walk, Buena Park, Anaheim, Olive,  
Peralto, Prado, Corona, Glen Ivy,  
Alberhill, Elsinore, Sedco, Wildomar,  
Marietta, Marietta Hot Springs and  
Temecula.

Application No. 4698.

- K. F. Beyerle for Applicants
- B. F. Cross for Southern Pacific Railroad
- M. W. Reed and Chas. K. Adams for The Atchison,  
Topeka and Santa Fe Railroad
- M. Estudillo for W. & S. Truck Company, Protestant
- E. E. Morris and T. J. Day for Pacific Electric  
Railway Company, Protestant

BY THE COMMISSION

## ORDER

K. F. Beyerle and William A. Randle, partners in business, operating under the fictitious name of Marietta Valley Motor Freight Line, 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 freight between Los Angeles and Temecula and intermediate points.

A public hearing on this application was conducted by Examiner Handford at Los Angeles on July 29, 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 Sundays and holidays, serving the intermediate communities at Norwalk, Buena Park, Anaheim, Olive, Peralto, Prado, Corona, Glen Ivy, Alberhill, Elsinore, Sedco, Wildomar, Marietta and Marietta Hot Springs. The equipment proposed to be used consists of one White truck, one and one-half ton capacity, licensed by State Motor Vehicle Department under License No. 118242.

One of the applicants has been and is now conducting a passenger stage line over the route herein sought and, in connection with such passenger line, has carried express packages to the points for which authority to carry freight is now sought. The parcel business has outgrown the facilities used in passenger service and, if other equipment is to be placed in service, the privilege of handling freight is sought. The intermediate communities at Peralto, Glen Ivy, and Marietta Hot Springs have no regular service by any established transportation company, and have heretofore been served by applicants on a contract basis. Applicants have been serving the other communities on a contract basis, but as regular operation by contract carriers is placed under the jurisdiction of the Railroad Commission by the provisions of Chapter 280, Laws of 1919, which amend the provisions of Chapter 213, Laws of 1917, and which amendments became effective July 22, 1919, applicants herein desire to establish their business on the basis of common carriers rather than of contract carriers. Applicants have contracts for the carriage of newspapers from Los Angeles to the points proposed

to be served, have handled hogs from the ranchers to Los Angeles and have given other service as contract carriers to the communities which are now proposed to be served on the basis of common carriers.

This application is protested by the Southern Pacific Railroad and The Atchison, Topeka and Santa Fe Railroad, on behalf of their lessee, the United States Railroad Administration, on the basis of a duplication of service and that their facilities are ample for the service of the public. Applicants stipulated that no consideration need be given the application as regards the local business in the territory between Los Angeles and Anaheim.

This application is protested by the Pacific Electric Railway Company as regards the service proposed to be given between Los Angeles and Corona and by the W. & S. Truck Company, as regards the service proposed between Los Angeles and the communities of Elsinore, Marietta, Marietta Hot Springs and Temecula; the Pacific Electric Railway basing its opposition on the alleged fact that the service, rendered by its line between Los Angeles and Corona, is adequate and at reasonable rates; the W. & S. Truck Company basing its protest on the alleged fact that sufficient business is not available in the communities proposed to be served to justify the authorization of another truck line as a common carrier of freight and express.

Applicants have been conducting their operation in good faith under contracts prior to July 22, 1919, which was the effective date of the amendments to Chapter 213, Laws of 1917, as contained in Chapter 280, Laws of 1919, and the status of applicants as contract carriers is therefore established.

After careful consideration of all the evidence in this proceeding, we are of the opinion that the proposed service will meet a public necessity as regards freight service between

Los Angeles and the communities at Glen Ivy, Alberhill, Elsinore, Sedoc, Wildomar, Marietta, Marietta Hot Springs and Temecula. No showing has been made which would justify the establishment of truck service as a common carrier to serve the local business between Los Angeles and Corona and the intermediate communities at Norwalk, Buena Park, Anaheim, Olive, Peralto and Prado and the certificate of public convenience and necessity will be conditioned on the basis that no local business will be permitted over such portion of the route.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by K. F. Beyerle and William A. Randle, partners in business, of an automobile truck line as a common carrier of freight between Los Angeles and Temecula serving as intermediate points the communities at Glen Ivy, Alberhill, Elsinore, Sedoc, Wildomar, Marietta and Marietta Hot Springs; provided, however, 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 local service may be conducted over the portion of the route between Los Angeles to and including the city of Corona under the authority herein granted; and that no vehicle may be operated under this certificate unless such vehicle is owned by the applicants herein or is leased by such applicants under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 29<sup>th</sup> day of August, 1919.

Ewin O. Elyator

H. B. Valand

STANLEY BERTON

H. A. B. ...

Dwight Martin

Commissioners.