

ORIGINAL

Decision No. 6878

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the Matter of the Application of)
C. T. MAYO, E. D. STUART, J. S.)
HUNTER and W. P. WILSON, partners in)
business under the name of the LOS)
ANGELES & SANTA BARBARA MOTOR EXPRESS)
for certificate of public convenience)
and necessity to operate a freight)
service between Los Angeles and Santa)
Barbara via Saugus, Santa Paula and)
Ventura.)

Application No. 5005.

In the Matter of the Application of)
LOS ANGELES AND SANTA PAULA DAILY)
EXPRESS for certificate of public)
convenience and necessity to operate)
auto freight truck service between)
Santa Paula, Ventura and Santa)
Barbara, California, and intermediate)
points.)

Application No. 4886.

W. C. Snyder for Applicants Mayo, Stuart, Hunter and
Wilson.

E. T. Sheriff for Applicant, Los Angeles & Santa Paula
Daily Express.

Harry E. Hennessy for United States Railroad Administration,
Southern Pacific Railroad.

BY THE COMMISSION:

O R D E R

C. T. Mayo, E. D. Stuart, J. S. Hunter, and W. P.
Wilson have petitioned the Railroad Commission for an order de-
claring that public convenience and necessity require the oper-
ation by them, as partners under the fictitious name of Los
Angeles & Santa Barbara Motor Express, of a freight and express

truck service as a common carrier of freight and express between Los Angeles and Santa Barbara, and intermediate points.

Los Angeles & Santa Paula Daily Express has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation of an auto freight truck as a common carrier of freight between Santa Paula, Ventura, Santa Barbara and intermediate points.

A public hearing on the above entitled applications was conducted by Examiner Handford at Los Angeles on October 14, 1919, at which time the matters were consolidated for hearing, were duly submitted and are now ready for decision.

Applicants, Mayo, Stuart, Hunter and Wilson, 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 serving the intermediate points between Los Angeles and Santa Barbara via Saugus, Santa Paula and Ventura.

Applicant, Los Angeles & Santa Paula Daily Express proposes to charge rates in accordance with a schedule marked exhibit "B" and filed with the application in this proceeding and to furnish a daily service between Santa Paula via Ventura and Oxnard and intermediate points connecting with the existing service operated by applicant between Santa Paula and Los Angeles.

Both applicants rely, as justification for the granting of the desired certificates, upon the complaints made by merchants as to inability to secure prompt transportation and delivery of shipments in the territory proposed to be served; the objection being directed principally to shipments originating in the City of Los Angeles and destined to Santa Barbara or intermediate points.

Testimony in these proceedings indicates that the less than carload service, as rendered by the railroad, is not satisfactory from three to ten days being required to make deliveries to consignees after shipments have been delivered to the railroad company. The service rendered by the American Railway Express is alleged to be unsatisfactory in that an average of thirty-six hours is consumed from the time shipments are placed in the hands of the express company in Los Angeles and complaint is made that the express companies do not pick up shipments as late in Los Angeles or deliver shipments as early in Santa Barbara as would be the case if the motor truck transportation service were to be authorized. Witnesses, testifying in behalf of applicants, have recently had opportunity to observe the character of service rendered by motor truck transportation companies in competition with the service of the Southern Pacific Railroad and the American Railway Express. During the suspension of operation of the facilities of the railroad and existing express company due to labor troubles, both applicants were authorized to temporarily operate between Los Angeles and Santa Barbara and the service rendered has evidently been more satisfactory than that heretofore given by the normal operation of the railroad or the American Railway Express and both applicants in this proceeding propose a service considered better than that rendered by the express company and at practically the existing scale of freight rates.

These applications are protested by the United States

Railroad Administration on behalf of the Southern Pacific Railroad on the basis that the service, rendered by the railroad in the matter of freight shipments and by the American Railway Express in the matter of express shipments, was ample and properly served the public convenience and necessity at reasonable rates. The freight schedules provided three trains in each direction, freight being received at either terminal up to 5:00 P. M. As regards express service, four trains each way per day carry express with a scheduled running time on three of the trains of three and one half hours between terminals. The freight time being stated to consume six hours between terminals. Witnesses for protestants stated that no complaints have been received from the public and no request for additional or expedited service and that, with the exception of a period in which labor troubles caused cessation of operation, all business was being expeditiously handled and that the Southern Pacific Company and the American Railway Express possessed ample facilities to satisfactorily care for all business and were in position to increase such facilities if the demands of traffic justify. The Commission has given careful consideration to the evidence in this proceeding and it appears that, notwithstanding the evident ability of protestants, Southern Pacific Railroad and American Railway Express, to give adequate service, there is evidence in this proceeding that the average freight shipment is in transit from three to four days before delivery is effected and that approximately thirty-six hours is required to effect delivery when shipments are forwarded by express and this in face of the fact that scheduled express time between terminals is

approximately three and one-half hours and scheduled freight time between the same terminals is approximately six hours. We are of the opinion that the public desiring transportation of freight and express between Santa Barbara and Los Angeles and intermediate points are entitled to a more expeditious service than that at present being given by the Southern Pacific Company as regards freight shipments and the American Railway Express as regards express shipments and that the public convenience and necessity requires a transportation service, as proposed by applicants herein.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by C. T. Mayo, E. D. Stuart, J. S. Hunter and W. P. Wilson, partners in business under the name of the Santa Barbara Motor Express of an automobile truck line as a common carrier of freight and express between Los Angeles and Santa Barbara, via Sanguis, Santa Paula, and Ventura and intermediate points; provided, however, that the rates charged for the transportation of freight and express shall be, in accordance with stipulation of attorney for applicants at the hearing on this proceeding, the same rates as proposed by applicant, Los Angeles and Santa Paula Daily Express and as filed by such applicant as an exhibit in these proceedings.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by Los Angeles and Santa Paula Daily Express of a truck line as a common carrier of freight between Santa Paula, Ventura, Santa Barbara and intermediate points.

IT IS HEREBY ORDERED 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 has first been secured.

IT IS FURTHER ORDERED that no vehicle may be operated under the authority hereby conveyed 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 28th day of November, 1919.

Edwin C. Edgerton

H. D. Loveland

H. B. Brundage

Dwight Martin

Commissioners.