

ORIGINAL

Decision No. 6898.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of)
R. ROY WHESTONE for a certificate)
declaring that the public convenience)
and necessity require an auto truck)
and freight line between Escondido,)
California, and Los Angeles, Calif-)
ornia, via Coast Highway and Boule-)
vard, and permit to maintain and)
operate same.)
.....)

Application No. 4999.

Malcolm and Turrentine for Applicant.

Harry E. Honnessy for United States Railroad Administration, Southern Pacific Railroad, Protestant.

M. W. Reed for United States Railroad Administration, The Atchison, Topeka and Santa Fe Railroad, Protestant.

M. Thompson for American Railway Express, Protestant.

Harry K. Blair for Oceanside Truck Line, Protestant.

BY THE COMMISSION:

ORDER

R. Roy Whetstone 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 between Escondido and Los Angeles and intermediate points.

Public hearings were conducted by Examiner Handford at Los Angeles on October 13 and November 19, 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 attached to the application in this proceeding and to operate on a schedule of two round trips per week serving the intermediate communities at San Marcos, Vista and Oceanside.

Applicant desires to establish the proposed service for the handling of dairy, poultry and ranch products from the territory surrounding Escondido and between that community and Oceanside, hauling return shipments from Los Angeles. Shipments have been promised applicant in sufficient volume to justify operation if a certificate be granted. Witnesses appearing in favor of the applicant testified as to the saving of time in delivery of shipments to consignees, estimated as being at least twelve hours over the railroad schedule. Also as to the lessened liability of damage in the shipment of merchandise by truck, and that while no complaint existed as to the willingness of the railroad to adjust claims for shipments damaged in transit, the matter of time was an element in the delivery of shipments to merchants in the smaller communities, enabling them to carry smaller stocks and promptly meet the requirements of their trade by shipments from the jobbing centers.

The granting of this application is opposed by the United States Railroad Administration on behalf of The Atchison, Topeka and Santa Fe Railroad and by the American Railway Express, both protestants claiming to give satisfactory service at reasonable rates and that no complaints had been received as to the character of service rendered.

A comparison of the rates proposed by applicant with those of the railroad and express company is as follows:

Proposed Rates of Applicant:

	<u>First Class</u>	<u>Second Class</u>
Between Los Angeles and Oceanside	55¢ per cwt.	43¢ per cwt.
Between Los Angeles and Escondido	60¢ per cwt.	48¢ per cwt.

Special commodity rates on bicycles, motorcycles, eggs, and milk or cream, also on empties returning.

Rates of The Atchison, Topeka and Santa Fe Railroad:

	Class Rates in cents per cwt.			
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
Between Los Angeles and Oceanside	52 1/2	47 1/2	41 1/2	35
Between Los Angeles and Escondido	56 1/2	50	44	37 1/2

Rates of American Railway Express:

	<u>First Class</u> per cwt.	<u>Second Class</u> per cwt.
Between Los Angeles and Oceanside	\$1.37	\$1.03
Between Los Angeles and Escondido	1.37	1.03

Special Commodity Rate - 85¢ per cwt. (covers eggs, cheese, butter, fish, fruit, dressed poultry, rabbits, shell fish, yeast and bread.)

The rates proposed by applicant are slightly higher than the class rates of The Atchison, Topeka and Santa Fe Railroad but with the exception of the rates on eggs, milk and cream are materially lower than the rates of the American Railway Express.

The service proposed is closely comparable to that rendered by the American Railway Express in that free-pick-up and delivery is offered at terminal stations.

After careful consideration of all the evidence in this proceeding we are of the opinion that the public in the communities proposed to be served are entitled to the advantage of expedited shipments as proposed by applicant herein, especially when such shipments are to be transported at materially lower rates than those offered by the American Railway Express.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by R. Roy Whetstone of an automobile truck line as a common carrier of freight between Escondido and Los Angeles and intermediate points, provided, however, that no freight may be carried locally between Los Angeles and Oceanside; and provided, further, that the rights and privileges herein authorized may not be transferred or assigned unless the written consent of the Railroad Commission to such transfer or assignment has 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.

Dated at San Francisco, California, this 29th day of November, 1919.

Edwin C. Edgert

H. D. Loveland

H. V. Brundige

Irving Martin

Commissioners.