

ORIGINAL

Decision No. 4981

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the Matter of the Application of )  
E. D. STAFFORD, and E. B. STAFFORD, )  
for certificate of public convenience )  
and necessity to operate a truck for )  
freight service between Wasco, Calif- )  
ornia, and Bakersfield, California. )      Application No. 4981.

R. B. Lambert for Applicants.

W. B. Beazley for United States Railroad Administration,  
The Atchison, Topeka and Santa Fe Railroad.

Harry T. Hemessy for United States Railroad Administration,  
Southern Pacific Railroad.

BY THE COMMISSION:

O R D E R

E. D. STAFFORD and E. B. STAFFORD, as joint owners, have petitioned the Railroad Commission for a declaration that public convenience and necessity require the operation by them of an automobile truck line as a common carrier of freight between Wasco and Bakersfield and intermediate points.

A public hearing on this application was conducted by Examiner Handford at Bakersfield on December 5, 1919, the matter was duly submitted and is now ready for decision.

Applicants propose to charge a rate of twenty cents per one hundred pounds for shipments between Bakersfield and Famosa, Shafter and Wasco, and to operate one round trip daily on Tuesdays and Thursdays of each week; using as equipment one Republic Truck, one and one-half ton capacity.

licensed by State Motor Vehicle Department under license No. 249041.

Applicant relies as justification for the granting of this certificate on the alleged fact that the merchants in Wasco, Shafter and Famosa purchase supplies from Bakersfield dealers and that by the establishment of the service for which certificate is requested from two to three days time will be saved in transportation. There was no appearance other than one of the applicants at the hearing on this matter to justify the contention that the service was desired by the merchants or that a saving in the time of transportation would be made if the desired certificate was granted.

This application is opposed by the United States Railroad Administration on behalf of its lessors, the Southern Pacific Railroad, operating between Bakersfield and Famosa, and The Atchison, Topeka and Santa Fe Railroad, operating between Bakersfield, Shafter and Wasco.

The Atchison, Topeka and Santa Fe Railroad operates a freight service daily, except Sunday, between Bakersfield and Wasco leaving Bakersfield at 7:10 arriving Wasco approximately 9:15 A. M.; leaving Wasco at approximately 2:00 P. M.; arriving at Bakersfield approximately 3:00 P. M. For a period of fifteen shipping days ending December 4, 1919, the average amount of freight shipments from Bakersfield to Wasco aggregated 5,396 pounds daily; no figures being available covering movement - Wasco to Bakersfield. During the same period the daily average shipments - Bakersfield to Shafter - were 4,648 pounds; no figures being available covering the tonnage moving Shafter to Bakersfield.

The American Railway Express also operate between Bakersfield, Shafter and Wasco using the passenger trains of The Atchison, Topeka and Santa Fe Railroad. Three round trips daily are available to Wasco and one round trip daily between Bakersfield and Shafter; the principal express business being confined to the movement of laundry, fresh meat and bread. The average shipments from Bakersfield to Wasco do not exceed 300 pounds per day, the return movement from Wasco to Bakersfield averaging about 150 pounds; the average express shipments Bakersfield to Shafter being ten pounds per day with about the same amount Shafter to Bakersfield. A pick-up and delivery service is maintained by the American Railway Express at Bakersfield but no such service is being maintained in the communities of Wasco and Shafter.

On the line of the Southern Pacific Company, the American Railway Express operates two round trip services between Bakersfield and Famosa, the principal commodity transported being fresh meat originating in Bakersfield and consigned to the Kern County Land Company at Famosa. An occasional shipment of bread is also offered. The return movement from Famosa to Bakersfield is extremely light averaging approximately five pounds per day.

The Southern Pacific Railroad operates a daily freight service, except Sundays and holidays, between Bakersfield and Famosa; the local freight train leaving Bakersfield at 8:00 A. M., arriving Famosa at 9:30 A. M.; returning leaving Famosa at 5:00 P. M., arriving Bakersfield 6:00 to 6:15 P. M. The existing transportation companies now operating over the route herein sought by applicant claim to have adequate facilities for the transportation of all shipments offering and at reasonable rates; that no complaints have been received as to the

character of service rendered or the reasonableness of the rates.

For a comparison a schedule of the rates proposed by applicant is shown below.

Applicant's Rates.

Between  
Bakersfield and Famosa, Shafter  
and Wasco per cwt.  
20¢

Southern Pacific Railroad

	<u>CLASSES</u>		(Rates in cents per cwt.)	
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
Between Bakersfield and Famosa	25	21	17½	15

The Atchison, Topeka and Santa Fe Railroad

	<u>CLASSES</u>		(Rates in cents per cwt.)		
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
Between Bakersfield, Wasco and Shafter	25	21	17½	15	11

American Railway Express

	<u>CLASSES</u>		(Rates in cents per cwt.)	
	<u>1</u>	<u>2</u>	Commodity	
Between Bakersfield, Shafter and Wasco	82	63	59	Minimum 38

Between Bakersfield and Famosa CLASSES  
1  
60

The rates proposed by applicant are less than those of the existing carriers either rail or express. The service proposed, however, is not available except on two days per week and there is no evidence before the Commission in this proceeding indicating that the service is desired by the merchants of the communities proposed to be served. There is, however, evidence that a trucking concern at one time operated over the route herein sought and that the service was discontinued.

We are of the opinion that this is a matter in which

no showing has been presented to the Commission which would justify the granting of the desired application, applicants desiring to enter the business of a transportation company having had no experience in same and presenting nothing to the Commission evidencing the desire of the public for the service proposed to be given other than his desire to enter the field as a transportation company and, as the Commission has repeatedly held in its decisions on applications of this nature, the desire of an applicant to enter the transportation business as defined by the statutory law, is not a measure of public convenience and necessity nor could the Commission consider unsupported evidence of applicants as indicating a need for the establishment of additional transportation facilities in this proceeding. There is no complaint by the public against the existing service or the rates at which same is performed and the schedules of the transportation companies now serving the communities are such that it would appear that reasonable service is being provided for the public and, while the applicant has offered a rate substantially below that of any transportation company now serving these communities, such rate would only be available on two days of each week and there is no evidence before the Commission that would indicate that the rate would enable applicant to continue his service if same were to be approved and established.

