

ORIGINAL

Decision No. 6964

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the Matter of the Application )  
of CLYDE STOREY for certificate of )  
public convenience and necessity )  
to operate freight service between )  
Los Angeles and San Pedro. )

Application No. 5018.

Edwin O. Loucks for Applicant.

C. W. Byrer for Los Angeles and San Pedro Transportation  
Company, Protestant.

E. E. Bennett for United States Railroad Administration;  
Los Angeles and Salt Lake Railroad, Protestant.

Harry T. Hennessy for United States Railroad Administration;  
Southern Pacific Railroad, Protestant.

Frank Karr by G. J. Squires for Pacific Electric Railway  
Company, Protestant.

Harry H. Blair for California Truck Company; Citizens  
Truck Company; Paul Kent Truck Company; Merchants  
Truck and Transfer Company; Pioneer Truck and  
Transfer Company; Smith Bros., Motor Truck Company;  
and Star Truck and Transfer Company, Protestants.

BY THE COMMISSION:

O R D E R

CLYDE STOREY 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 Los Angeles and San Pedro.

A public hearing was conducted by Examiner Handford  
at Los Angeles on October 14, 1919, the matter was duly sub-  
mitted 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, confining business to through service between the communities of Los Angeles and San Pedro, no local business being proposed. Equipment to be used consists of one truck, one ton capacity, licensed by State Motor Vehicle Department under License No. 51007.

Applicant has operated between the business districts of Los Angeles and San Pedro serving principally automobile supply houses and garages and confining his service principally to what may be termed a messenger service securing orders from San Pedro automobile supply houses and garages making the trip to Los Angeles and returning with the desired merchandise. A number of representatives of automobile concerns and supply houses located in San Pedro testified as to the character of service rendered by the applicant and as to the desirability of such service being continued; it having been stated that no similar service had been offered by anyone and that the automobile repair and supply people in San Pedro depend upon the expedited and satisfactory service heretofore rendered by the applicant.

This application is protested by the Pacific Electric Railway Company, the United States Railroad Administration on behalf of its lessors the Southern Pacific Railroad and the Los Angeles and Salt Lake Railroad and by a number of truck and transportation companies who operate service between Los Angeles and the Harbor District at Wilmington and San Pedro.

The protestants based their opposition to the granting of the desired certificate upon the alleged fact that their equipment and facilities are ample to satisfactorily care for all business offering for movement either by rail or motor truck between Los Angeles and San Pedro and the particular service as sought by applicant has not been given with the exception of the commission purchase service as offered by the American Railway Express, operating over the lines of the Southern Pacific Railroad; the Los Angeles and Salt Lake Railroad; and the Pacific Electric Railway Company. This service, although same has been available to the public for a long period of time has evidently not been brought to the attention of merchants and others who might desire to use same and has resulted in this instance, as in many others of which the Railroad Commission has knowledge, in a separate messenger service being established in a particular community whereby the intimate personal service offered by a local carrier has resulted in a small business being built up profitable in some measure to the carrier and decidedly of advantage to the particular communities which may be served.

It was stipulated at the hearing on this proceeding that, if an order were issued by the Railroad Commission granting the desired application and such order were to be restricted confining applicant to the carriage of merchandise solely for automobile supply companies, the objection of the protestants would be withdrawn.

The evidence in this proceeding indicates that practically all the business heretofore done by the applicant has been in the serving of his patrons in the automobile industry with prompt transportation between Los Angeles and San Pedro in the

carriage of automobile supplies and accessories and we are of the opinion that the application should be granted.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by Clyde Storey of an automobile truck line as a common carrier of freight between Los Angeles, Wilmington and San Pedro, such transportation to be confined to the carriage of automobile parts, accessories and supplies; no authority being conveyed under this certificate for the transportation of any other merchandise; 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 vehicle may be operated under this certificate 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 17<sup>th</sup> day of December, 1919.

Edwin O. Edgerton  
H. D. Lusk  
Frank R. Brown  
H. D. Brundage  
J. W. Martin  
Commissioners.