

ORIGINAL

Decision No. 6467.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the Matter of the Application of  
WILLIS W. INGRAHAM for certificate  
of public convenience and necessity  
to operate freight truck service  
between Hynes and Los Angeles in Los  
Angeles County, California.

Application No. 4989.

C. W. Lyon for Applicant.

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

Frank Karr by J. F. Squires for Pacific Electric Railway  
Company.

W. E. Burke for W. W. Van Derssen, Protestant.

BY THE COMMISSION:

O R D E R

WILLIS W. INGRAHAM 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 Hynes and Los Angeles.

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

Applicant relies as justification for the granting of the desired certificate upon the alleged fact that the hauling of milk in the territory between Hynes and Los Angeles requires prompt service and expedited transportation between dairies located in the

Hynes territory and the creameries in the City of Los Angeles; that no other truck lines operating between Hynes and Los Angeles would give the same service to the producers and consumers as is contemplated by applicant nor do schedules of railroad lines provide the same facilities or class of transportation proposed, the railway lines being unable to collect milk at the dairies where same is produced. The expedited service proposed will, it is alleged, materially shorten the time between the production of milk in the district proposed to be served and delivery to the creameries maintaining a higher standard of the product and thereby directly benefiting the consumer.

It appears that applicant has contracts with some twenty-eight dairymen in the district comprised in the communities of Hynes and Clearwater; that two deliveries per day are contemplated with destination at various Los Angeles creameries. The secretary of the California Milk Producers Association testified in behalf of applicant and stated that he had knowledge of contracts held by said applicant with members of the Association; that the service heretofore rendered by Van Duesen, a protestant, against the granting of the application, was not satisfactory and had resulted in a loss to shippers by reason of milk not arriving in satisfactory condition and being required to be sold at a lower rate due to such condition. The members of the Association had themselves contemplated the establishment of a mutual truck line to care for the prompt delivery of their produce. The chief milk inspector of the Health Department of the City of Los Angeles testified that he had received complaints from his assistants that the service rendered by the Van Duesen truck was late in delivery and that late deliveries often resulted in a deterioration

in the quality of the milk by reason of the bacteriological count being increased and in some instances to an extent resulting in milk being graded as class two and as such commanding a considerably lower price to the producer. Other dairymen, residing in the Hynes territory, testified as to the satisfactory service rendered by the applicant under a contract basis and that no complaints had existed nor had any milk been accorded a lower grade by reason of any delay in transportation and while in the care of applicant.

This application is protested by the United States Railroad Administration on behalf of its lessors the Los Angeles and Salt Lake Railroad; by the Pacific Electric Railway Company and by W. W. Van Dusen.

The protests of the Los Angeles and Salt Lake Railroad Company and the Pacific Electric Railway Company were directed against the general freight privilege sought by applicant herein but at the hearing it developed that it was not the desire of applicant to enter the business of a common carrier for the hauling of all classes of freight that might be offered and it was stipulated that an order might be entered in this proceeding confining applicant to the carriage of milk and dairy products to Los Angeles and on the return trip to the carriage of grain and feed products for dairy use and also such products or merchandise as might be used by the dairymen from whom milk shipments were made.

After careful consideration of all the evidence in this proceeding, we are of the opinion that the application should be granted in accordance with the conditions as hereafter set forth.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by Willis W. Ingraham for an automobile truck line as a common carrier between Los Angeles and Hynes ; provided, however, that the authority hereby granted shall be confined to the transportation of milk and dairy products between Hynes, Clearwater and Los Angeles and that only such return shipments may be handled as may be destined to the various ranches and other shippers from whom milk is collected and transported to Los Angeles, such shipments to consist of grain, mill stuff, feed, et cetera and other products or merchandise necessary in the conduct of the dairying business. This authority does not authorize the general carriage of freight, the business of the applicant being principally that of milk hauling. It is further provided 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 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 on a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 19<sup>th</sup> day of December, 1919.

Edwin O. Edgerly  
H. Loveland  
Frank R. John  
H. B. Brown  
Jessie Martin

Commissioners.