

ORIGINAL

Decision No. 7142.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the Matter of the Application )  
of E. L. McCONNEL for certificate of )  
public convenience and necessity to )  
operate freight service (extension) )  
between San Luis Obispo and Santa )  
Maria and Orcutt and between San Luis )  
Obispo and Santa Maria and Guadalupe. )

Application No. 4644.

S. V. Wright, for Applicant.

Albert Nelson for R. J. Hearne, Protestant.

Hall M. Graig for Pacific Coast Railway Company  
and Santa Maria Valley Railroad, Protestants.

BY THE COMMISSION:

O R D E R

E. L. McConnel, operating under the name of E. L. McConnel's Truck and also as Valley and Coast Truck, 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 San Luis Obispo, Santa Maria, and Orcutt and between San Luis Obispo, Santa Maria and Guadalupe.

A public hearing on this application was conducted by Examiner Handford at San Luis Obispo, 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 filed with the application in this proceeding; to operate on a schedule of three round trips per week using as equipment two White trucks, one of one ton and one of two ton capacity, one G. M. C. truck of two ton capacity and such other trucks and trailers as may be warranted by the demands of traffic.

Applicant relies as justification for the granting of the desired certificate upon the alleged fact that no auto truck service is available in the territory proposed to be served beyond the community at Arroyo Grande and that the railroad service in such territory is inadequate for the needs of the public and that the establishment of the proposed service will be a convenience not only to the merchants of San Luis Obispo but to the residents of the various communities now served by an existing line of applicant operating between San Luis Obispo and Paso Robles.

Applicant testified as to the demand existing for vegetables and garden truck products originating in the territory proposed to be served and as to business anticipated originating on the present authorized line between Paso Robles and San Luis Obispo and destined to points between San Luis Obispo, Santa Maria and Guadalupe. The manager of the Atascadero-Rochdale Company testified as to the difficulty experienced in securing prompt deliveries of vegetables and perishable commodities to meet the demands of his trade. This testimony, however, is directed principally to difficulties experienced in the securing of prompt deliveries of vegetables and perishable commodities to meet the demands of his trade, and refers to inability to secure

prompt deliveries on express shipments without particular regard to the locality which is proposed to be served by applicants herein.

The granting of this application is opposed by R. J. Hearne, Pacific Coast Railway Company and Santa Maria Valley Railroad.

R. J. Hearne operates a direct service between San Luis Obispo and Arroyo Grande serving as intermediate the community at Pismo. This protestant has been in continuous operation since February 1, 1917, and claims to have given satisfactory service having never refused nor been unable to handle all business offered. Approximately 3,000 pounds per day are handled, the business consisting principally of ~~staples~~, ice, provisions and merchandise from San Luis Obispo to Pismo and Arroyo Grande, the total business yielding a gross revenue of approximately \$200.00 per month. This protestant claims to be in position to handle all traffic offering for movement by auto truck between San Luis Obispo and Arroyo Grande and to furnish additional service if the demands of traffic should warrant and claims that the establishment of an additional line with authority to serve the communities at Arroyo Grande and San Luis Obispo would result in protestants' business being unprofitable, there not being sufficient business to justify the operation of but one line.

This application is protested by the Santa Maria Valley Railroad and the Pacific Coast Railway, protestants claiming that the freight and express service offered over their

respective lines is adequate for the needs of the public and is furnished at reasonable rates.

There has been no showing in this proceeding which would justify the Commission in granting the application herein sought as the evidence indicates principally a desire on the part of the applicant to extend his existing line between Paso Robles and San Luis Obispo to the territory covered by this application. There was no evidence indicating that merchants at Paso Robles, San Luis Obispo, Santa Maria, Guadalupe, Pismo, Arroyo Grande or Orcutt desired or were interested in the establishment of the proposed service and, as the Commission has frequently stated in its decisions on applications of this nature, an affirmative showing must be made that the public convenience and necessity require the establishment of auto truck service over any given route, the desire of an applicant to enter the business or to extend his present authorized route not being in any wise controlling as indicating public necessity or convenience.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity do not require the establishment by E. L. McConnel of an automobile truck line as a common carrier of freight between San Luis Obispo, Santa Maria and Orcutt and between San Luis Obispo, Santa Maria and Guadalupe; and,

IT IS HEREBY ORDERED that this application be and the same is denied.

Dated at San Francisco, California, this 13<sup>th</sup> day of February, 1920.

Edwin O. Edgerton

H. W. Loveland

H. K. Brundage

Commissioners.