

ORIGINAL

Decision No. 7306.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the Matter of the Application of
FRED D. PEARCE for certificate of
public convenience and necessity to
operate a motor truck service between
Los Angeles, California, and Banning,
California.)

) Application No. 5093.

Geo. L. Wing for applicant.

H. W. Kidd for Keystone Express, Protestant.

B. J. Cross and C. F. Donnatin and Harry T.
Hennessey for United States Railroad
Administration; Southern Pacific
Railroad, Protestant..

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

M. Thompson for American Railway Express,
Protestant.

BY THE COMMISSION:

O R D E R

FRED D. PEARCE has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of an automobile stage line as a common carrier of freight and baggage between Los Angeles and Banning.

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 proposes to charge rates in accordance with a

schedule marked exhibit "A" and attached to the application in this proceeding; to operate on a tri-weekly schedule using as equipment one Kissel three and one half ton capacity, one Packard, three and one half ton capacity and two three and one half ton capacity trailers.

Applicant relies as justification for the granting of this application upon the alleged fact that merchants in Banning and Beaumont desire the establishment of the proposed truck line and that the railroad service to Banning is operated on a tri-weekly basis.

Witnesses for applicant testified as to the desire of the merchants of Beaumont and Banning for service such as is contemplated by applicant herein and as to the present service of the Southern Pacific Railroad and long delays in the delivery of shipments originating in Los Angeles. At the hearing on this application applicant stipulated that the application should be amended to cover service between Los Angeles, Beaumont and Banning eliminating all intermediate service between Los Angeles and Beaumont, such stipulation disposing of all protest against this application with the exception of that of the United States Railroad Administration on behalf of its lessors the Southern Pacific Railroad and the American Railway Express. Applicant estimates, from the promises of merchants that from three and one half to six tons per trip will be offered for the community at Banning and about one half as much for the community at Beaumont.

This application, as amended by stipulation at the hearing, is opposed by the Southern Pacific Railroad and the American Railway Express.

Witnesses for protestant, Southern Pacific Railroad,

testified as to the train service and rates available for the communities of Beaumont and Banning and as to the average freight tonnage offering from Los Angeles to such points, it being stated that the average daily movement from Banning to Los Angeles amounted to 6,839 pounds and to Beaumont from Los Angeles 4,524 pounds.

A witness for protestant, American Railway Express Company, testified as to the rates and service offered between Los Angeles, Banning and Beaumont, a service of two round trips per day being available and no complaints having been received regarding either rates or service as rendered by this protestant.

A comparison of the rates proposed by applicant as against existing rates of the Southern Pacific Railroad and American Railway Express is as follows:

Rates proposed by Applicant:

Between		
Los Angeles and Beaumont -----		55¢ per cwt.
Los Angeles and Banning -----		60¢ per cwt.

Rates of Southern Pacific Railroad:

		<u>Classes</u>			
Between		<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
Los Angeles and Beaumont -	54 ¹ / ₂ ¢	46 ¹ / ₂ ¢	37 ¹ / ₂ ¢	35¢	
Los Angeles and Banning -	57 ¹ / ₂ ¢	49 ¢	40¢	37 ¹ / ₂ ¢	

Rates of American Railway Express:

		<u>Classes</u>		<u>Special Commodity.</u>
		<u>1</u>	<u>2</u>	
Between Los Angeles				
Beaumont and Banning	137	103		85

Above rates are in cents per cwt.

The rates proposed by applicant include a pick up and delivery service in the communities of Beaumont and Banning and the service proposed is comparable with that of the American Railway Express but at materially lower rates and we are of the opinion that the public is entitled to the expedited service

as offered by the applicant herein, such service being at materially lesser rates than exist over the line of the American Railway Express.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity requires the operation by Fred D. Pearce of an automobile truck line as a common carrier of freight between Los Angeles, Beaumont and Banning; provided, however, that this certificate conveys no authority for the carriage of freight and express locally between Los Angeles and Beaumont, the authority hereby conveyed being for through service between Los Angeles, Beaumont and Banning; and provided, further, that the rights and privileges hereby granted may not be transferred or 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 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 23rd day of March, 1920.

H. D. Loveland
Walter R. Brown
H. A. Brundage
Dwight Martin
Commissioners.