

ORIGINAL

Decision No. 7342.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of)
G. E. CALBREATH for certificate of)
public convenience and necessity to)
operate automobile freight service) Application No. 5031.
between Chino, Calif. and Los)
Angeles, Calif.)

H. N. Blair for Applicant.

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

M. Thompson for American Railway Express,
Protestant.

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

H. W. Kidd for Keystone Express, Protestant.

BY THE COMMISSION:

O R D E R

G. E. CALBREATH 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 Chino and Los Angeles and intermediate points.

A public hearing was conducted by Examiner Handford at Los Angeles on December 22nd, 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 and to operate on a schedule of one trip daily, except Sundays and legal holidays; using as equipment two Mack

trucks, each of $1\frac{1}{2}$ ton capacity; one Ford delivery car, capacity 1,000 pounds; one four ton Moreland truck and one trailer of three ton capacity. Applicant has operated the line for which authority is sought since August, 1917; having purchased the equipment and route from C. F. Chapman and now desiring to place his operation in accordance with the requirements of the statutory law and the rules and regulations of the Railroad Commission.

Witnesses for applicant testified as to the satisfactory service that had been rendered in the transportation of freight between Los Angeles and Chino and as to the inconvenience of the present tri-weekly service afforded by the Southern Pacific Railroad between Chino and Los Angeles. Applicant has been rendering a daily service, except Sundays, and such service, in connection with the saving of cartage between the railroad station and the point of railway, is considered an advantage to consignees. The principal business handled by applicant is milk destined Los Angeles and return loads consisting of general merchandise.

The granting of the desired certificate is opposed by the United Railroad Administration on behalf of its lessors, the Southern Pacific Railroad and the American Railway Express; by the Pacific Electric Railway and by L. R. Kagarise, proprietor of the Keystone Express. At the hearing on this application it was stipulated that no service would be rendered locally between El Monte and Los Angeles thereby eliminating the protest of the Pacific Electric Railway/ ^{Company.} It was also stipulated that no service would be rendered locally between Pomona and Los Angeles over the route served by the Keystone Express although it was the desire of applicant to serve the communities at Puente, Walnut, and Spadra which are also served

by the operations of the Keystone Express. The testimony indicates that but slight volume of business has been handled by applicant to these communities and there was no showing that the service of the authorized carrier, the Keystone Express, was not ample to satisfactorily care for the business of such communities which may be offered for movement by motor truck transportation.

Witnesses for protestant, Southern Pacific Railroad, testified as to the service and rates between Los Angeles and Chino and intermediate points reached by protestant's lines; the service for Chino being tri-weekly leaving Los Angeles Mondays, Wednesdays and Fridays. It was stated that the volume of business moving between such points was light and no complaints had been received as to inadequacy of service or that rates were unreasonable.

After careful consideration of the evidence in this proceeding we are of the opinion that the service rendered by applicant, which has been in effect for some time, should be continued for the benefit of the community at Chino but that no local business between Chino and other points intermediate on the route to Los Angeles should be handled, it appearing that the existing transportation lines are amply able to satisfactorily serve such business and applicant having stipulated that, if application was granted, certain points might be eliminated from the route.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity requires the operation by G. E. Galbreath of an automobile truck service as a common carrier of freight between Chino and Los Angeles; provided, however, that this authority expressly eliminates the right to handle any

freight locally between Los Angeles and points intermediate on the route to Chino; this certificate conveying the right to operate through service between Los Angeles and Chino; 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 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 31 day
~~of March~~^{April}, 1920.

Erwin W. Edgerton
H. L. Leland
Frank Delev
H. B. Bridge

Commissioners.