

ORIGINAL

Decision No. 7551.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the Matter of the Application of )  
WALTER H. CULLEN for certificate of )  
public convenience and necessity to )  
operate freight, express and baggage )  
trucks, service between El Monte, )  
California, and Los Angeles, Calif- )  
ornia. )  
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Application No. 4438.

W. H. Cullen in propria persona.

Frank Karr for Pacific Electric Railway,  
Protestant.

BY THE COMMISSION:

ORDER

WALTER H. CULLEN 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, express and baggage between El Monte, and Los Angeles.

A public hearing on this application was conducted by Examiner Handford at Los Angeles at which time the matter was duly submitted 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 schedule of one round trip daily, except Sunday, using as equipment one Ford truck one ton capacity.

Applicant is operating over a route formerly served by a Mr. Knapp, who inaugurated the service between Los Angeles and El Monte and applicant desires to place his operation on proper basis in accordance with the statutory law and the regulations of this Commission.

It appears that the operation conducted by Mr. Knapp was established prior to May 1, 1917, and has continued since such date.

The granting of this application is protested by the Pacific Electric Railway Company who operate freight service daily, except Sunday, and who also transport on their passenger cars the express matter handled by the American Railway Express. The rates of the applicant are comparable with the fourth class freight rate of the Pacific Electric Railway Company but the rate of applicant includes pick up and delivery in Los Angeles and El Monte. The rates of applicant are materially lower than the rates of the American Railway Express although the service is practically comparable.

After careful consideration of the evidence in this proceeding, we are of the opinion that the service, which has heretofore been rendered by applicant and his predecessor in interest prior to May 1, 1917, and continuously thereafter, should be continued in that the rates of applicant, considering service in the way of pick up and delivery as offered the shipping and receiving public are more favorable than those offered by either the Pacific Electric Railway or the American Railway Express. The public is entitled to the benefits accruing from such favorable rates and the application should be granted.

THE RAILROAD COMMISSION HEREBY DECLARES that the public convenience and necessity requires the operation by Walter

H. Cullen of an automobile truck line as a common carrier of freight, baggage and express between Los Angeles and El Monte; provided, however, that the rights and privileges hereby authorized 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 10<sup>th</sup> day of May, 1920.

Edw. O. Edgert  
H. W. Loveland  
Frank H. Hill  
H. B. Anderson  
James Martin

Commissioners.