

ORIGINAL

Decision No. 7572

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the Matter of the Application of )  
WALTER H. RASIN for certificate of )  
public convenience and necessity to )  
operate automobile freight service ) Application No. 5044.  
between Monrovia and Los Angeles, )  
California. )

H. N. Blair for Applicant.  
G. F. Squires for Pacific Electric Railway  
Company, Protestant.  
C. K. Adams and M. W. Read for United States  
Railroad Administration; The Atchison,  
Topeka and Santa Fe Railway, Protestant.  
M. Thompson for American Railway Express,  
Protestant.  
E. W. Kidd for L. R. Kagaris, Proprietor,  
Keystone Express, Protestant.  
Harry T. Hennessey for United States Railroad  
Administration; Southern Pacific Railroad,  
Protestant.

BY THE COMMISSION:

O R D E R

Walter H. Rasin 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 Monrovia 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 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 and to operate on a schedule of one round trip daily except Sundays.

Applicant relies as justification for the granting of this application upon the fact that he took over the route

formerly operated by T. B. Goosen, Jr., and has operated such line since July 30, 1917, under the impression that the operation was legal but, upon learning that his operation was not in compliance with the statutory law and the rules and regulations of the Railroad Commission, the application was filed that the operative rights might be placed on a proper basis.

Witnesses for applicant testified that, prior to the establishment of automobile service, the majority of less than carload freight business was handled by the Southern Pacific Railroad and the Pacific Electric Railway with an occasional shipment via the Santa Fe. There is now no less than carload service available on the line of the Southern Pacific Company and the station of the Santa Fe is located near the extreme outer boundary of the City of Monrovia. A regular daily service is furnished via the auto truck and one freight train per day over the line of the Pacific Electric Railway. The auto truck service performs free pick up and delivery in the community at Monrovia which is a considerable convenience for shippers and receivers of freight in that the expense of cartage is eliminated and it is difficult to secure local draymen to perform the cartage service between the business places of shippers and receivers of freight and the stations of the rail carriers in Monrovia. It was testified that service of the Pacific Electric Railway was not satisfactory and that the service was inefficient. There was no complaint as to the service of the Santa Fe other than the station of such company was remote from the business center of Monrovia and subject to disability in the matter of local cartage to and from the station of such company.

This application is protested by the Pacific Electric Railway; the United States Railroad Administration on behalf of its lessor, The Atchison, Topeka and Santa Fe Railway; the American Railway Express and Mr. L. R. Kagaris, Proprietor,

the Keystone Express, all these protestants appearing as to the entire route herein proposed. United States Railroad Administration also protested on behalf of its lessor, the Southern Pacific Railroad, as to business intermediate between Monrovia and Los Angeles as regards stations served by the Southern Pacific Railroad. Applicant at the time of hearing stipulated that no local service was desired between Monrovia and Los Angeles and the order herein will therefore eliminate such local service thereby disposing of the protests of the United States Railroad Administration on behalf of its lessor, the Southern Pacific Railroad.

No evidence was introduced on behalf of any protestant although it appears on cross examination of the applicant's witnesses that the service of Mr. L. R. Kagaris, operating the Keystone Express, was not known to any of the merchants who appeared as witnesses for the applicant and the evidence indicates that the Keystone Express although operating through Monrovia has not made any particular effort to secure business between Los Angeles and such point and inasmuch as applicant has been operating since July, 1917, after having succeeded to the operation formerly conducted by T. B. Goosen, Jr., the protest of Mr. Kagaris, in view of the fact that no evidence was introduced as to the ability of the Keystone Express to satisfactorily serve the demands of traffic or that any service had been given to Monrovia, cannot be given serious consideration.

After careful consideration of the evidence in this proceeding, we are of the opinion that the service as heretofore rendered by applicant and which appears to have been satisfactory to the merchants of Monrovia should be continued and that the application should be granted.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by Walter H.

Rasin of an automobile truck service as a common carrier of freight between Los Angeles and Monrovia; provided, however, that this authorization is confined to the carriage of freight between Los Angeles and Monrovia, no intermediate business to be served in either direction or from either terminal; and, provided further, that the rights and privileges hereby authorized may not be transferred nor 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 13th day of May, 1920.

Edwin C. Edwards

H. D. Loveland

H. D. Bonding

Commissioners.