

Decision No. 7106.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the Matter of the Application of)
the Mountain Express for certificate)
of public convenience and necessity)
to operate a freight service from San) Application No. 5271.
Diego to Santee, Lakeside and Foster,)
California; and return.)

Ellis Brown for Applicant.
F. B. Dorsey and V. F. Bennett
for San Diego and Arizona
Railroad, Protestant.
G. B. Seay, A. L. Valentine and
H. A. Marcks for Lakeside
Improvement Club, Protestant.

BY THE COMMISSION:

O R D E R

Ellis Brown and P. M. Follensbee, partners in
business operating under the fictitious name of Mountain
Express, have petitioned the Railroad Commission for an order
declaring that public convenience and necessity require the
operation by them of an automobile truck service as a common
carrier of freight between San Diego and Santee, Lakeside and
Foster.

A public hearing on this application was conducted by
Examiner Handford at San Diego on May 12, 1920; at which time
the matter was duly submitted for decision.

Applicants propose to charge rates in accordance with
a schedule marked exhibit "A" and filed with the application in
this proceeding and to operate a daily service using as equip-
ment such vehicles now owned by the applicants herein and used
in connection with their authorized line between San Diego and

El Centro as the requirements of traffic may demand.

Applicant relies as justification for the granting of the desired certificate upon the alleged fact that at the present time ranches in the district proposed to be served and produce houses in San Diego are employing trucks to haul different commodities over the route herein proposed and that a truck line operating regularly could offer to the residents of the communities a better service than is now available also that some of the shippers of milk, who have been having such commodity hauled under contract by motor truck, have expressed a desire for the establishment of a regular line to Santee, Lakeside and Foster.

Mr. E. M. Brown, one of the applicants in this proceeding, testified as to the investigation made by him into the traffic possibilities over the proposed route and that he had interviewed some twenty to thirty ranchers who had expressed a desire for the establishment of the proposed service.

The granting of this application is protested by the San Diego and Arizona Railroad and by the Lakeside Improvement Club. The San Diego and Arizona Railroad operates between Lakeside and San Diego serving the intermediate community of Santee also intended to be served by the proposed truck line, a service of one freight train daily, except Sunday; three round trips by passenger train carrying express and one daily passenger train carrying milk. The San Diego and Arizona Railroad, in connection with their Lakeside Branch, are operating a truck which picks up milk and delivers empty milk carriers within a radius of from two and one-half to three miles of their Lakeside station; such pick up and delivery service being performed without additional expense to shippers or consignees

It was stipulated that the class rates and commodity rates on milk, as filed with this Commission by the San Diego and Arizona Railroad, should be considered as evidence in this proceeding.

The Lakeside Improvement Club, an organization consisting of some three hundred and fifty members and representing a population of from twelve hundred to fifteen hundred persons, protested the granting of this application on the basis that the existing transportation facilities, as afforded by the San Diego and Arizona Railroad, are sufficient for the territory proposed to be served and that the communities would suffer, if authorization were to be given competing truck lines or any other method of transportation which would compete with the Lakeside Branch of the San Diego and Arizona Railroad.

At the hearing on this proceeding there was no evidence presented to the Commission, other than that of one of the applicants, which would indicate a desire on the part of the public proposed to be served for the establishment of a truck line for which certificate is sought. The rates of applicants for milk shipments were stated to be the same as those of the San Diego and Arizona Railroad but commodity rates of the railroad on fresh vegetables and grain are lower than the rates proposed by applicants although applicants' rates include pick up and delivery service.

Careful consideration of the evidence in this proceeding indicates that applicants have produced no evidence in support of their application other than their desire to enter the business of a common carrier over the route herein sought. The application is protested by the San Diego and Arizona Railroad serving the territory by means of its train service on the Lakeside Branch and by the Lakeside Improvement Club on

the basis that the authorization of other transportation into the communities proposed to be served would weaken the ability of the existing carrier to continue the frequency of train service which has apparently met the needs of the community and against which there is no complaint either on a basis of service or unreasonable rates/^{and} as the Commission has frequently stated in its decisions on applications of this nature, the desire of an applicant to enter the business of a common carrier is not a justification for the granting of an application particularly so when the evidence at a public hearing indicates that existing carriers are satisfactorily meeting the traffic requirements over a route proposed to be served .

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity do not require the operation by Ellis Brown and P. M. Follensbee, partners in business operating under the fictitious name of Mountain Express, of an automobile truck line as a common carrier of freight between San Diego, Santee, Lakeside and Foster.

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

Dated at San Francisco, California, this 24th day of May, 1920.

Edwin O. Egerton
H. B. Brundage
J. W. Martin
Commissioners.