

ORIGINAL

MCS

Decision No. 7760.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of)	
WESTERN TRUCK LINE for certificate	:	Application No. 5560
of public convenience and necessity	:	
to operate freight-express service	:	
between FRESNO and LEMOORE.)	

H. E. Davis for Applicant
 Frank B. Austin for Southern
 Pacific Co. Protestant.
 J. R. Allen for American Rwy. Express Co. Protestant
 F. I. Hama, for Atchison, Topeka & Santa Fe-Pro-
 testant.

BY THE COMMISSION.

ORDER

H. E. Davis, doing business under the fictitious name of Western Truck Line 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 express between Fresno and Lemoore via Hardwick, Grangeville, Hanford and Armona and between Fresno and Hanford via Laton and intermediate points.

A public hearing on this application was conducted before Examiner Satterwhite at Fresno on May 13, 1920, the matter was submitted and is now ready for decision.

Applicant proposes to charge rates in accordance with a schedule marked Exhibit "A" filed with said application and to operate on a time schedule marked Exhibit "B" attached to said application, using as equipment two 2½-ton trucks and one 2-ton truck.

The Southern Pacific Company, Atchison, Topeka & Santa Fe Railroad Company and the American Railway Express Company protested the granting of this application.

The evidence by applicant shows that for sometime prior to January 15, 1920, one C. W. Hays had been operating over these proposed routes as a contract carrier for a large number of retail merchants; that on said date, this applicant purchased from Hays his entire equipment and his contractual rights with all of said merchants.

Applicant has been operating this service regularly since January 15, 1920. It was shown that a large number of retail merchants and business men along these routes do their buying at Fresno from wholesalers, and desire the operation of this line for the transportation of all kinds of goods, wares and merchandise.

It was shown that there is a large consignment of ice cream over this route together with other perishable goods and fruits. This service is desired because it affords a more rapid and satisfactory delivery than that afforded by the protesting rail carriers.

The Atchison Topeka & Santa Fe Railroad Company gave testimony showing that they operate a local freight service daily between Fresno and Hanford and Fresno and Lemoore. The Southern Pacific Company offered in evidence their rate and time schedules and also showed that they had in operation an extra freight train service to meet any necessary traffic. The protesting rail carriers' testimony shows that their freight shipment is assembled late in the afternoon of one day and delivered on the following day.

It was shown, however, that in spite of the daily service rendered by the protesting rail carriers that a very large number of merchants doing business along these proposed routes prefer this auto truck service by reason of the more prompt and early deliveries.

After careful consideration of all the evidence, we are of the opinion that the application should be granted.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by H. H. Davis, doing business under the fictitious name of Western Truck Line, of an automobile stage line as a common carrier of freight and express between Fresno and Lemoore via Hardwick, Grangeville, Hanford and Armona and between Fresno and Hanford via Laton and intermediate points.

Provided, however, that the rights and privileges herein authorized may not be transferred nor assigned unless the written consent of the Railroad Commission to such transfer or assignment has first been procured.

IT IS HEREBY ORDERED that no vehicle may be operated under this certificate, unless such vehicle is owned by applicant herein, or is leased by said applicant under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 19th day of June, 1920.

Edwin O. Edgerton
J. D. Loveland
Frank Kibler
H. C. ...
James ...
Commissioners