

Decision No. 7774

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application)	
of MIKE LANG for Certificate of)	
Public Convenience and Necessity)	Application
to Operate Auto Truck Service)	No. 5697
between Bakersfield, Taft, Fellows)	
and Maricopa and intermediate)	
points.)	

- E. A. Klein, for Applicant.
- J. Boyd Oliver, for ServiceMotor Express, Protestant.
- P. Slater, for Southern Pacific Company, Protestant.
- E. A. Woods and W. C. Moran, for American Railway Express, Protestant.

LOVELAND, Commissioner.

O P I N I O N

Mike Lang 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 Bakersfield, Taft, Fellows and Maricopa and intermediate points.

A public hearing was held at Bakersfield on June 10, 1920, 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" filed with said application, and to operate on a schedule of one round trip daily except Sunday, leaving Bakersfield at 9:30 A. M. and returning same evening.

Applicant is engaged in the transfer business at Bakersfield, and his testimony was to the effect that he has received a number of requests from merchants in Bakersfield suggesting the establishment of this route. His testimony also developed the fact that merchants whose hauling he does in Bakersfield are the same that forward goods by Service Motor Express, in fact quite a volume of merchandise is delivered by applicant to Service Motor Express Company's warehouse for shipment to west side oil fields, which would naturally divert to proposed line. Applicant offered but little testimony to show that the volume of business to west side oil fields was so large that it could not be adequately hauled by protesting rail and truck lines.

The Southern Pacific Company offered in evidence its time schedule and less car load lot merchandise statement showing the average number of pounds of merchandise shipped daily from Bakersfield to Taft, Fellows and Maricopa for a period extending from March 24th to June 7th, 1920.

Joe Besone protestant operates freight line between Bakersfield and Fellows via Taft, giving a daily service of one round trip per day with a recently inaugurated summer schedule leaving Bakersfield at 4:00 A. M. with perishable goods. No evidence was introduced showing that this line was unable to handle all freight offered, either as regards to equipment or service.

Several witnesses testified in support of this application. The testimony of some of these witnesses was to the effect that they would be personally benefited to some extent by direct service of applicant, and also by the convenience it would offer on account of store door delivery.

The Commission very properly considers the welfare of the community, as well as the rights of existing carriers, and when adequate service is being rendered to the public, declines to jeopardize the welfare of existing carriers unless it ~~is demonstrated~~ ^{satisfactorily appears} that there exists a real public necessity for the authorization of another transportation facility.

The evidence of applicant shows a personal desire to establish this line rather than a public necessity, and there is no evidence to show an actual necessity for the establishment of another line other than for an occasional movement of theatrical property, scenery, etc., requiring trucks of large dimensions, which equipment can be furnished only by applicant.

Applicant will, therefore, be granted a certificate of public convenience and necessity, with operations under said certificate to be confined to the transportation of theatrical property and equipment between Bakersfield, Taft, Fellows and Maricopa.

After careful consideration of the evidence, I am of the opinion that the existing carriers now operating to points in question are rendering adequate and satisfactory service as regards common carriers of freight, and that there is no justification for the authorization of this proposed auto truck line as a common carrier of freight, but that there does exist a justification for the granting of a certificate insofar as the movement of theatrical property, scenery, etc. are concerned.

O R D E R

A public hearing having been held upon the above-entitled application, the matter having been duly submitted and being now ready for decision,--

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by MIKE LANG of an automobile truck line as a common carrier of theatrical property, scenery, etc., between Bakersfield, Taft, Fellows and Maricopa;

PROVIDED, that applicant may not exercise any right as a common carrier of freight other than the transportation of theatrical properties, scenery and other freight incidental to the theatrical business.

IT IS FURTHER PROVIDED that the rights and privileges herein granted 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 in said service unless said vehicle is owned by the applicant herein or is leased by said applicant under a contract or agreement satisfactory to the Railroad Commission.

IT IS HEREBY FURTHER ORDERED that said MIKE LANG shall, within twenty (20) days from the date hereof, file with the Railroad Commission schedule and tariff covering said service

and a written acceptance of the certificate herein granted.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

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

H. D. Leonard
Frank R. Nelson
Henry Martin
Commissioners.