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Decision No. 8368

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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ORIGINAL

In the Matter of the Application of)
ERBEN HENRY for certificate of public)
convenience and necessity to operate : Application No. 6027
express and freight service between)
Harper Station and Los Angeles.)

Erben Henry in propria persona
B. J. Cross for Southern Pacific Railroad, Protestant
M. Thompson, for American Railway Express, Protestant.

BY THE COMMISSION.

ORDER

Erben Henry has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of an automobile freight line as a common carrier of freight between Harper Station and Los Angeles and intermediate points.

A public hearing on this application was conducted before Examiner Sattorwhite at Los Angeles on November 12, 1920, 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 time schedule of one round trip per week between Harper Station and Los Angeles, using as equipment one-one ton Ford Truck.

At the hearing it developed that applicant is at the present time engaged in buying eggs from ranches located in the vicinity of Harper Station and along the route proposed and transporting same to Los Angeles for the poultry producers association. The service

proposed by applicant under this application will be substantially the same as now performed. Applicant also specified his desire to carry only eggs into Los Angeles and chicken feed on return trip to various ranches.

The Southern Pacific Company and American Railway Express do not desire to protest this application under the proposed service and the evidence introduced by the applicant showed the need for this service,- it being a pick-up and delivery service, will eliminate the necessity of hauling to stations and transporting by rail.

After a careful consideration of 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 ERBEN HENRY of an automobile freight and express line as a common carrier of eggs and chicken feed between Harper Station and Los Angeles and intermediate points over route described as follows:- Starting at Los Angeles, thence via Buena Park, Garden Grove, Westminster, and Harper, returning via Santa Ana, Orange, Anaheim and Fullerton to Los Angeles, serving all poultry ranches in the vicinity of above named towns, subject to the following conditions:

1.- That the applicant, Erben Henry, will file with the Railroad Commission a written acceptance of this certificate within twenty (20) days from date of service hereof, such acceptance to contain advice as to the date upon which service will be commenced, which date shall not be more than sixty (60) days from the date of service of this order.

2.- That the applicant Erben Henry, will be required to immediately file a tariff of rates, rules and regulations and a time schedule in accordance with the provisions of General Order No. 51 and other regulations of the Railroad Commission.

3.- That the rights and privileges hereby authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.

4.- No vehicle may be operated by applicant unless such vehicle is owned by applicant or is leased by him for a specified amount on a trip or term basis, the leasing of equipment not to include the services of a driver or operator. All employment of drivers or operators of leased cars shall be made on the basis of a contract by which the driver or operator shall bear the relation of an employee to the transportation company.

Dated at San Francisco, California, this 26th
day of November, 1920.

Edwin O. Edgert
H. J. Long
W. H. Brown
H. B. Chandler
W. S. Martin
Commissioners.