

Decision No. 8476

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of)
H. E. DAVIS for Certificate of)
Public Convenience and Necessity to)
operate ice cream express service)
between Fresno and Madera.)

Application No. 3880

ORIGINAL

Harris, Johnson, Williams and Griffith,
by A. M. Griffith, for Applicant.

J. R. Allen for American Railway
Express.

BY THE COMMISSION.

O P I N I O N

Applicant wishes to establish an automobile express line for handling ice cream only, between Fresno and Madera, one round trip per day.

A public hearing on the application was held by Examiner Westover at Fresno. The present service is by American Railway express operating over the Southern Pacific System. The complaint of its service is that it is necessary to have shipments at the station at 5:30 A. M. to meet the needs of the business, while applicant would call at the factory at 6 A. M. and deliver direct to patrons at Madera at 7:40 A. M. Under this schedule he would leave Fresno at 6:20 A. M. and arrive at Madera at 7:30 A. M.

By the new Southern Pacific Schedule express trains leave

Fresno for Madera at 6:05 and 11:30 A. M. and 1:15 and 4:05 P.M. using from 37 minutes to 43 minutes for the trip. Ice cream must move in the early morning hours. Under the schedule the first train leaves a half hour later than before allowing shipments to reach the station about 6 A. M.

Applicant's proposed rates for two, three and five gallon tubs are 25 cents, 35 cents and 55 cents respectively, empties 10 cents each, while express rates are 47 cents, 51 cents and 69 cents, empties five gallons or less 16 cents, over five gallons 27 cents. These rates include free pick-up and delivery at each end, but the pick-up service in Fresno is not early enough for the first train on which practically all ice cream shipments move.

It is apparent that the express company is not prepared to furnish the service at the time it is required in the ice cream business although it could give as rapid service as applicant; and its rates are considerably higher when it does serve. There are some complaints by shippers that occasionally the company through oversight fails to get shipments on the train, making it necessary to return the goods to the factory and repack them.

At the request of several Fresno shippers applicant has been handling their ice cream under private contract and they consider it would be a detriment to their business if they could not use his service.

O R D E R

A public hearing having been held on the above entitled application, the matter being submitted and ready for decision,

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by E. E. Davis of an

automobile freight or express service between Fresno and Madera as a common carrier of ice cream but not other freight.

The operative rights and priveleges hereby established may not be transferred, leased, sold nor assigned nor the said service abandoned unless the written consent of the Railroad Commission thereto has first been secured.

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 the said applicant shall within twenty days from the date hereof file with the Railroad Commission his schedule and tariffs covering said proposed service, which shall be in addition to proposed schedule and tariff accompanying the application, and shall set forth the date upon which the operation of the line hereby authorized will commence, which date shall be ^{within} five months from the date hereof, unless time to begin operation is extended by formal supplemental order.

The authority herein contained shall not become effective until and unless the above mentioned schedule and tariff are filed within the time herein limited.

Dated at San Francisco, California, this 20th day of December, 1920.

Edwin P. Edgerton
H. J. Loveland
H. T. Boudiege
Erving Madison
Commissioners.