

Decision No. 8505

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of)
J. O. ERNST for Certificate of pub-)
lic convenience and necessity to : Application No. 6187
operate freight truck service between
LOS ANGELES and LONG BEACH, CALIFORNIA.)

- E. W. Kidd for Applicant
- J. J. McGinnis and W. J. Withrow for Southern Pacific Co
- G. H. Payne for Pacific Electric Railway
- J. H. Daley for City Transfer & Storage Company and
American Transfer Co. and Rice Auto Delivery
- F. A. Woods for American Railway Express.

BY THE COMMISSION.

ORDER

J. O. Ernst has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of an automobile truck service as a common carrier of freight for drug stores and bicycle and motorcycle stores between Los Angeles and Long Beach.

A public hearing on this application was conducted by Examiner Satterwhite at Los Angeles on November 8, 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" attached to the application and to operate on a schedule of one round trip daily using as equipment one Transport Truck of two and one-half tons capacity.

Applicant relies as justification for the granting of this application upon the alleged fact that the present existing transportation companies do not give the character of service desired by the public in connection with the particular class of

business applicant intends to handle.

Applicant has been engaged for several months past in rendering a special transportation service to retail drug stores and stores handling bicycles and motorcycles and supplies at Long Beach, and from the testimony at the hearing it appears that these particular retailers desire this service because it affords them early and prompt deliveries.

The granting of this application is opposed by the Southern Pacific Company, American Railway Express, the Pacific Electric Railway Company, the City Transfer and Storage Company, the Long Beach Transfer Company, the American Transfer Company of Long Beach and the Rice Auto Delivery. Protestants testified as to the schedules and rates offered the public and as to their respective equipment and service available.

The testimony indicates that a great majority of the retail druggists at Long Beach as well as wholesale drug companies at Los Angeles desire this particular and special service for the reason that the service of the protesting companies has been very often slow and unsatisfactory. It appears that the retailers also desire this service because some of the protestant transfer companies have charged too much and there have been difficulties in getting the correct weight on tags and shipments have often been split.

The service of the existing transportation companies hauling by motor truck between Los Angeles and Long Beach is designed to meet the requirements of the public in the transportation of general merchandise rather than for the specific class of shipments to which applicant has heretofore and in the future intends to confine his business. Applicant indicated that the shipments under his proposed special service will amount to over five thousand pounds daily and that he will only carry on the back haul to Los Angeles empty boxes, cases and small parts. It

was also shown that the dealers in bicycles and motorcycles at Long Beach desire this service and that there is a necessity for it.

After a careful consideration of all the evidence in this proceeding, we are of the opinion that there is a public necessity for the special service proposed by applicant and that the application should be granted.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by J. O. EHNST of an automobile truck line as a common carrier of freight between Los Angeles and Long Beach; provided, however, that this authorization extends only to the transportation of drugs and drug sundries and bicycles and motorcycles and accessories and supplies;

Provided, further, that no authority is hereby conveyed for the transportation of any merchandise between Los Angeles and intermediate points, the authorization hereby granted by this certificate being for through service only between the communities of Los Angeles and Long Beach;

And provided further, that the rights and privileges hereby granted, may not be transferred nor assigned unless the written consent of the Railroad Commission to such transfer or assignment has first been secured.

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

DATED AT SAN FRANCISCO, CALIFORNIA, THIS 3rd DAY OF

January, 1911

H. J. [Signature]
Frank R. [Signature]
H. B. [Signature]

COMMISSIONERS