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Decision No. 8557

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of)
 L. E. MALLERY, for certificate of)
 public convenience and necessity to)
 operate auto truck freight service : Application No. 6158
 between San Bernardino, Victorville,)
 Helendale, Barstow and intermediate)
 points.)

H. L. Dickson for Applicant
 Paul Burks for Atchison Topeka & Santa Fe Rwy Co
 E. E. Bennett for Los Angeles & Salt Lake Railroad

BY THE COMMISSION.

ORDER

L. E. Mallery 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 between San Bernardino and Barstow and intermediate points.

Applicant proposes to charge rates in accordance with a schedule marked Exhibit "A" filed with said application and amended at the hearing and to operate on a schedule of three round trips per week as per Exhibit "B" attached to said application, using as equipment two two and one-half ton Kissel trucks and two five ton trailers.

A public hearing on the above named application was conducted before Examiner Satterwhite, November 8th, 1920, at San Bernardino, the matter was duly submitted and is now ready for decision.

The Atchison Topeka and Santa Fe Railroad and the Los Angeles and Salt Lake Railroad protested the granting of this application.

Applicant testified in his own behalf and called other witnesses in support of the public necessity for this proposed service. The evidence of the applicant shows that many merchants and businessmen at Victorville, Barstow and at other points along the proposed route desire this service. Applicant has been hauling goods, wares and merchandise for many of these merchants from time to time and has rendered to them a very satisfactory service and they have requested him to establish this proposed service.

It was shown that there has been frequent delays in getting prompt freight shipments over the protesting rail carriers and that the proposed truck service will afford a quicker and more economical service.

It appears that at one time several merchants at Victorville on account of delays in freight shipments over the rail lines hired jointly a truck to have their goods transported from San Bernardino in order to insure prompt and early deliveries. This occurred before the present applicant began hauling over the proposed route. Several wholesalers at San Bernardino have also requested this service on account of the fact that it would be advantageous to them and a saving in the transportation costs to retail merchants along the proposed line.

It appears that about ninetyfive per cent of all goods and merchandise hauled by applicant to Barstow and intermediate points from San Bernardino are in less than carload lots and that this proposed service will afford a more satisfactory transportation. Applicant indicated that he would haul on each trip from seven to ten tons of freight and most of this freight will be of the fourth class.

The protesting carriers introduced in evidence their rate and time schedules and testimony to the effect that they were maintaining a service adequate to meet the demands of traffic between San Bernardino and Barstow. It appears at one time that the Santa Fe

Railroad operated a local freight train, but at the present time its freight service consists of only three trains each week for less than carload shipments.

The Los Angeles and Salt Lake Railroad operates a tri-weekly freight service between Los Angeles and San Bernardino and Barstow and intermediate points.

After a careful consideration of all the evidence in this proceeding we are of the opinion that the application should be granted.

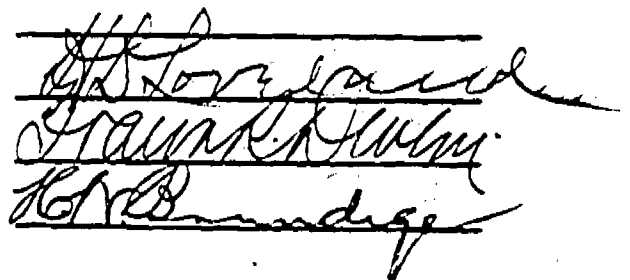
THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by L. E. Mallery of an automobile stage line as a common carrier of freight between San Bernardino and Barstow and intermediate points.

Provided, however, 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.

Provided further that applicant herein shall, within ten (10) days from the date of service of this order, file with the Railroad Commission of the State of California, a written acceptance of the certificate herein conveyed, such acceptance to state the date upon which the operation herein authorized will be commenced, such date to be not less than thirty (30) days from the date of the acceptance hereinspecified.

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

Dated at San Francisco, California, this 17th day of January, 1921.


Three handwritten signatures in cursive script, each written over a horizontal line. The signatures appear to be 'H. L. Loveland', 'Frank H. H. H.', and 'H. B. H. H.'.

Commissioners.