

Decision No. 6868**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
L. L. SMITH and FRANK GRANT, partners
in business under the fictitious name
of "Grant Express Company" for certifi-
cate of public convenience and neces-
sity to operate a freight, express and
baggage service between Los Angeles,
County of Los Angeles, and Newport
Beach, County of Orange, State of Cali-
fornia.

Application No. 6491.

Joe C. Burke for Applicant.
Frank Karr, R. C. Gortner, G. F. Squires
and J. D. Taggart for Pacific Electric
Railway Company.
M. Thompson and T. A. Wood for American
Railway Express Company.
B. J. Cross and L. B. Valla for Southern
Pacific Company.

BY THE COMMISSION.

O P I N I O N

The above application is for authority to operate a freight, express and baggage service between Los Angeles and Newport Beach.

Public hearings upon the application were held by Examiner Westover at Los Angeles and at Huntington Beach, of which all interested parties were notified and given an opportunity to appear and be heard.

At the Huntington Beach hearing, Frank Grant, one of the partners, testified that he wished to withdraw as a partner and an applicant and, upon request of applicants' counsel, the

application was by leave amended accordingly. It was also amended by leave to quote proposed rates to and from Los Angeles, Bell, Downey, Norwalk, Buena Park, Anaheim, Santa Ana, Costa Mesa and Newport Beach.

Hem
Newport Beach
Applicant's counsel explained at the hearing that applicant wished to serve, westbound, only Newport Beach, (including Balboa) and Costa Mesa, and to furnish through freight service to Newport Beach ~~Huntington Beach~~ from the points above named lying easterly from Los Angeles. It appears that there is at present adequate service between Los Angeles, Santa Ana and intermediate points, proposed to be served by applicant. The Southern Pacific Company serves Los Angeles and Newport Beach via Santa Ana. The Pacific Electric Railway Company serves Newport Beach and Balboa via Huntington Beach and via Santa Ana and Delhi.

Applicant proposes to operate one round trip per day, leaving Newport Beach at 2:00 P.M., arriving at Los Angeles at 6:00 P.M.; leaving Los Angeles at 2:00 A.M. and arriving at Newport Beach at 6:00 A.M., the schedule being designed for the particular accommodation of fishermen at Newport Beach and Balboa who wish to get fish to the Los Angeles market on the evening of the day they are caught. The fishing boats usually come in between 12 M. and 2:00 P.M.

The Pacific Electric Railway Company's freight car arrives at Newport Beach at about 2:00 A.M., and leaves about 7:00 A.M. The Southern Pacific Company's freight car arrives between 10:00 and 11:00 A.M., and leaves one or two hours later. The express car leaves the Beach at 7:30 A.M., is operated via Huntington Beach and Santa Ana, and arrives in Los Angeles about noon. There is no agent at Balboa and freight arriving by the Pacific Electric must be deposited on the platform, and is subject to the weather and danger of theft. In shipping from Balboa, it is

necessary for the shipper to make out a shipping bill and wait for the car to turn the bill over to the conductor.

The American Railway Express Company maintains pick-up and delivery service at Santa Ana and Anaheim within the city limits, and in Los Angeles within a specified zone. It has no wagon service at any of the other points in question. Applicant offers a pick-up and delivery service at all points, without extra charge. The present and proposed through rates are shown below, in cents per hundred pounds:

<u>Classes</u>	<u>(1)</u>	<u>(2)</u>	<u>(3)</u>	<u>(4)</u>	<u>Min. Chg.</u>	<u>Fish</u>
Express	\$1.24	.93	-	-	-	.86
Rail freight	.25	.22	.19	.17½	.50	-
Truck	.43	.37	.33	.27	.50	.43

O R D E R

Public hearings having been held upon the above entitled application, the matter being submitted and ready for decision,

RM

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by L. L. Smith of an automotive truck service for the common carriage of through freight, express and baggage from Balboa, ~~East~~ ^{Newport} Beach and Costa Mesa to Los Angeles, and from Bell, Downey, Norwalk, Buena Park, Anaheim, Santa Ana and Costa Mesa to Newport Beach and Balboa; but public convenience and necessity do not require any local service between said points south of Santa Ana, nor between Santa Ana or Los Angeles and any of said points intermediate thereto.

The operative rights and privileges 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 procured.

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 ORDERED that applicant shall, within twenty (20) 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 ninety (90) days from 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 schedules and tariffs are filed within the time herein limited.

Dated at San Francisco, California, this 16th day of April, 1921.

H. D. Howard
H. D. Dunning
James M. Martin
Charles J. Powell
Commissioners.