

Decision No. 8889

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of A. R. MILLER for certificate of public convenience and necessity to operate a truck line for freight and express service between Fresno, California, and Visalia, California.

Application No. 6566.

- Lamberson & Lamberson for Applicant.
- G. H. Baker for Atchison, Topeka & Santa Fe Railway Co.
- L. N. Bradshaw for Southern Pacific Co.
- L. K. Lockwood for American Railway Express Co.
- L. B. Randall for F. M. Hodge, et al.
- C. L. Bradley for G. C. Scribner.
- A. W. Carlson and F. K. Emick for Schmidt & Emick.

BY THE COMMISSION.

O P I N I O N

By this application A. R. Miller applies for authority to operate an automotive truck line for the common carriage of freight and express between Fresno and Visalia, serving Parlier, Reedley, Dinuba, Orosi, Cutler and Yettum, as intermediate points, a total distance of about 45 miles.

A public hearing upon the application was held by Examiner Westover at Visalia.

The application states that there is no authorized truck line operating between Fresno and Visalia; that Orosi is not on any rail line; that the business portion of Yettum is about two miles from the railroad, and that applicant can give more prompt and rapid service than is now being given.

The Commission has under submission Application No. 6381 of G. C. Scribner for authority to operate between Fresno and

Visalia over a different route, and Application No. 6535 of Hodge, Mershon & Rose, seeking authority to operate between Fresno and San Francisco and other points between Visalia and Los Angeles, decision on these matters having been held awaiting the filing of final briefs. Messrs. Schmidt & Emick operate a truck line between Fresno and Cutler, serving all of the above points which are intermediate thereto; and J. R. Proctor serves between Fresno and Parlier.

The American Railway Express Company serves all of the points which applicant proposes to serve, and all but Orosi are served by the Atchison, Topeka & Santa Fe Railway Company. The Southern Pacific Company serves Fresno, Visalia, Dinuba and Reedley.

Applicant appears, from the testimony presented by him, to rely principally upon the fact that under his proposed schedule, by which he would operate one round trip daily (except Sundays and holidays), leaving Fresno at 8:00 A.M., arriving at Visalia at 1:00 P.M.; leaving Visalia at 2:00 P.M., and arriving at Fresno at 5:30 P.M., he would be able to deliver goods from Fresno at intermediate points earlier in the day than do Schmidt & Emick, who leave Fresno at 10:00 A.M. This is not necessarily a pronounced advantage, as the applicant proposes to maintain a separate truck in Fresno to pick up goods from wholesale houses, bring them to his terminal and reload them, and forward them the next morning. In practice it will probably be necessary for his truck to call before the close of business. Messrs. Schmidt & Emick pick up their goods each morning before they leave at 10:00 A.M., affording opportunity for much later shipment and only about two hours later delivery.

The only testimony offered by applicant besides his own was that of a manager of a large general merchandise, grain and feed business at Visalia, to the effect that if their house were obliged to rely on railroad service only they could not compete

with Fresno in intermediate territory. Because of this situation, they operate their own trucks so they can ship when and where they wish and make direct deliveries, but if they had a dependable truck service they would be able to patronize such a line and cease operating their own trucks.

The Atchison, Topeka & Santa Fe Railway Company showed that its l.c.l. merchandise business for periods approximating 30 days in each instance, between Fresno and each of the points which applicant proposes to serve (including Visalia), produced a gross revenue of less than \$500.00.

The Southern Pacific Company showed that its l.c.l. business for February, 1921, from Fresno to Visalia amounted to 59,151 pounds; Fresno to Dinuba, 135,926 pounds; and Fresno to Reedley, 36,782 pounds.

It is apparent from the above facts that there is no urgent demand for the proposed service in the general territory described, but, under the circumstances, that service between Visalia, Yetttem, Cutler and Orosi is justified.

ORDER

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

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity do not require the service of an automotive truck line as a common carrier of freight and express between Fresno, Parlier, Reedley, Dinuba, ^{or Visalia} but do require the operation by A. R. Miller of such a line between Visalia, Yetttem, Cutler and Orosi.

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 tariff 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 schedule and tariff are filed within the time herein limited.

Dated at San Francisco, California, this 2nd day of April, 1921.

H. D. Loveland
H. B. Bundege
Dwight M. Eaton

Commissioners.