

ORIGINAL

Decision No. 8965

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of)
 GUY C. WELTON and EARL SNYDER, co-)
 partners, for Certificate of Public)
 Convenience and Necessity to operate : Application No. 6416
 a motor truck freight service between)
 the cities of Los Angeles and Beaumont)
 and Banning.)

In the Matter of the Application of)
 H. L. BOUTELL and H. S. FUQUA, for)
 Certificate of Public Convenience and) Application No. 6428
 Necessity to operate freight truck :
 service between Los Angeles, Pomona,)
 Ontario, Riverside, Colton and San)
 Bernardino and points Beaumont to :
 Mecca inclusive.)

Messrs. Marks and Lawner by Albert Lawner
 and George H. Gobar, for applicant
 in Application No. 6416

H. W. Kidd, for applicant in Application
 No. 6428 and for T. R. Rex of Red-
 lands, operating Rex Transfer and
 L. R. Kagarice operating Keystone
 Express and for Fletcher and Tremble,
 protesting in Application No. 6416

J. R. Downs and P. W. Barnard, for Southern
 Pacific Company - Protestant.

BY THE COMMISSION,

O P I N I O N

Guy C. Welton and Earl Snyder, co-partners, have
 petitioned the Railroad Commission, in accordance with their
 amended application, for an order declaring that public con-
 venience and necessity require the operation by them of an
 automobile truck line as a common carrier of freight between
 Los Angeles and Banning by way of San Timoteo Canyon and the
 intermediate points only between Colton and Banning.

Applicants propose to charge rates and to operate on a time schedule in accordance with Exhibits "A" and "B" attached to said application, using as equipment certain auto trucks described in Exhibit "C" attached to said application.

H. L. Boutell and E. S. Fuqua, doing business under the fictitious name of Coachella Valley Transportation Company, have petitioned the Railroad Commission, in accordance with their amended application, for an order declaring that public convenience and necessity require the operation by them of an auto truck line as a common carrier of freight between Los Angeles, Pomona, Ontario, Riverside, Colton and San Bernardino on the one hand and Beaumont and Banning, Whitewater, Palm Springs, Indio, Coachella, Thermal and Mecca on the other, and also between Beaumont and Mecca, inclusive as per Exhibit "A" attached to said application.

Applicants propose to charge rates and to operate on a time schedule in accordance with Exhibits "A" and "B" attached to said application, using as equipment certain Packard trucks, described in Exhibit "C" attached to said application.

A public hearing on said applications was conducted before Examiner Satterwhite at Beaumont on February 25th, 1921, at which time the said applications were submitted and are now ready for decision. Said applications were consolidated at the hearing for the reason that each application embraced a portion of the territory proposed to be served.

The Southern Pacific Company, Key Stone Express, T. R. Rex and Fletcher and Trumble appeared as protestants at the hearing, but in view of certain stipulations, both oral and written which were entered into by each of said applicants at the hearing, the Keystone Express and T. R. Rex and Fletcher and Trumble withdrew their opposition.

Each of the above named applicants called witnesses, consisting of merchants and business men at Beaumont and Banning and at other points in the Coachella Valley, all of whom testified to the public necessity of the proposed service sought by each of said applicants.

The testimony showed that there are many shippers and producers in the Coachella Valley who desire to ship their products to Los Angeles, San Bernardino, Colton, Riverside, Ontario and Pomona, and that merchants and business men at Beaumont and Banning desire this proposed service. It also appears that there are farmers and dairymen in San Timoteo Canyon who would patronize this service.

Fred D. Pearce who operated a through service between Los Angeles, Beaumont and Banning under the authority of this Commission, abandoned his service several months ago and these applications are now made for authority to continue and extend that service.

Several merchants and business men at Beaumont and Banning testified to the effect that they had patronized the freight line of Fred D. Pearce and that there was ample traffic to support such service, but that through neglect, indifference, or inefficiency of management, the service became very unsatisfactory and all shippers were compelled to seek other means of transportation. It appears from the testimony also that many merchants and business men at Beaumont and Banning desire that said applicants Welton and Snyder be authorized to operate their proposed service instead of Boutell and Fuqua for the reason that the service as proposed by said Welton and Snyder would be confined to the transportation needs of Banning and Beaumont and that a more satisfactory and efficient service would be maintained by them. The Commission is of the opinion that there is much merit in this contention.

The application of Boutell and Fuqua is made also for authority to continue the service recently abandoned by Fred D. Pearce and to extend their present service, at the request of receivers of freight at points served by them in Coachella Valley. The other points sought to be served by them, which are not covered by their present service, are to or from Coachella Valley points now served by them, on the one hand, to or from San Bernardino, Colton, Riverside, Ontario, or Pomona on the other, and between Beaumont and Banning and Coachella Valley points named.

The Southern Pacific Company introduced in evidence their rate and time schedules and also exhibits showing tonnage L C L for the month of December 1920 between Los Angeles and Banning and Beaumont and also L C L business from Los Angeles to Coachella Valley points for the month of January 1920. These exhibits indicate that this rail carrier transports a very small portion of the L C L tonnage that is shipped out of the territory proposed to be served by said applicants. It is very evident in accordance with the testimony that the merchants and business men prefer to patronize auto truck service and facilities.

The local freight service rendered in this territory by the Southern Pacific Company is a tri-weekly service, on Mondays, Wednesdays and Fridays and the testimony shows that this service is unsatisfactory and does not meet the needs of the shippers and merchants.

After a careful consideration of the evidence, we are of the opinion and find as a fact that there is public necessity for the service proposed by applicants Guy C. Welton and Earl Snyder and that their application, as amended, should be granted.

After a careful consideration of the evidence, we are of the opinion that there is a public necessity for the service proposed by applicants H. L. Boutell and H. S. Fuqua, in accordance with their amended application and said application will be granted,

save and except as to that part and portion of their proposed service which is authorized to be operated by said applicants Welton and Snyder in the following order.

In pursuance of the oral and written stipulations herein referred to and filed at the hearing, certain restrictions will be incorporated in the following order. There is no evidence before the Commission or sufficient grounds therefor, to justify any restriction in the order providing that said applicants H. L. Boutell and H. E. Fuqua shall not do any local business prohibited in said written stipulation in the event that they should acquire, lease or purchase any other freight truck franchise or certificate and use the same in conjunction with the operations herein authorized.

ORDER

A public hearing having been held upon the above entitled applications, the matters being submitted and now ready for decision,

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by Guy C. Welton and Earl Snyder of an automobile truck line as a common carrier of freight between Los Angeles and Banning by way of San Timoteo Canyon and the intermediate points only between Colton and Banning.

Provided, however, that 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, and,

Provided further, that no vehicle may be operated in said service unless said vehicle is owned by applicants herein or is leased by said applicants under a contract or agreement satisfactory to the Railroad Commission.

IT IS HEREBY ORDERED that applicants, Welton and Snyder, shall file within fifteen (15) days from the date hereof, a written acceptance of the order herein contained, such acceptance to set forth the date upon which operation will commence, which date shall be within thirty (30) days from the date hereof.

THE RAILROAD COMMISSION HEREBY FURTHER DECLARES that public convenience and necessity require the operation by H. L. Boutell and H. S. Fuqua, of an automobile freight line as a common carrier of freight between Los Angeles, Pomona, Ontario, Riverside, Colton and San Bernardino on the one hand, and Whitewater, Palm Springs, Indio, Coachella, Thermal and Mecca on the other, and also interlocally between Banning and Mecca,

Provided, however, that said applicants, Boutell and Fuqua, shall not do any local business between Los Angeles and Ontario or points intermediate thereto, except that said applicants, Boutell and Fuqua, shall have the right to pick up freight at Pomona and Ontario destined for Beaumont, Banning or points east of same in the Coachella Valley, and may also pick up freight in Coachella Valley, Beaumont and Banning for delivery at Ontario and Pomona, and

Provided further that applicants, Boutell and Fuqua, shall not do any local business between Los Angeles and Riverside or between Los Angeles and San Bernardino or between Los Angeles and Colton or any intermediate freight business between Riverside or Colton and San Bernardino, or between Colton and San Bernardino, and

Provided further that applicants, Boutell and Fuqua, shall have the right to pick up freight in Riverside, Colton and San Bernardino when same is destined for Beaumont, Banning or

points in Coachella Valley and likewise to pick up freight in Coachella Valley, Beaumont and Banning destined to Riverside, Colton or San Bernardino, and

Provided further, that 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.

IT IS HEREBY ORDERED that applicants Boutell and Fagus, shall file within fifteen (15) days from the date hereof a written acceptance of the order herein contained, such acceptance to set forth the date upon which operation will commence, which date shall be within thirty (30) days from the date hereof.

IT IS HEREBY FURTHER ORDERED that no vehicle may be operated in said service unless said vehicle is owned by applicants herein or is leased by said applicants under a contract or agreement satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 12th day of May, 1921.

Commissioners.