

HER.

Decision No. 9303.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

0000000

ORIGINAL

In the Matter of the Application of I.L. HAMILTON, for Certificate of Public Convenience and Necessity to operate freight truck service between Marion, via Universal City and Rosceda Avenue.

Application #6848.

In the matter of the Application of I.L. HAMILTON for an order granting permission to sell and transfer all his right, title and interest including certain equipment in auto truck transportation line operated between Los Angeles, Burbank, Hankershim, Van Nuys, Zelzah, Marion, Owensmouth and intermediate points to Frank G. Matthiessen and for permission to discontinue his service.

Application #6961.

and
Application of Frank G. Matthiessen for an order granting permission to purchase above described auto truck line and for permission to operate same hereafter.

I.L. Hamilton, in propria persona, Applicant
J.D. Taggart and G.F. Squires for Pacific Electric Railway, Protestant.
F.M. Roake for American Railway Express Company, Protestant.
F.G. Matthiessen, in propria persona, Applicant.
B.L. Cross for Southern Pacific Company, Protestant.

BY THE COMMISSION:

OPINION

I.L. Hamilton has made application to the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of auto truck service as a common carrier of freight, between Hankershim and Marion, via Universal City and Rosceda Avenue, in the County of Los Angeles.

Subsequently, applicant jointly with Frank G. Matthiessen, made further application to the Commission for an order authorizing the transfer of all of Hamilton's operative rights to Matthiessen, including whatever rights may be acquired under the first named application.

By stipulation of all parties, the matters were consolidated for hearing and a hearing was held before Examiner Williams at Los Angeles.

Applicant Hamilton is one of the oldest freight operators in the State. His long established daily service begins at No. 537 North San Pedro Street, in Los Angeles City, by way of the San Fernando Boulevard to Burbank, Bankershim, Van Nuys, Marion, Owensmouth and Zolzah. He asks to enlarge this route by adding operation from Marion southeast along Reseda Avenue to the Ventura Boulevard, thence in this road to Universal City and into his terminus in Los Angeles by way of Sahuenga Pass; and, also, over the road known as Pacoima Avenue from its junction at Universal City, north to Bankershim. The additional routing is wholly within the City of Los Angeles, except three and one-half miles on the Ventura Boulevard, west of Universal City.

Applicant frankly stated that he did not now believe operation of this additional routing would be remunerative from the start, but said it provided service for a large number of ranchers and store keepers who now have no service. Maintained in connection with his other operations, it would not prove a loss and would furnish a loop including Universal City, Marion, Van Nuys, and Bankershim. At present he is operating over those portions of the loop in the City of Los Angeles.

Applicant was supported by three witnesses, all in business along the Ventura Boulevard, each of whom testified the service was needed by them, and by ranchers, especially in expeditious daily transportation of perishables, poultry, eggs, and groceries.

Applicant agreed to accept a restriction that his service between Universal City and Los Angeles, by way of Cabuanga Pass, should be limited to loads of not more than two tons, in single trucks, and no trailers, or returning empties and that no trips, loaded or empty, should be made on Sundays or holidays. This restriction is proper, as Cabuanga Pass is used largely for pleasure driving, is tortuous, and in many places is narrow and dangerous, and its use for freight carrying purposes should not be materially enlarged.

Applicant Hamilton proposes to charge rates ranging from 27 cents to 17½ cents per hundred pounds between Universal City, and from 51½ cents to 19 cents per hundred pounds between Marion, and Los Angeles, including his established pickup and delivery at each end of his service.

Protest was made by the American Railway Express which maintains an agency at Universal City, but no depot other than throw-off at the side of the track, some distance from the agency, and no pickup or delivery, although the protestant has a very wide pickup in Los Angeles. The agency is at the office of the Universal Film Company, and was established principally for this large industry.

Express rates are more than twice those proposed by applicant.

Protest was also made by the Pacific Electric Railway, which operates daily freight to Los Nogales, a stop 1000 feet beyond its passenger stop at Universal City. At this point freight is delivered at the side of the track, protestant providing no collection or delivery there or at its terminus at Eighth and Hemlock Streets in Los Angeles. Its D.C.L. rates range from 25 cents to 17½ cents per hundred pounds between the two termini named.

Protestant Southern Pacific is not concerned with the routing applicant asks for, and withdrew its protest after this discovery.

In view of all the testimony, it is apparent that the service sought to be established is needed, and cannot be provided by protestants, and that applicant's request should be granted, subject to the restrictions heretofore mentioned.

Applicants Hamilton and Matthiessen petition the Commission for an order authorizing the transfer of all rights, title, and interest in the auto truck line operated between Los Angeles, Burbank, Lancaster, Van Nuys, Marion, Owensmouth, and Zelzah, and the additional privileges, if any, to be received under Application No. 6848, from Hamilton to Matthiessen. Each party confirmed the details of purchase set up in the application. Hamilton said he wished to retire and had found in Matthiessen a purchaser who seemed financially able and experienced in the business to continue the service. Matthiessen testified he had operated a suburban service with four trucks in Chicago, and would purchase all rights and

equipment by cash payment. The total consideration to be paid therefor is \$7,500.00, of which \$500.00 is for good will and the remainder for three three-ton trucks now used in the service. There appears to be no good reason why the sale and transfer of operative rights should not be approved, subject to conditions herein made.

ORDER

I.L. Hamilton having petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of freight truck service between Lankershim and Marion, via Universal City and Reseda Avenue and intermediate points, and

I.L. Hamilton having applied for permission to sell, and Frank G. Matthiessen having applied for permission to purchase, by Application No. 6961, all the operative rights of said Hamilton, including any such additional rights as said Hamilton may acquire under his Application No. 6846, a public hearing having been held, and both matters having been duly submitted, and now being ready for decision,

THE RAILROAD COMMISSION HEREBY DECLARES, that public convenience and necessity require the operation by applicant of an automobile service as a common carrier of freight over the following route: From Marion, by way of Reseda Avenue and the Ventura Road to Universal City, thence in Pacoima Avenue to Lankershim, and also from Universal City to Los Angeles, by way of Cabuenga Pass; provided however, that such operation between Universal City and Los Angeles shall be restricted and limited to single trucks, carrying not more than two tons, without trailers, or empty trucks

being returned to Los Angeles; and provided further that no such operation be made upon any Sunday or legal Holiday, being the route sought in Application No. 6846, and described therein in Exhibit "B", by red lines on map submitted; and

IT IS HEREBY FURTHER DECLARED THAT, said application No. 6961 be granted and that all operating rights of said Hamilton, as described in said application, be transferred to said Matthiessen, which rights are as follows:

From the City of Los Angeles, to Burbank, Lancaster, and Van Nuys, and intermediate points, via the San Fernando Road, as established prior to May 1, 1917; and also from Van Nuys to Zelzah, Marion, and Owensmouth, as authorized by Decision No. 7624 on May 26, 1920; and the further rights granted herein under Application No. 6846, upon the following conditions:

- I - That said applicants will file their joint acceptance of the additional rights granted under said application No. 6846, within twenty days from the date of this decision, and that operation of said additional service shall begin within sixty days from date of said acceptance.
- II- The amount paid for the purchase of this property and operative right shall not be considered as a measure of value of said property or operative right before this Commission or any other authority for rate fixing or for any other purpose other than the transfer herein referred to.
- III- That applicant, I.L. Hamilton, will be required to immediately cancel all tariffs and schedules or rates now on file with this Commission, such cancellation to be in accordance with the provisions of General Order No. 51 and other regulations of this Commission.
- IV- Applicant, Frank G. Matthiessen, will be required to immediately file his tariffs, rates, and schedules or to adopt as his own the tariffs and schedules as heretofore filed with the Railroad Commission by applicant, I.L. Hamilton, all rates as hereafter filed to be in accordance with those now on file

with this Commission in the name of
I.L. Hamilton.

- V - The rights and privileges, transfer of which are hereby authorized, may not again be transferred nor assigned, sold or leased or operation thereunder discontinued unless the written consent of the Railroad Commission to such sale, lease, transfer, or assignment or discontinuance of operation will have first been secured.
- VI- No vehicle may be operated by applicant, Frank G. Matthiessen, under the provisions of this authorization of transfer unless such vehicle is leased by him for a specified amount on a trip or term basis, the leasing of equipment not to include the service of a driver or operator. All employment of drivers or operators of leased equipment shall be made on the basis of a contract by which the driver or operator shall bear the relation of an employee to Frank G. Matthiessen.

Dated at San Francisco, California this 30th
day of July, 1921.

H. P. ...
A. ...
Driving Master
Commissioners.