

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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ORIGINAL

In the Matter of the Application of
B. L. HALVERSON for certificate of
public convenience and necessity
to operate automobile passenger and
express stage service between TURLOCK-
WATERFORD and intermediate points

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Application No. 6901
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In the Matter of the Application of
B. L. HALVERSON for certificate of
public convenience and necessity to
operate automobile freight service
between LA GRANGE and DON PEDRO DAM.

) Application No. 6921
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)

Dennett & Zion by E. H. Zion for Applicant.
E. Stearne for American Railway Express, Protestant
W. I. Titus and W. Coburn Cook for C. W. Caylord, Protestant.

MARTIN, Commissioner.

O P I N I O N

In the two proceedings entitled as above applicant B. L. Halverson petitions the Railroad Commission for a certificate of public convenience and necessity authorizing the operation of an automobile stage line for the transportation of passengers and express matter between Turlock and Waterford and for a certificate of public convenience and necessity authorizing the operation of an automobile truck line for the transportation of freight between La Grange and Don Pedro Dam.

A hearing was held on July 25th, 1921, at which time both matters were submitted and they are now ready for decision.

Applicant herein operates at the present time an automobile stage line from Modesto to Don Pedro, serving as intermediate points Waterford and La Grange. He also holds a certificate authorizing the operation of an automobile freight service between

Modesto and La Grange. He desires at this time a certificate authorizing the operation of passenger and express service from Turlock to a connection with his Modesto-Don Pedro Line at Waterford, and also for an extension of his freight line from La Grange to Don Pedro Dam.

In connection with Application No. 6901 applicant, as a witness in his own behalf, testified that he desired to establish a passenger and express service between Turlock and Waterford, such service to be tied in with his line Modesto through Waterford to Don Pedro, which service would enable him to transport passengers from Don Pedro to either Turlock or Modesto.

The granting of this application insofar as the handling of express matter was concerned was protested by the American Railway Express Company. The American Railway Express Company in connection with its express service between the points in question, gives a free pick up and delivery service at Turlock, but express matter must be called for at the company's office at Waterford. Applicant herein does not propose to give a pick up and delivery service either at Turlock or Waterford, but stated that he desired to establish this service solely on the ground that he would be able to deliver packages much more expeditiously than the service at present being rendered by the American Railway Express.

Applicant while claiming to have made a check of traffic conditions between Turlock and Waterford, could not give any data whatsoever as to the number of passengers travelling between such points nor as to the amount of express matter moved, nor did he present any witnesses who could testify to the public necessity for the service which he proposed to render.

In connection with applications for certificates to operate automobile stage service, the Railroad Commission has pointed out on numerous occasions that the desire of an applicant to enter the business cannot be considered as an affirmative showing that a public necessity exists for such service and as applicant herein has failed to show that there is a necessity for the service which he proposed, I must recommend that such application be denied.

In application No. 6921, applicant B. L. Halverson, testifying in his own behalf, stated that in connection with his automobile freight line from Modesto to La Grange, he had been called upon on numerous occasions to transport freight from La Grange to Don Pedro Dam, such freight consisting principally of fresh fruits, vegetables and other perishable produce which could not be transported over the railway and hauled in by the trucks engaged in work upon the irrigation company's project at Don Pedro, - that the Modesto and Turlock Irrigation Districts which are engaged in the construction of a dam at Don Pedro are desirous of purchasing all food commodities possible in their own districts and that applicant's freight line between Modesto and La Grange with the proposed extension, is the only means of public conveyance available for the transportation of such perishable commodities.

Testimony was submitted to the effect that there are at the present time approximately 240 men employed in construction work at Don Pedro, which number will be shortly increased to from 300 to 400 men and that as the irrigation districts named were carrying on this work themselves, they desire the establishment of the freight line as proposed by applicant, which line would give them direct communication between the Dam and the Modesto District.

It would appear that the establishment of this freight line in question would serve a public necessity and the order herein will so provide.

I recommend the following form of order.

O R D E R

The two applications entitled as above having come on regularly for hearing, the matters having been submitted and the Commission being fully advised,

IT IS HEREBY DECLARED that public convenience and necessity require the operation by B. L. Halverson of an automobile truck line for the transportation of freight between La Grange and Don Pedro Dam, and a certificate of public convenience and necessity be, and the same hereby is granted, subject to the following conditions:

1. That applicant B. L. Halverson shall file within a period of ten (10) from date hereof, his written acceptance of the certificate herein granted and shall file within twenty (20) days from date hereof duplicate tariffs of rates and time schedules, covering the service herein proposed. For all other purposes the effective date of this order shall be twenty (20) days from date hereof.

2. That the rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.

3. That no vehicle may be operated by the applicant herein unless such vehicle is owned by said applicant or is leased by him under a contract or agreement on a basis satisfactory to the Railroad Commission.

IT IS HEREBY ORDERED that Application No. 6901 be, and the same hereby is denied.

The foregoing Opinion and Order are hereby approved and ordered filed as the Opinion and Order of the Railroad Commission.

Dated at San Francisco, California, this 5th day of August 1921.

H. B. Anderson
A. D. Wilder
Dwight Watson
J. J. Pennington
Commissioners