

Decision No. 9416

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
RALPH C. WALKER for certificate of  
public convenience and necessity to  
operate automobile freight and ex-  
press service between Escondido and  
Los Angeles, California.

Application No. 6691.

In the Matter of the Application of  
COAST TRUCK LINE, a corporation, for  
certificate of public convenience and  
necessity to operate a freight auto  
truck service between Oceanside and  
Los Angeles and intermediate points  
via Riverside.

Application No. 6706.

- H. N. Blair and W. Cloyd Snyder for  
R. C. Walker and for Boulevard Express.
- H. J. Bischoff for Coast Truck Line.
- K. F. Beyerle for Marietta Valley Motor  
Freight Line.
- L. T. Fletcher for Fletcher & Tremble.
- E. T. Incey and A. G. Wilde for Atchison,  
Topeka & Santa Fe Railway Co.
- B. J. Cross for Southern Pacific Company.
- Frank Karr, J. D. Taggart and W. B. Peregoy  
for Pacific Electric Railway Company.
- T. A. Woods for American Railway Express Co.

BY THE COMMISSION.

O P I N I O N

By Application No. 6691, R. C. Walker applies for authority  
to operate a freight and express service between Escondido and Los  
Angeles via Fallbrook, Temecula, and Elsinore.

By Application No. 6706, Coast Truck Line applies for authority to operate a freight truck service between Oceanside and Los Angeles via Fallbrook, Temecula, Elsinore, Perris and Riverside.

Public hearings on both applications were held by Examiner Westover at Los Angeles and San Diego, at which both applications by stipulation were consolidated for hearing and decision.

Each applicant seeks to serve Bonsall, Fallbrook, Temecula, and Elsinore as intermediate points. Mr. Walker wishes to serve Wildomar also, and Coast Truck Line wishes to serve Murietta and Rainbow, all three being additional points between Bonsall and Elsinore. Mr. Walker does not propose to serve between Elsinore and Los Angeles, but would operate his trucks through between those points via Corona. Coast Truck Line does not propose to give any service between Riverside and Los Angeles, but would use the highway between said points. It does, however, urge the need of service between points south of Elsinore and Perris and Riverside. Coast Truck Line now operates a line between Los Angeles and Escondido via Oceanside, and a separate line between San Diego and Oceanside.

The Atchison, Topeka & Santa Fe Railway Company serves between Oceanside and Fallbrook and between Riverside, Perris, Elsinore, and Temecula in this district, but has no line connecting Fallbrook and Temecula and can, therefore, give no direct service between Oceanside and vicinity and the territory between Temecula and Riverside, but must serve via Los Angeles or Santa Ana which is a very circuitous route. The railway company previously operated a line through Temecula Canyon connecting Fallbrook and Temecula, thus giving it a direct line between San Diego and Riverside, but because of numerous washouts its line in Temecula Canyon was abandoned. In a proceeding brought before the Commission to compel the reconstruction of its line between Fallbrook and Temecula, the Com-

mission found that the population and the territory along the railroad between San Diego and Riverside had suffered great injury, and the development of a large portion of the area had been seriously retarded by the abandonment of the line and that the re-establishment of a direct connection between San Diego and Temecula was a public necessity, and thereupon ordered that the line be constructed. The order was subsequently vacated, however, as a result of a decision of the Supreme Court to the effect that the Commission was without power to make the order. (See Opinions and Orders of the Railroad Commission, Vol. 8, Page 74 at 99, and 173 Cal. 577).

K. F. Beyerle operates a freight and express line under the name of Marietta Valley Motor Freight Line, serving Temecula, Marietta, Wildomar, Elsinore, Alberhill, and Glen Ivy, thence direct between Glen Ivy and Los Angeles via Corona, with no service between Glen Ivy and Los Angeles.

Messrs. Fletcher and Tremble operate a through freight line between Riverside and Los Angeles, but do not serve any other points involved herein.

It will be noticed that Mr. Walker proposes to parallel the Santa Fe line and the Marietta Valley Line between Marietta and Elsinore, and that the proposed route of the Coast Truck Line would parallel these lines between those points, but would branch off at Elsinore to serve Perris and Riverside, in which it would parallel the Santa Fe line.

There was no testimony offered tending to show that present carriers are unable to handle the business between points where they respectively serve, nor was there any serious complaint as to the quality of their respective services. There was testimony, however, showing public need of transportation between Oceanside, Escondido, and San Diego, and points on the proposed route between Temecula and Riverside.

It appears that Mr. Walker has been engaged for some time in hauling eggs from Escondido and vicinity to Los Angeles via Ocean-side, paralleling the authorized route of the Coast Truck Line. His service was not authorized by the Commission. Practically all of the eggs are shipped by members of a local poultry association, an unincorporated body without power to contract. At the suggestion of Mr. Walker, an arrangement was made by which these shippers appointed an agent for shipping eggs by truck and an agreement was made with Mr. Walker under which he hauled the eggs at a fixed price of \$3.00 per truck load between Escondido and Los Angeles, and hauled merchandise of various kinds back at a rate of \$7.50 per ton. The plan was devised to avoid the jurisdiction of the Commission, but the Commission's view was that it did not accomplish its purpose and the operation was stopped pursuant to its order.

The Public Utilities Act defines transportation companies as those "owning, \* \* \* operating or managing any \* \* \* auto truck \* \* \* used in the business of transportation of persons or property, or as a common carrier for compensation over any public highway in this State between fixed termini or over a regular route \* \* \* ." An erroneous impression seems to exist in some quarters that the Commission is not given jurisdiction over operation in full truck loads nor where the compensation is based upon a rate per day or per load. It will be noticed, however, that the Act does not specify the quantity of property to be transported nor how the compensation is based, but brings all such operation for compensation under the jurisdiction of the Commission. If a question arises as to the justness of rates established by authorized transportation companies, the remedy is to be found in a complaint to the Commission in which the justness or reasonableness of the rates may be inquired into, rather than the establishment of an illegal, unauthorized line.

The testimony indicates that there is no need for two truck lines in the territory in question and that the service which

appears to be needed in a portion of the territory can best be rendered by the authorized carriers now serving in the adjacent territory.

#### ORDER

Public hearings having been held upon the above entitled applications, both matters being submitted and now ready for decision,

The Railroad Commission hereby declares that public convenience and necessity require the operation by Coast Track Line, a corporation, of motor truck service between Oceanside, Bonsall, Fallbrook, Rainbow, Temecula, Perris and Riverside, but does not require such service between Riverside and Los Angeles, nor does it require any local service between Temecula and Elsinore; and nothing herein contained shall be construed as authorizing any local service between Temecula and Elsinore or any intermediate points between said towns.

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 fifteen days from the date hereof, file with the Railroad Commission its 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

thirty 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.

IT IS HEREBY FURTHER ORDERED that Application No. 6691 of Ralph C. Walker for authority to operate motor truck service between Escondido and Los Angeles be and it is hereby denied.

Dated at San Francisco, California, this 7<sup>th</sup> day of August, 1921.

H. T. Brundage  
H. D. Leonard

James M. Wilson  
Charles H. Jones

J. J. Benedict  
Commissioners.