

Decision No. 9463

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
H. FRASHER for a certificate of pub-)
lic convenience and necessity to op-)
erate a motor truck line between)
Fresno and Tulare and intermediate)
points.)

Application No. 6673.

Harry A. Encell for Applicant.

Harry N. Blair for Hodge, Mershon
& Rose.

F. P. Cruice for Atchison, Topeka
& Santa Fe Railway Company.

L. N. Bradshaw for Southern Pacific
Company.

E. Stern for American Railway Ex-
press Company.

BY THE COMMISSION.

O P I N I O N

H. Frasher applies hereby for authority to establish motor truck freight service between Fresno and Tulare, serving Traver and Goshen as intermediate points.

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

It appears from the testimony that applicant has been engaged in trucking for about 3½ years, that he began by hauling fruit from various ranches to canneries, but in September, 1920, began operating between Fresno and Tulare under contract for various merchants located principally in Tulare. These contracts were originally verbal, and provided for hauling goods as needed from time

to time at fixed rates per hundred pounds. About the first of the current year, a number of these contracts were reduced to writing and eight of them with Tulare merchants were filed as exhibits. Under these contracts, applicant makes the round trip from Fresno to Tulare and return almost daily. His Exhibit No. 1 shows a total of 338,896 lbs. of freight handled on 26 days in June. The amount destined for intermediate points, he estimates at 15 to 20 tons. Exhibit filed by the Santa Fe shows l.c.l. freight between Fresno and Tulare totalling 103,272 lbs. for two months ending July 10, 1921, while an exhibit filed by the Southern Pacific shows a total of 74,998 lbs. moving from Fresno to Tulare for the month of March, 1921, from which it appears that the applicant is handling more than twice the l.c.l. Tulare tonnage handled by both railroads. Beside the above record of business actually handled, witnesses from Goshen and Tulare testified to their satisfaction with the service rendered to them and the convenience of being able to get goods the day they are ordered. He proposes to operate a 2½ ton Fageol truck and trailer, and deliver upon a schedule leaving Fresno at 10:00 A.M., arriving at Tulare at 2:00 P.M., leaving Tulare at 4:00 P.M., and arriving at Fresno at 8:45 P.M., charging the rates shown in exhibits attached to the application.

The American Railway Express Company maintains pick-up and delivery service in Fresno and Tulare, but most of its rates for packages weighing 60 lbs. or more are much higher than applicants, although its rates on 25 lb. packages are generally lower, apparently owing to his 50¢ minimum charge.

Southern Pacific rail rates, including drayage charge at Tulare, average somewhat lower than applicant's rates in a number of instances, but his service is much faster and involves less handling and crating. It is apparent from the tonnage handled that the community considers the service a public necessity.

The purpose of the present application, it appears from the testimony, is to procure authority to operate, and to extend the service to the general public for the common carriage of property and assume the burden of operating regularly upon a fixed daily schedule, set forth in the application, which is practically the present schedule of operation. It does not sufficiently appear, however, that the general public needs such a service by a common carrier, as the testimony relates to service rendered applicant's patrons who have contracts with him.

O R D E R

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 require the operation by H. Frasher of a motor truck freight service between Fresno and Tulare and between Tulare and Goshen and between Tulare and Traver, all as a contract carrier, but it does not require service between Fresno and Traver or between Fresno and Goshen, which appear to be adequately served by the G. C. Scribner line operating between Fresno and Visalia; and nothing herein contained shall be construed to authorize such latter service.

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 a copy of each form of contract under which applicant operates or proposes to operate, with a list of patrons served under each form or class of contract, with a statement of the rate or rates applicable to each patron or group of patrons; and shall within said time file a statement showing usual method of operation or proposed operation, including usual schedule or time of operation, which said statement shall further 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 copies of contracts, lists and statements are filed within the time herein limited.

Dated at San Francisco, California, this 3rd day
September, 1921.

H. B. Anderson
H. W. L. L. L.
James M. Astin
Commissioners.