

Decision No. 9492.**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 C. L. FORTIER & SONS for a certifi-
 cate of public convenience and neces-
 sity to operate a motor freight line
 between Reedley and Fresno. } Application No. 6670.

Harry A. Encell for Applicants.

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

L. N. Bradshaw for Southern Pacific
 Company.

E. Stern for American Railway Express
 Company.

BY THE COMMISSION.

OPINION

C. L. Fortier and Sons hereby apply for authority to op-
 erate freight truck service between Fresno and Reedley.

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

Applicants propose to operate their present equipment,
 consisting of four trucks and two trailers with a total capacity of
 about 19 tons, one round trip per day, leaving Reedley at 7:30 A.M.,
 returning at 4:00 P.M., using 1½ to 2 hours for the trip in each
 direction.

The carriers authorized at present are the At-
 chison, Topeka & Santa Fe Railway Company, Southern Pacific Com-
 pany, and American Railway Express Company. Applicants have been

operating since October, 1918, and show by their records that they are handling over 65 tons per month, while the Santa Fe l.c.l. Reedley business is over 50 tons per month, and the Southern Pacific l.c.l. Reedley business is less than 15 tons per month. Shippers from Reedley testified to the great advantage in their respective business of being able to get goods the day they are ordered and receive delivery at their store doors. Rail freight must be in the freight houses at Fresno before 4:00 P.M., but is ready for delivery in Reedley the following morning on the opening of business, although the actual time in transit is about the same as by truck. The principal tonnage consists of miscellaneous freight, mill feed, and flour, on which items the truck rate and the rail rate, including drayage at Reedley, are substantially the same. On other classes of freight the rail rates are substantially lower.

Comparative rates of the express company, which operates over both rail lines, are much higher than truck rates on shipments exceeding 50 lbs. in weight, although on special commodities, such as butter per 70 lb. box, eggs per case, ice cream, and milk and cream, its rates are lower than truck rates.

It appears from the record of tonnage and from the oral testimony of witnesses that Reedley shippers prefer truck service for l.c.l. shipments, and that public convenience and necessity require such a service.

ORDER

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

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by C. L. Fortier & Sons, a co-partnership composed of C. L., Godfrey L., Waldo J., Clarence J., and Conrad E. Fortier, of motor truck freight service between Fresno and Reedley, as proposed by above application.

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 applicants herein or is leased by said applicants under a contract or agreement satisfactory to the Railroad Commission.

IT IS HEREBY ORDERED that applicants shall, within fifteen days from the date hereof, file with the Railroad Commission their schedules and tariffs 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.

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

W. B. Bowditch
H. L. Leonard
Erving Martin
Robert H. Smith

Commissioners.