

Decision No. 9921

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of
MRS. F. C. WILLIAMS for certificate
of public convenience and necessity
to operate freight service between
Shafter, California, and Bakersfield,
California.

Application No. 7258.

ORIGINAL

G. D. Aldrich for Applicant.
Walter Osborn for E. M. Burner, Protestant.
E. T. Lucey for Atchison, Topeka &
Santa Fe Railway Co., Protestant.
T. A. Woods for American Railway
Express Co., Protestant.

BY THE COMMISSION.

OPINION

A public hearing was held by Examiner Westover at Bakersfield upon the above application for authority to operate a truck service between Bakersfield and Shafter, a distance of about 20 miles; one round trip daily, using a light Ford truck and trailer; at a rate of 50 cents per hundred pounds, except meat and vegetables \$1.00 per hundred pounds, bread 1 cent per loaf, eggs 1 cent per dozen; minimum charge 50 cents.

It appears from the testimony that Mrs. Williams operates a small dairy near Shafter, using a truck daily to carry milk and cream to Bakersfield. She began hauling milk for two neighbors, and later developed a back haul consisting principally of groceries, general merchandise, fresh meat and bread. She now serves most of the merchants and business concerns in Shafter. Learning that her operation was illegal, she filed the above application.

The present carriers are the Santa Fe Railway, operating a daily merchandise car, which averages less than an hour in making the trip; and stage service operated by E. M. Burner, who also has authority to carry packages up to 150 pounds in weight. At the hearing, he testified that he did not wish to carry freight or heavy articles and would waive the right to take parcels exceeding 40 pounds in weight, as a result of which it was stipulated that any authority which might be granted to Mrs. Williams would be limited to shipments weighing 40 pounds or more, except as to shipments of meat, bread, milk and eggs.

Complaint is made that the stage from Bakersfield does not arrive at Shafter until 5:00 P.M., while Mrs. Williams' schedule provides for arrival at 4:00 P.M., and in practice she has heretofore arrived somewhat earlier than that. The only need of earlier service shown by the evidence relates to shipments of bread, which are not ready for shipment from Bakersfield until 1:00 P.M. daily, but it affirmatively appears from the testimony that the demand for fresh bread begins in Shafter at 4:00 P.M. The testimony also indicates that there are poor drayage facilities at Shafter, so that the rapid rail service does not meet the needs of Shafter shippers who usually do not operate their own trucks.

There appears to be a public necessity for the store door delivery which applicant proposes to give, a service which the Santa Fe is not prepared to render.

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 Mrs. F. C. Williams of a motor truck service for the common carriage of freight between

Bakersfield and Shafter upon the following conditions:

Meat, bread, milk and eggs may be carried without limit as to weight, but other freight hereby authorized to be carried must equal or exceed 40 pounds in weight for each piece of freight to be transported.

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 her schedules and tariffs covering said proposed service, which shall be in addition to proposed schedules and tariffs accompanying the application; shall show each point proposed to be served, and quote rates to and from each such point; 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 23^d day of December, 1921.

H. B. Anderson
H. D. Lovelace
W. W. Weston
W. H. Brown
J. S. Smith
Commissioners.