

Decision No. 21951

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of J. NELSON KAGARISE for permission
to abandon service as a common carrier
of property between Los Angeles, Los
Angeles Harbor and Upland, Claremont,
Pomona, Azusa, Baldwin Park, Charter
Oak, Covina, Glendora, La Verne, San
Dimas and orchard adjacent thereto,

Application No. 22296

In the Matter of the Application of
J. NELSON KAGARISE, doing business
under the fictitious name and style
of Puente Truck & Transfer Co., for
permission to abandon service as a
common carrier of property between
Los Angeles and Puente, California.

Application No. 22297

BERNARD C. BRENNAN, for Applicant

H. J. BISCHOFF and WALLACE K. DOWNEY, for Certificated
Highway Carriers, Inc., Interveners

EDWARD STERN, for Railway Express Agency, Incorporated,
Interested Party.

E. H. L. BISSINGER, for Pacific Electric Railway
Company, Interested Party

BY THE COMMISSION:

O P I N I O N

J. Nelson Kagarise in these proceedings seeks authority to abandon highway common carrier operations, (a) between Los Angeles and Los Angeles Harbor, on the one hand and Baldwin Park, Covina, Azusa, Glendora, San Dimas, La Verne, Pomona, Claremont, and Upland, on the other hand (Application No. 22296); (b) and between Los Angeles and Puente (Application No. 22297).

Public hearings were had in these matters and related
(1)
proceedings which were consolidated therewith on January 4 and 5, and
February 23 and 24, 1939, and having been taken under submission
are now ready for decision. Prior to the submission of these
matters an order was made dissolving the order of consolidation
with respect to Applications Nos. 22296 and 22297, to permit a
separate decision thereon.

In regard to Application No. 22296, applicant alleges
that due to small volume of traffic moving under the right therein
involved, the service has been operated at a loss for the past year.
Kagarise testified that there had been no demand for any service
under such right for more than six months prior to the filing of
his application for authority to abandon the right. In fact, he
could not recall ever having performed any service under such right
which was originally created by the Commission's Decision No. 16035,
dated March 2, 1926, in which a certificate was granted to Edmond H.
(2)
De Marr authorizing a "demand service".

In regard to the request in Application No. 22297 to
abandon service between Los Angeles and Puente, applicant Kagarise
testified that it had been some time since any service had been

(1) Case No. 4366 is an investigation on the Commission's own
motion into the operations, etc. of J. Nelson Kagarise and
J. Nelson Kagarise doing business as Puente Truck and Transfer
Co. and Keystone Express Company.

Case No. 4386 is an investigation on the Commission's own
motion into the operations, etc. of Cooperative Merchants of
Riverside and Cooperative Merchants of Pomona Valley.

(2) Kagarise was authorized by Decision No. 25184, dated September
19, 1932 to acquire from Edmond H. De Marr the right created by
Decision No. 16035

performed by him between such points. The right between Los Angeles and Puente was originally created by the Commission's Decision No. 10752, dated July 21, 1922 on Application No. 7884, in which a certificate was granted to R. L. McMichael.⁽³⁾ The service authorized was a regularly scheduled service for the transportation of general commodities subject to certain minor restrictions.

In view of the showing made in these matters, it appears to be in the public interest to authorize applicant to abandon the services as proposed in his applications, and an order will be entered accordingly.

O R D E R

A public hearing having been held thereon and the Commission now being duly advised,

IT IS ORDERED that J. Nelson Kagarise is hereby authorized to abandon all operations as a highway common carrier between Los Angeles and Los Angeles Harbor on the one hand, and Baldwin Park, Covina, Azusa, Glendora, San Dimas, La Verne, Pomona, Claremont, and Upland on the other hand, and between Los Angeles and Puente, and the operative rights therefor created by Decision No. 25184, dated September 19, 1932, and Decision No. 27619, dated December 22, 1934, respectively, are hereby revoked and annulled and all tariffs and time schedules now on file with the Railroad Commission

(3) By Decision No. 27619, dated December 22, 1934, on Application No. 19749, McMichael was authorized to transfer such right to J. Nelson Kagarise.

in the name of J. Nelson Kagarise covering rates and services
between such points are hereby cancelled.

The effective date of this order shall be twenty (20)
days from the date hereof.

Dated at San Francisco, California, this 25th day of
~~March~~, 1939.

Raymond [unclear]
James [unclear]
Ray L. [unclear]
[unclear]
Justus J. Coe
COMMISSIONERS