

Decision No. 34357

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
A. MEYERS, doing business as WESTERN)
TRANSPORTATION COMPANY, for a certifi-)
cate of public convenience and neces-)
sity authorizing service as a common)
carrier of property by motor vehicle)
in pickup and delivery service for)
Union Pacific Railroad Company between)
Los Angeles and adjacent territory.)

Application No. 23996

ARLO D. POE, for Applicant.

E. RENWICK and W. E. LOVE, for Union Pacific
Railroad, Interested Party in support
of Applicant.

LLOYD R. GUERRA, for Western Truck Lines,
Interested Party.

H. P. MERRY, for Southern California Freight
Lines, Interested Party.

BY THE COMMISSION:

O P I N I O N

In this application, A. Meyers, doing business as West-
ern Transportation Company, seeks a certificate of public conveni-
ence and necessity to perform pickup and delivery service as a
highway common carrier for the transportation of property between
the freight station of the Union Pacific Railroad Company at
Eighth and Alameda Streets, Los Angeles, and a certain area
including Huntington Park, Maywood, Bell, South Gate, Vernon,
Florence, East Los Angeles, City Terrace and an unincorporated
area in Los Angeles County contiguous thereto. (1)

(1) The points involved are located within "Los Angeles Zone I"
described in the Commission's distance table, and more specif-
ically designated in the order appended to this opinion. Appli-
cant proposes to handle only shipments from or to points on
the Union Pacific Railroad having a prior or subsequent rail
haul by that line. Applicant does not propose to handle any
local shipments between said points for the public.

A public hearing was held at Los Angeles before Examiner Broz at which the Union Pacific Railroad Company, Western Truck Lines and Southern California Freight Lines appeared as interested parties, evidence was received and the matter was submitted on the record. It is now ready for decision.

The applicant testified that he now operates as a highway contract carrier, and also as a city carrier in Los Angeles under permits from this Commission and, as a city carrier, he performs pickup and delivery service for the Union Pacific Railroad Company within Los Angeles under a written contract filed with this Commission on March 1, 1940. The contract provides that applicant will transport only such shipments as have a prior or subsequent rail haul by the Union Pacific Railroad and during the month of August 1940, applicant handled 3,543 shipments under that contract. Of this number, only 128 shipments were intrastate in character and only 10 shipments necessitated a haul between Los Angeles and points in Zone I outside of Los Angeles, here involved.

A representative of the Union Pacific Railroad Company testified that applicant handled approximately 9,000 tons of freight for his company in Los Angeles during the year 1940; that 5 per cent of that traffic was intrastate in character; and that applicant's services in the past have always been satisfactory and dependable. The witness urged that the application be granted to enable applicant to handle Union Pacific shipments from and to points in Zone I, and he agreed to the proviso that said shipments must have a prior or subsequent haul by the rail service of his company.

Applicant and the Union Pacific Railroad desire to execute a joint contract for the performance of the services proposed

by applicant, similar to the contract under which applicant now performs pickup and delivery service for the Union Pacific Railroad within Los Angeles. The record, however, is devoid of any evidence or legal justification in support of the request for a contractual arrangement, and inasmuch as the applicant proposes to operate as a highway common carrier the contemplated service must be performed through the medium of joint rates with the Union Pacific Railroad Company.

Interested parties offered no testimony at the hearing but elicited a stipulation from applicant that if the instant application is granted he will refrain from operating as a highway contract carrier between the points here involved.

This application is similar in character to formal applications heretofore considered by the Commission wherein authority was granted to operate as a highway common carrier for the purpose of transporting property exclusively for a rail carrier in pickup and delivery or line-haul service in the vicinity of Los Angeles. ⁽²⁾ Applicant now provides such service for the Union Pacific within the city of Los Angeles and the authority here sought appears to be necessary in the public interest. We are of the opinion and find that public convenience and necessity require the establishment of a highway common carrier service by A. Meyers, doing business as Western Transportation Company for the transportation of property between the Union Pacific freight station at Eighth and Alameda Streets, Los Angeles, on the one hand, and points in Los Angeles Zone I as hereinafter defined,

(2) Application of Judd Bros. to transport freight for The Atchison, Topeka & Santa Fe Railway Company, Application No. 23631, Decision No. 33438 of August 24, 1940. Application of Trulove Transfer Company to transport property for the Atchison, Topeka & Santa Fe Railway Company, Application No. 23989, Decision No. 34121 of April 29, 1941.

on the other hand. The application will be granted.

O R D E R

Public hearing having been held in the above-entitled proceeding, and based upon the Commission's finding in the foregoing opinion that public convenience and necessity so require:

IT IS ORDERED that a certificate of public convenience and necessity be and it is hereby granted to A. Meyers, doing business as Western Transportation Company, to operate as a highway common carrier, as that term is defined in Section 2-3/4 of the Public Utilities Act, for the transportation of property, having either a prior or subsequent rail movement via the Union Pacific Railroad Company, between the freight station of the Union Pacific Railroad Company at Eighth and Alameda Streets, Los Angeles, on the one hand, and that certain area including Huntington Park, Vernon, Maywood, Bell, South Gate, Florence, East Los Angeles, Walnut Park, City Terrace and an unincorporated area in Los Angeles County contiguous thereto, situated within the following boundaries, on the other hand:

"Beginning at the intersection of 92nd Street and Alameda Street, thence southerly on Alameda Street to Century Boulevard, easterly on Century Boulevard to Santa Fe Avenue, northerly on Santa Fe Avenue to Tweedy Boulevard, easterly on Tweedy Boulevard to Stanford Avenue, northerly on Stanford Avenue to Southern Avenue, easterly on Southern Avenue to Atlantic Avenue, southerly on Atlantic Avenue to Stewart and Grey Road, easterly on Stewart and Grey Road to the west bank of the Los Angeles River, northerly along the west bank of the Los Angeles River to Cage Avenue, easterly on Cage Avenue to Garfield Avenue, northeasterly on Garfield Avenue to Anaheim Telegraph Road, southeasterly on Anaheim Telegraph Road to Church Street, northeasterly on Church Street and its prolongation across The Atchison, Topeka and Santa Fe right of way to Vail Avenue, northeasterly on Vail Avenue to Ferguson Drive, westerly on Ferguson Drive to Gerhart Street, northerly on Gerhart Street to Hubbard Avenue, westerly on Hubbard Avenue and its prolongation to Eastern Avenue, southerly on Eastern Avenue to Whittier Boulevard, westerly on Whittier

Boulevard to Downey Road, northerly on Downey Road to Hubbard Avenue, westerly on Hubbard Avenue to Indiana Street, northerly on Indiana Street and its prolongation to City Terrace Drive, northerly on City Terrace Drive to Ramona Boulevard, northeasterly on Ramona Boulevard to Eastern Avenue, northerly on Eastern Avenue and Marianna Avenue to Valley Boulevard, westerly on Valley Boulevard to Mission Road, northeasterly on Mission Road to North Broadway, westerly on North Broadway to Griffin Avenue, northerly on Griffin Avenue to Avenue 35, westerly on Avenue 35 to Pasadena Avenue, northerly on Pasadena Avenue to North Figueroa Street, southwesterly on North Figueroa Street to Anabel Street, northwesterly on Anabel Street and Isabel Street to Macon Street, southwestwesterly on Macon Street to Cypress Avenue, northwesterly on Cypress Avenue and its prolongation to the intersection of San Fernando Road and Eagle Rock Boulevard, northwesterly on San Fernando Road to Edward Avenue, northerly on Edward Avenue to Marguerite Street, southwestwesterly on Marguerite Street to West Avenue 32, northwesterly on West Avenue 32 to the boundary of Forest Lawn Memorial Park, southwestwesterly and northwesterly along the boundary of Forest Lawn Memorial Park to Rosslyn Street, southwestwesterly on Rosslyn Street to San Fernando Road, southeastwesterly on San Fernando Road to Tyburn Street, southwestwesterly on Tyburn Street and its prolongation across the Southern Pacific Company right of way to Casitas Avenue, southeastwesterly on Casitas Avenue to Fletcher Drive, southwestwesterly on Fletcher Drive to Glendale Boulevard, northwesterly on Glendale Boulevard and Rowena Avenue to Hyperion Avenue, southwestwesterly on Hyperion Avenue to Fountain Avenue, westerly on Fountain Avenue to Normandie Avenue, southerly on Normandie Avenue to Wilshire Boulevard, westerly on Wilshire Boulevard to Irolo Street, southerly on Irolo Street to Olympic Boulevard, westerly on Olympic Boulevard to Victoria Avenue, southerly on Victoria Avenue to Exposition Boulevard, easterly on Exposition Boulevard to Crenshaw Boulevard, southerly on Crenshaw Boulevard to Stocker Street, westerly on Stocker Street to Victoria Avenue, southerly on Victoria Avenue to Slauson Avenue, westerly on Slauson Avenue to Brynhurst Avenue, southerly on Brynhurst Avenue to 59th Street, easterly on 59th Street to Van Ness Avenue, southerly on Van Ness Avenue to 74th Street, easterly on 74th Street to Normandie Avenue, southerly on Normandie Avenue to 88th Street, easterly on 88th Street to Hoover Street, northerly on Hoover Street to 87th Street, easterly on 87th Street to Figueroa Street, southerly on Figueroa Street to 88th Street, easterly on 88th Street to San Pedro Street, northerly on San Pedro Street to 87th Place, easterly on 87th Place to Maie Avenue, southerly on Maie Avenue to 92nd Street, easterly on 92nd Street to point of beginning.

IT IS FURTHER ORDERED that in the operation of said highway common carrier service pursuant to the foregoing certificate, A. Meyers, doing business as Western Transportation Company, shall comply with and observe the following service regulations:

1. File a written acceptance of the certificate herein granted within a period of not to exceed thirty (30) days from the date hereof.

2. Subject to the authority of this Commission to change or modify such at any time by further order, conduct said highway common carrier operation over and along the following route:

Any appropriate public streets, roads or highways between the points authorized to be served.

3. File in triplicate within thirty (30) days from the effective date of this order, and upon not less than ten (10) days' notice to the Commission and to the public, a tariff naming the joint rates, rules and regulations covering the service herein authorized.

4. Comply with the provisions of the Commission's General Order No. 93-A in so far as they are applicable to the operations herein authorized.

5. Applicant shall not sell, lease, transfer nor assign the certificate herein granted, nor discontinue the service herein authorized, without having first secured the formal approval of the Railroad Commission.

IT IS FURTHER ORDERED that the application in all other respects be and the same is hereby denied.

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

Dated at San Francisco, California, this 1st day of July, 1941.

[Handwritten signatures of three commissioners]
COMMISSIONERS