

ORIGINAL

Decision No. 35401

381

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 TRULOVE TRANSFER COMPANY, a co-)
 partnership consisting of Thomas E.)
 Trulove and O. L. Trulove, for a)
 certificate of public convenience) Application No. 24675
 and necessity to operate a truck)
 service as a common carrier between)
 Inglewood and Los Angeles.)

M. W. REED, for applicant.

H. P. MERRY, for Southern California
Freight Lines and Southern
California Freight Forwarders,
protestants.

ARLO D. POE, for S. & M. Transfer and
Storage Co., protestant.

E. L. H. BISSINGER, for Pacific Electric
Railway Co., and Pacific Motor
Trucking Co., protestants.

JACKSON W. KENDALL, for Bekins Van Lines,
Inc., interested party.

BY THE COMMISSION:

O P I N I O N

Applicant seeks authority in this proceeding to transport shipments for The Atchison, Topeka and Santa Fe Railway Co. between its depots in Inglewood and Los Angeles.

Public hearing was held in Los Angeles on February 25, 1942, before Examiner Cameron, evidence was received and the matter was submitted on concurrent briefs.

This application was protested by the S. & M. Transfer and Storage Co., Southern California Freight Lines and Southern California Freight Forwarders, Pacific Electric Railway Co. and

Pacific Motor Trucking Co. During the hearing it was stipulated that Pacific Electric Railway Company and Pacific Motor Trucking Co. would withdraw their protests upon the filing of an amended application restricting the service applied for to shipments between The Atchison, Topeka and Santa Fe Railway Co.'s depots in Inglewood and Los Angeles, having a prior or subsequent rail haul over the lines of said Railway Company. On March 7, 1942, an amended application was filed embodying said restriction.

Protestant, Southern California Freight Lines, operates as a highway common carrier between Inglewood and Los Angeles and points beyond. Protestant, Southern California Freight Forwarders, controlled by the same interests, operates as a freight forwarder over the lines of the Southern California Freight Lines. Protestant, S. & M. Transfer and Storage Company, operates as a highway common carrier between Redondo Beach, Inglewood and Los Angeles.

(1)
Applicant has been authorized by the Railroad Commission to operate a truck service as a highway common carrier between Inglewood and portions of El Segundo and Los Angeles and to serve The Atchison, Topeka and Santa Fe Railway Co. under contract picking up and delivering shipments in the city of Inglewood. The proposed service is to expedite the pick-up and delivery of shipments by The Atchison, Topeka and Santa Fe Railway in Inglewood and vicinity, which shipments have origin and destination points beyond Los Angeles. The remaining protestants who conduct a competitive transportation service in this area, during the hearing, offered to perform this service for the Railway Company. The offer of

(1) Decision No. 34121, dated April 29, 1941.

service not only comes late but the evidence fails to disclose that if said offer of protestants were accepted it would be in the public interest to authorize said service.

Switching cars to the Los Angeles freight station and the transfer of freight in less-than-carload shipments delay the Railway Company's service approximately twenty-four hours. The evidence shows that this traffic, if handled by truck in accordance with the proposed service, will reach the Los Angeles station before 7:00 o'clock p.m. and can be forwarded to points beyond Los Angeles the same evening. Shipments arriving in Los Angeles for delivery to Inglewood will also be handled with less delay. The Railway Company has been receiving many complaints from its consignors and consignees in Inglewood and vicinity regarding such delay. In Inglewood and vicinity there are several aircraft plants which receive and deliver shipments from and to points in California beyond Los Angeles. These plants have encountered delays as a result of the present rail service.

The volume of traffic to be handled by the proposed service is considerable and applicant has sufficient equipment to perform such service adequately.

It appears from the evidence that the service protestants offer to perform will not satisfy the transportation needs shown to exist.

After full consideration of the evidence of record the Commission is of the opinion and finds that public convenience and necessity require that this application be granted.

O R D E R

Public hearing having been held in the above entitled proceeding, the matter having been duly submitted and the Commission now being fully informed,

IT IS ORDERED that a certificate of public convenience and necessity be and it is hereby granted to Thomas E. Trulove and O. L. Trulove, co-partners doing business as Trulove Transfer Company, for the establishment and operation of a highway common carrier service for the transportation of property for The Atchison, Topeka and Santa Fe Railway Co., between the latter's depot in Inglewood and its depot in Los Angeles.

The authority hereby granted is restricted and limited to shipments having a prior or subsequent rail haul over the lines of The Atchison, Topeka and Santa Fe Railway Company.

Thomas E. Trulove and O. L. Trulove, co-partners doing business as Trulove Transfer Company, their successors or assigns, may never claim before this Commission or any court or other public body a value for the authority hereby granted in excess of the actual cost thereof.

IT IS FURTHER ORDERED that in the operation of said highway common carrier service pursuant to the foregoing certificate, Thomas E. Trulove and O. L. Trulove, co-partners doing business as Trulove Transfer 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 service over and along all public highways, which in the judgment of said applicants will facilitate the movement of shipments.
3. Comply with the requirements of the Commission's General Order No. 79, and Part IV of General Order No. 93-A by filing in triplicate and concurrently making effective tariffs and time schedules set forth in the application and satisfactory to the Commission, within sixty (60) days from the effective date hereof and on not less than one (1) day's notice to the Commission and the public.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 26th day of May, 1942.

Justus J. Casner
Ray & Ricey

Richard Jackson
COMMISSIONERS