

Decision No. 37237

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
UNION TRANSFER & STORAGE COMPANY OF
LOS ANGELES, a corporation, for a
certificate of public convenience and
necessity to operate a common carrier
truck service as a highway common
carrier, between Venice, Santa Monica,
Los Angeles, and points intermediate
thereto on and along Washington
Boulevard, on the one hand, and Beverly
Hills, Sherman (West Hollywood) and
Sawtelle (U. S. Military Hospital and
Reservation via Santa Monica Boulevard))

ORIGINAL

Application No. 25902

DEWITT MORGAN MANNING, for applicant.

E. L. H. BISSINGER and F. F. WILLEY, for Pacific
Electric Railway Company, protestant.

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

HUGH GORDON for Pacific Freight Lines, Pacific Freight
Lines Express and Valley Express, protestants.

BY THE COMMISSION:

O P I N I O N

The applicant herein is a corporation authorized to engage in the transportation of property between Los Angeles, Venice and Santa Monica and intermediate points over Washington Boulevard, using Pico Boulevard as an alternate route. Prior to the filing of this application, applicant had been operating over Santa Monica Boulevard in addition to Washington Boulevard. In the latter operation it had served Beverly Hills and certain other points as intermediates, and the question arose as to its authority to serve such points. Pursuant to an application duly filed in which applicant requested a clarification of its operative rights, the

Commission held a hearing at Los Angeles in which the issues were confined solely to applicant's right to serve Beverly Hills and intermediate points along the three routes named. Subsequently, the Commission issued its Decision No. 36569 defining applicant's present operative rights as follows:

- "1. That applicant Union Transfer and Storage Company, a corporation, now owns and holds an operative right as a highway common carrier as defined in section 2-3/4 of the Public Utilities Act, under which it may engage in the transportation of property between Los Angeles, Venice and Santa Monica and intermediate points over and along Washington Boulevard and also over Pico Boulevard, as an alternate route, subject however to the condition that applicant is not authorized to serve any intermediate points on said alternate route which it does not have a right to serve on its regular route.
- "2. That under said operative right applicant Union Transfer and Storage Company does not possess the authority to operate as a highway common carrier between Los Angeles, Venice and Santa Monica and intermediate points over and along Santa Monica Boulevard or over any street or highway other than those described in paragraph 1 of these findings.
- "3. That under said operative right applicant, Union Transfer and Storage Company, does not possess the authority to serve Beverly Hills, Sherman or Sawtelle as points intermediate to Los Angeles, Venice and Santa Monica."

The order in said decision provided that applicant cease and desist from operating as a highway common carrier to or from Beverly Hills, Sherman and Sawtelle unless it first shall have obtained a certificate authorizing it to do so. Said order became effective December 12, 1943.

On November 22, 1943, the instant application was filed in which applicant seeks authority to serve the points which it had served prior to the issuance of our cease and desist order hereinabove referred to. Specifically, it seeks authority to extend its service as a highway common carrier between Venice, Santa

Monica and Los Angeles and intermediate points, including Beverly Hills, Sherman and Sawtelle, via Santa Monica Boulevard. Hearings were held before Examiner Gannon at Los Angeles and Beverly Hills and the matter was submitted on April 26, 1944.

Applicant produced a number of witnesses whose testimony was largely cumulative, and was based on the service rendered by applicant for some years prior to the date on which it was discontinued pursuant to the Commission's order. Viewing this testimony as a whole, it admittedly tends to establish that this service was satisfactory and convenient during the time it was rendered. Among commodities moved were airplane parts between Los Angeles, Santa Monica and Beverly Hills, and drugs, tools and supplies, stoves, dehydrated foods, books and magazines between these points and including Sherman and Sawtelle. Many of the consignees and shippers are located on, or in the proximity of, Santa Monica Boulevard, which is the main trucking artery running through Beverly Hills.

Protest against the granting of the application was based on the testimony of witnesses that the area was adequately served, and that there was no public demand for additional service. On this ground the application was protested by Southern California Freight Lines, Southern California Freight Forwarders, Pacific Freight Lines, Pacific Freight Lines Express, Valley Express Co. and Pacific Electric Railway Company, all of whom operate in the territory involved.

Southern California Freight Lines serves the metropolitan area of Los Angeles, including Santa Monica, Sawtelle and Beverly Hills. It maintains a daily service between Los Angeles, Sherman, Beverly Hills, Sawtelle and Santa Monica, and hence is rendering

service in the territory and over the routes proposed by applicant. Several witnesses from Beverly Hills testified that they had used the service, had found it satisfactory, and in their opinion additional service was not necessary. That is also true with respect to the service rendered by the other protestants. Southern California Freight Lines and Southern California Freight Forwarders operate over Santa Monica, Pico and Washington Boulevards. Daily shipments from Los Angeles are received by one or the other of these carriers and delivered with reasonable promptness.

An operating witness for Pacific Freight Lines and Pacific Freight Lines Express testified that both of these carriers served the metropolitan area surrounding the city of Los Angeles, including the territory involved in this application. Two witnesses also offered testimony on behalf of Pacific Electric Railway Company which serves some of the points in the territory.

A representative of the Los Angeles Traffic Managers Conference appeared as a witness in opposition to the granting of the application. He testified that there is sufficient transportation service to take care of present requirements and that such service as is presently provided is satisfactory.

The record contains no criticism of the service rendered by applicant during the period of its operation over and along Santa Monica Boulevard. In fact, witnesses appearing in opposition to the application invariably testified that the service was good, but, in their opinion, not necessary at this time.

Giving full consideration to the testimony of witnesses appearing on behalf of applicant, we are of the opinion that it

does no more than indicate a desire for the proposed service as an added convenience rather than as an essential requirement in their business. It does not appear from the record that applicant has made an affirmative and convincing showing of public convenience and necessity for the proposed service. The record does establish the fact that the territory is adequately served at this time by other carriers in the field. For that reason, additional service of the character described would contribute little to the transportation needs of the public.

The application will be denied.

O R D E R

Application having been made as above entitled, a public hearing having been held, and the matter having been duly submitted, and the Commission being fully advised,

IT IS ORDERED that the above application is hereby denied.

Dated at San Francisco California, this 1st day of August, 1944.

Richard L. Lusk
Justus F. Coe
Francis D. Havens

Wm. Russell
 COMMISSIONERS