

Decision No. 44546

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 L. V. SCOTT, doing business under)
 the firm name and style of BARSTOW-)
 VICTORVILLE MOTOR FREIGHT, for certi-)
 ficate of public convenience and) Application No. 30998
 necessity to operate a freight ser-)
 vice, as a common carrier, between)
 San Bernardino, Victorville, and)
 Barstow, California.)

James L. King for applicant. Glanz & Russell, by
Arthur Glanz, for L. L. Mockenhaupt, doing business as
 Victorville-Barstow Truck Line; and Frederick G. Pfrommer for
 The Atchison, Topeka & Santa Fe Railway Co. and Santa Fe
 Transportation Company; protestants.

O P I N I O N

L. V. Scott, doing business as Barstow-Victorville Motor Freight, requests permission to establish service as a highway common carrier, as defined in Section 2-3/4 of the Public Utilities Act, for the transportation of freight between the points of San Bernardino, Victorville, and Barstow, California, together with a pickup and delivery service in an area within a radius of ten miles of San Bernardino, including Redlands, Colton, Highland, and Rialto, and within a radius of twenty-five miles of Victorville, including Victorville Air Base, Lucerne Valley, and Apple Valley; and within a radius of twenty-five miles of Barstow, including Daggett, Yermo, and the United States Marine Corps Base at Yermo.

The operation between the points of San Bernardino on the one hand, and Victorville and Barstow on the other hand, would be over and along U. S. Highway 66 and would substantially parallel the tracks of protestant The Atchison, Topeka & Santa Fe Railway Co. Applicant requests authority to use any and all public streets and highways in performing its proposed pick-up and delivery service from the respective destination points.

Public hearings were held April 24 and 25, 1950, at Victorville, and June 29 and 30, 1950, at San Bernardino, before Examiner Rowe. Evidence, both oral and documentary, was adduced and the matter was duly submitted for decision.

At the Victorville hearing three public witnesses testified in behalf of the application. One, the operator of a general store in Barstow, stated that he received shipments of general merchandise, household appliances, hardware, and lumber, from San Bernardino by protestants Victorville Truck Line and Santa Fe Railway. This witness complained of the former protestant, and asserted he had experienced difficulty in getting freight claims settled. On cross-examination it developed that much of the damage was concealed and may have involved interline shipments coming through Los Angeles. He admitted that, so far as he knew, this protestant's service to and from San Bernardino had been satisfactory. He described the Santa Fe Railway service as "very good."

The next witness was a partner of a firm operating a garage and machine shop in Daggett. This gentleman stated that overnight service from San Bernardino would meet his requirements, and he had not checked to ascertain whether the service

rendered by Victorville-Barstow Truck Line was or was not an overnight service. Most of his freight consists of motor blocks and crankcases which have been repaired or rebuilt in San Bernardino, and which his customers have needed so quickly that he has employed his own truck to transport them from that point.

Another public witness, who had operated an auto parts business, service station, and garage in Yermo until approximately two months before the Victorville hearing, stated that he had been disappointed in the existing services. This gentleman stated that he was presently engaged in mining operations, and that the Union Pacific Railroad service was adequate to meet his requirements.

The traffic manager of Asbury Transportation Co. and Arrowhead Truck Company testified that applicant had acted as their agent in San Bernardino, and that Mr. Scott's services had been very satisfactory.

Fifteen witnesses appeared on behalf of protestants at the Victorville hearings and testified that they had no need for any additional trucking service, and that the presently certificated carriers fully met their need for freight service. These gentlemen represented the cement companies and other shippers and receivers of freight in this area.

At the San Bernardino hearings three additional public witnesses appeared in support of the application. The first, a gentleman in charge of shipping for a tractor company located in Riverside, and outside the proposed service area of applicant, testified that, in order to expedite shipments into Victorville,

Barstow, and adjacent areas, he had used his company's trucks and delivered repair parts for tractors to protestant Victorville-Barstow Truck Line's dock in San Bernardino. He complained that he had not received assistance in unloading heavy freight from his truck at the dock, and also that there had been delays in effecting delivery from San Bernardino to destination.

The next witness was a partner in a paint manufacturing company. This gentleman complained of poor service by Victorville-Barstow Truck Line during a period ending in December, 1949, when an employee of that company, found to be inefficient, had been discharged. This witness stated that subsequent to that time this carrier's service has been good, and he expressed doubt as to the present need for additional service.

The third public witness was sales manager for a large food distributor requiring refrigeration service. He has been using the services of a contract carrier which has refrigeration equipment as a supplement to the use of the distributor's own trucks.

Five public witnesses appeared as witnesses for protestants at the San Bernardino hearings, and stated that no additional truck service was needed by them in this territory. Protestant Mockenhaupt testified that, in spite of increased building activity in and around Victorville and Barstow, the amount of freight offered him for carriage to and from those points and San Bernardino had been insufficient to make the operation profitable. Both this protestant and Santa Fe Railway offer an efficient overnight service between San Bernardino and

the Victorville and Barstow areas. Store-door pickup and delivery service is furnished by both these protestants. Santa Fe performs this service in and around the Victorville and Barstow areas by contract truckers and in and around San Bernardino by means of protestant Santa Fe Transportation Company.

In view of the fact that the record does not support the claim that there is a public need and convenience requiring an additional common carrier trucking service in this area, this opinion will not discuss applicant's trucking experience, financial ability, equipment, and terminal facilities. From a careful study of the record the Commission finds as a fact that the freight service now rendered in the area to be served adequately meets its needs, and public convenience and necessity do not require the issuance to applicant of the certificate of public convenience and necessity requested. Consequently, the application will be denied. ✓

O R D E R

Public hearings having been held in the above-entitled proceeding, the matter having been submitted, and the evidence having been fully considered by the Commission, and basing this order upon the record and the findings and conclusions contained in the foregoing opinion,

IT IS ORDERED that Application No. 30998 be, and it hereby is, denied.

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

Dated at San Francisco, California, this 18th day of July, 1950.

R. Z. Midearada
Justus F. Calver
Irving F. Lawrence
Harold A. Kula
Kenneth P. Lott
COMMISSIONERS