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Decision No. 11619

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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ORIGINAL

In the Matter of the Application of DAVID SCHMIDT and F. K. EMICH for certificate of public convenience and necessity to operate a motor freight and express line between Fresno and Yettem via Orange Cove and for a change of route.

Application No. 843.

F. K. Emich for Applicant

B. Levy for Atchison Topeka & Santa Fe Railway Co.

M. N. B. Speck and Ed Storm for American Railway Express.

BY THE COMMISSION:

OPINION

The above entitled application was heard before Examiner Eddy at Fresno on January 12, 1923.

The applicants are engaged in operating a motor truck, freight and express service between Fresno and Cutler, via Dinuba, Sultana and Orosi. As amended at the hearing the application now asks for an extension of operative rights so as to include also the town of Yettem, about 2½ miles beyond Cutler and distant from Fresno 41 miles. Yettem is an Armenian colony with a population of 400 and is nearly two miles removed from the railroad station of the same name on the Atchison, Topeka and Santa Fe Railway.

The Santa Fe operates a daily service from Fresno to Yettem station, the distance via that line being 38 miles. Freight

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received at its station in Fresno prior to 4:00 p. m. on any given date arrives at Yettem station at noon the following day. Trains leaving Fresno at 7:00 a. m. and 4:50 p. m. carry express and arrive at Yettem station at 8:40 p. m. and 6:03 p. m., respectively. But whether shipped by freight or express the merchandise must be hauled from the station at Yettem to the town itself. During the month of November 1922 the Santa Fe hauled 26,036 pounds of merchandise from Fresno to Yettem. The rates of that line per 100 pounds for the first four classes are 25, 21, 17½ and 15 cents, respectively; the first-class rate of the American Railway Express Company is 99 cents and the second class rate 74 cents; fruits and vegetables are handled under a special commodity rate of 72 cents. The applicants propose to handle fresh fruits and vegetables in standard crates, boxes or sacks at 50 cents per 100 pounds; the rates on other commodities vary from 20 cents to 50 cents per 100 pounds. Under the schedule submitted with the application the applicants' truck would leave Fresno at 9:00 o'clock in the morning, arriving at Yettem at 1:00 p. m.; on the return trip the truck wouldleave Yettem at 1:00 p. m. and arrive at Fresno at 4:30 p. m.

Other than one of the applicants no witnesses appeared in support of the application. This witness testified that there are four stores in Yettem and the proprietors would not leave their places of business to attend the hearing. Each, however, signed a form letter asking that the application be granted, largely for the reason that it was now necessary to truck their merchandise from the railroad station, which haul would be obviated were the desired certificate issued to the applicants.

In view of the service now being rendered by the Atchison Topeka & Santa Fe Railway Company and the American Railway Express Company to the community at Yettem, and the failure of the applicant to show that public convenience and necessity require the operation of the trucking service here proposed, the application will be denied.

ORDER

A public hearing having been held in the above entitled application, evidence submitted and the Commission being fully advised,

IT IS HEREBY ORDERED that the above entitled application be, and the same hereby is denied.

Dated at San Francisco, California, this 6th day of ~~January~~ February, 1923.

C. L. Seavey

Irving Martin

J. T. Whittlesey

Commissioners