

Decision No. 14113.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the application of)
ARTHUR H. GARRISON, for certificate)
of public convenience and necessity) Application No. 9961
to operate freight service between)
Redding and Pittville, California,)
and certain intermediate points.)

Arthur M. Dean, for applicant

W. D. Tillotson, for J. D. Weast.

BY THE COMMISSION:

O P I N I O N.

Arthur H. Garrison has petitioned the Railroad Commission of the State of California for an order declaring that public convenience and necessity requires the operation, by him, of an auto freight line as a common carrier of freight between Redding, Shasta County, State of California and Pittville, Shasta County, State of California, serving Ingot, Round Mountain, Montgomery Creek, Barney, Cassel, Fall River Mills, Glenburn, McArthur and intermediate points.

A public hearing on this application was conducted before Examiner Satterwhite at Redding, the matter was submitted and is now ready for decision.

Applicant proposes to charge rates and to operate on a time schedule in accordance with exhibits "A" and "B" attached to said application and to use the equipment described in exhibit "C" attached to said application.

John D. Weast, operating freight and passenger service between the same points, opposed the granting of said application.

The applicant has been operating a freight service between Redding and Pittville and way-points for about four years last past without any authority from this Commission, and it appears that he operated this service in ignorance of the law and with no intention whatever to ignore the requirement, that a certificate must first

be obtained from the Railroad Commission.

The testimony of the applicant shows that a very large number of merchants and business men engaged in various enterprises in nearly all the communities along the route proposed to be served desire, and have strongly endorsed this freight service. It appears that the great majority of merchants and business men in Fall River Mills, one of the largest towns on the route, have strongly endorsed applicant's service on the basis that there is ample traffic for two freight lines and that the service of the protestant is not satisfactory. The owner of a large creamery at Cassel, the operator of a flour mill at Glenburn and also several owners of general merchandise stores in the small communities along the entire route have all urged the establishment of applicant's service.

The record shows that widespread demand for the service of the applicant arises from the fact that Pittville and most of the other communities and points proposed to be served are quite remote from railroad connections and through a territory and over a route not easy of access and that the freight service of applicant into this section for the last three or four years indicates the need for the authorization of such an additional service. There is considerable evidence to the effect that the service of the said protestant has not been satisfactory or adequate in that there have been many and long delays in deliveries to consignees and in pick-ups from many shippers. The evidence shows complaints of shippers to the effect that the protestant has favored his passenger service against the freight service and has also shown discrimination in the deliveries of freight shipments.

John D. West, protestant, offered in evidence, oral and written testimony of several of his patrons, consisting of merchants and business men at Redding and the communities served by him, and all of these shippers endorsed his freight service as satisfactory.

The record shows that protestant, during all the time that applicant has operated into the same territory, has carried a large tonnage at all times, and in the Year 1923 carried about 1400 tons of freight and that his operations have been profitable.

We have carefully considered all the evidence in this proceeding, particularly with reference to the volume of tonnage which has been transported by both the said applicant and the said protestant into this territory for three or four years last past, and we are of the opinion and hereby find as a fact that the public convenience and necessity requires ~~that~~ the proposed freight service of applicant, and his application should be granted.

O R D E R.

A public hearing having been held in the above entitled application, the matter having been submitted, and the Commission being now fully advised and of the opinion that the application should be granted,

THE RAILROAD COMMISSION HEREBY DECLARES that the public convenience and necessity requires the operation by the said Arthur H. Garrison, of an auto freight line as a common carrier of freight between Redding, Shasta County, State of California and Pittville, Shasta County, State of California, serving Ingot, Round Mountain, Montgomery Creek, Burney, Cassel, Fall River Mills, Glenburn, McArthur and intermediate points, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be, and the same is hereby issued, to said applicant, Arthur H. Garrison, subject to the following conditions and provisions:

(1) Applicant shall file his written acceptance of the certificate herein granted within a period of not to exceed ten (10) days from date hereon; shall file, in duplicate, tariff of rates and time schedules within a period of not to exceed twenty (20) days from date hereon, such tariff of rates and time schedules to be identical with those attached to the application herein; and shall commence operation of said service within a period of not to exceed thirty (30) days from date hereon.

(2) The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.

(3) No vehicle may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by him under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California this 1st Day of October 1924.

H. B. Anderson
Livingston

J. T. Whittier
Commissioners.

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