

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
J. L. Fithian and Louis Sposito, for)
Certificate of Public Convenience)
and Necessity to operate an Auto Truck) Application No. 10410
Line for the transportation of prop-)
erty, for compensation, between)
Sacramento and Marysville, California,)
and the intermediate points of Roseville)
and Lincoln, California.)

Sanborn & Roehl and DeLancey C. Smith,
By A. B. Roehl, for applicants,

L. M. Bradshaw, for Southern Pacific Co.,
protestant,

Charles R. Detrick, for Western Pacific R.R. Co.
and
Sacramento-Northern Railroad Company,
protestants,

Edward Stern, for American Railway Express Co.,
protestant,

G. J. Bradley, for Sacramento Merchants and
Manufacturers Association,

A. L. Phillips, for Sacramento-Wheatland
Truck Line.

BY THE COMMISSION:

O P I N I O N

J. L. Fithian and Louis Sposito have petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by them of an auto truck line as a common carrier of property between Sacramento and Marysville, serving the intermediate points of Roseville and Lincoln. The granting of such a franchise to applicants would be an extension of their present authorized auto truck service between Sacramento

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and Lincoln from Lincoln to Marysville.

A public hearing on this application was conducted by Examiner Sattorwhite at Marysville, the matter was duly submitted and is now ready for decision.

Applicants propose to charge rates and to operate on the time schedule set out respectively in paragraphs four and five of said application and to use the equipment described in paragraph six thereof.

Sacramento-Northern Railroad Company, Southern Pacific Railroad Company, Western Pacific Railroad Company and American Railway Express Company protested the granting of this application.

Applicants offered testimony to the effect that they had called voluntarily upon seven or eight merchants at Marysville, and several of them had indicated their willingness to patronize the proposed service if established. Some of these merchants were called by applicants as witnesses at the hearing and, although admitting the satisfactory service of the protesting rail carriers to Marysville, endorsed the proposed truck line on the basis that it would afford in some instances a quicker service in the transportation of certain commodities and for emergency shipments.

The record shows that applicants estimate that they would be offered shipments to Marysville aggregating about two and one-half tons daily, but that there would be little or no freight movement south bound over their proposed line either to Sacramento or way points, and that the north bound patronage would not be newly developed business, but would be drawn almost entirely from that now handled by existing rail carriers.

Sacramento-North-orn Railroad Company, protestant, called a considerable number of the leading and largest merchants at Marysville, all of whom testified to the effect that the present freight and express service on this electric rail line was entirely adequate and satisfactory, and that the business needs of Marysville did not require the additional truck service proposed by applicants.

American Railway Express Company, protestant, offered in evidence an exhibit of its time schedules of express service over both steam and electric rail lines to Marysville, which indicates an operation of numerous trains between Sacramento, Roseville, Lincoln and Marysville.

Southern Pacific Company and Western Pacific Railroad Company, protestants, also offered in evidence their respective rate and time schedules between the points proposed to be served.

After a careful consideration of the evidence in this proceeding, we are of the opinion and hereby find as a fact that said applicants have presented no evidence to justify the authorization of this proposed additional freight service to Marysville and the application should be denied.

O R D E R

A public hearing having been held in the above entitled application, the matter having been submitted and now being ready for decision,

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity do not require an extension

from Lincoln to Marysville of said applicants' existing auto truck line between Sacramento and Lincoln as proposed in their said application, and

IT IS HEREBY ORDERED that said application of said J. L. Fithian and Louis Sposito be and the same is hereby denied.

Dated at San Francisco, California, this 2nd day of ~~November~~ ^{December}, 1924.

W. A. Sweeney
H. B. Brundage
Dwight Martin

Commissioners.