

Decision No. 16391**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 T. F. MATHEWS for certificate of public)
 convenience and necessity to operate) Application No. 11358
 an auto truck service between the City)
 of Sacramento and the Town of Folsom.)

P. J. WILKIE, for Applicant,
 John W. Johnston, for F.W. Wales & Son and F.W. Wales,
 Protestants,
 Geo. R. Zurfluh, for Sacramento-Fair Oaks Stage, Protestant,
 A. H. Roy, for Southern Pacific Company, Protestant,
 H. C. Ketchum, for Orangevale Fruit Growers Association,
 Interveners.

WHITSELL, Commissioner -

O P I N I O N

T. F. Mathews, in the above entitled application, as amended, has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of an automobile truck service for the transportation of freight daily between Folsom and Sacramento and intermediate points via Orangevale, Fair Oaks, Carmichael Colonies and Oakfield, including an area of three miles on each side of the route traversed; and also for an "on demand" service in the same territory for the transportation of farm products.

A public hearing on this application was held at Sacramento, the matter was duly submitted and is now ready for decision.

Applicant alleges that the territory proposed to be served is now without adequate service. Attached to the application are exhibits setting forth the tariffs of rates, time schedules and equipment that applicant proposes to use.

Applicant testified that he has been engaged in truck transportation for some years and has operated between Orangevale and Sacramento in the movement of farm products except one year when the business had been sold. In 1924 he transported approximately

6500 tons of fruit. It is proposed to establish a freight depot at or in the vicinity of 3rd and R Streets, Sacramento, for receipt and delivery of general freight, delivering the farm products to loading points.

Applicant estimates that Fair Oaks has a population of 500 and with the surrounding country there was a probable population of 1500. This section is without an authorized freight truck carrier, although the Southern Pacific Company offers a bi-weekly rail freight service for Fair Oaks. Applicant proposes to use four trucks with a total rated capacity of ten tons, the value of which is about \$15,000, with a balance unpaid of \$2500.

Mr. Thompson, a merchant at Fair Oaks and also a ranch owner, a witness for applicant, at present is operating his own truck for the movement of commodities required in his business. He made no estimate of the business that he would give to applicant if a certificate were to be granted, nor did ^{it} appear that he required a daily service. Two witnesses testified to the need of truck service for the Fair Oaks section, especially for the movement of farm products and that the rancher on a small acreage could not afford to operate his own trucks. The record shows five other witnesses for applicant, three of whom were entered in the record by stipulation.

Protestants represented by John W. Johnston have certificates of public convenience and necessity authorizing operation between Sacramento and Folsom and intermediate points, via two routes, one on each side of the American River. Daily service is rendered over both routes except from November 1st to June 1st of each year, weekly service only is rendered on the west side of the river which is commonly referred to as the Greenback Road route. Eight witnesses testified to the satisfactory and adequate service as rendered by F. W. Wales and F.W. Wales & Son

to Folsom and Orangevale District. The testimony of three other witnesses was stipulated as being in accord with the above. Mr. Ketchum for the Orangevale Fruit Growers Association objected to any rehandling of fruit in Sacramento.

Applicant and the foregoing protestant presented signed petitions containing 45 and 53 names, each advocating the granting or denial of the application.

The Sacramento-Fair Oaks Stage, operated by Geo. R. Zurfluh, renders an express service in connection with its passenger service between Sacramento and Fair Oaks and intermediate points and also conducts an express service between Fair Oaks and Orangevale. No evidence was presented in support of this protestant.

After full consideration of all the evidence, I am of the opinion that applicant herein has failed to show a necessity for additional through service between Sacramento and Folsom or for service on the Greenback Road and Orangevale. A showing has been made justifying for the necessity for service as proposed, except as to the above points, and I hereby find as a fact, that public convenience and necessity require the issuance of a certificate to T. F. Mathews in accordance with the declaration in the accompanying Order.

I submit the following form of Order:

O R D E R

A public hearing having been held in the above entitled application, the matter having been duly submitted and the Commission being now fully advised, and basing its order on the finding of fact as set forth in the Opinion which precedes this order,

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by T.F.Mathews, of an auto truck line for the transportation of freight between Sacramento and Folsom, serving Oakfield, Citrus Heights Add., Carmichael Colonies, Fair Oaks, and intermediate points up to

Greenback Road via Orangevale, Fair Oaks, Carmichael Colonies and Oakfield, together with an area of three miles on each side of route traversed, and also to operate an "on call" or demand service in the above territory for the transportation of sugar beets, tomatoes, spinach, asparagus, onions, beans, peas, grain, hay, straw, packed and unpacked fruit and vegetables, except that this certificate is restricted in that no through service may be operated between Sacramento and Folsom, nor may any through service be operated from points on the Greenback Road including Orangevale to or from Sacramento or Folsom, although service may be rendered between intermediate points and points on the Greenback Road that are on the route, and Orangevale.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and the same is hereby granted, in conformity with the foregoing declaration and not otherwise, to T.F. Mathews, subject to the following conditions:

1- Applicant shall file his written acceptance of the certificate herein granted within a period not to exceed ten (10) days from the date hereof; shall file, in duplicate, tariffs of rates, time schedules, rules and regulations within a period not to exceed twenty (20) days from date hereof, such tariffs of rates, time schedules, rules and regulations to be identical with those attached to the application, amended, however, to conform to the restrictions as to territory herein contained, and/or acceptable to the Commission; and shall commence operation of service on or before thirty (30) days from date hereof.

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

3- No vehicle may be operated by applicant herein under the authority hereby conferred, 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.

4- For all purposes, other than hereinabove stated, the effective date of this order shall be twenty (20) days from the date hereof.

The foregoing Opinion and Order are hereby approved and ordered filed as the Opinion and Order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 2nd day of April, 1926.

H. J. Brundage

C. Cheaney

Edmunds

Leon Whitell

COMMISSIONERS.