

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of M. M. BOUTZ for certificate of public convenience and necessity to operate freight service between Crescent City and Eureka, Crescent City and Oregon line over Redwood Highway and Crescent City and Oregon line over Roosevelt Highway.

Application No. 12098

Fred W. Carroll, for Applicant.

H. C. Nelson, for West Coast Transit Co.,
Protestant.

H. C. Nelson and J. G. Mullen, for Coast
Auto Lines, Protestant.

BY THE COMMISSION:

O P I N I O N

In this proceeding M. M. Boutz seeks a certificate of public convenience and necessity, authorizing the operation of an automotive freight service between Crescent City and Eureka, Crescent City and the Oregon line over the Redwood Highway and Crescent City and the Oregon line over the Roosevelt Highway and over county highways "on call." A schedule of the proposed rates accompanies the application. In addition to operating as a common carrier, applicant proposes to transport goods under special contracts, the service being conducted exclusively on call, no regular schedule being proposed. According to the application, the proposed equipment consists of two trucks.

A public hearing was held before Examiner Austin at Eureka on March 16, 1926, when evidence was offered, the matter was submitted and it is now ready for decision.

In support of the application, the applicant, himself, testified that he had been operating a general freight service in this territory during the past seven years, handling during the winter season an average of from 30 to 80 tons per month and double this quantity during the summer. He proposes to handle all commodities in full truck loads only, but will accept smaller shipments which are sufficient when combined to compose a full truck load. Commodities tendered in large quantities will be handled under special contracts with the shippers, but in transporting smaller shipments, applicant will operate as a common carrier. The service will be conducted exclusively on call, no regular time schedule being proposed. Applicant will call at Eureka only when full loads can be obtained, hauling composite loads when enough of such shipments can be obtained from the local merchants to fill the truck. His proposed equipment will consist of three trucks. Applicant stated that the service of existing lines is inadequate, in that they handle light freight and express only, and that his service is required to handle heavy commodities. He called no witnesses other than himself in support of the application.

The granting of the application was protested by the West Coast Transit Company and Coast Auto Lines, each of which offered testimony in support of its protests.

The West Coast Transit Company operates a regular freight service between Eureka and Crescent City, using one truck regularly and having two more trucks available for standby service. It is operating as a common carrier under rates filed with the Commission,

which are higher than those proposed by applicant. It has handled all traffic offered, the volume of business has increased during the past two years and there has been no complaint of its service. Trucks leaving Eureka fully loaded arrive at Crescent City with but 1000 to 1500 pounds of freight, indicating that there is space available for additional shipments and this protestant's General Manager testified there was not sufficient business to support two lines.

Protestant, Coast Auto Lines, operates a regular bi-weekly service from Crescent City to the Oregon State Line over both the Redwood and the Roosevelt Highways, serving also points in Oregon and handling all freight offered. One truck is used for this service and an additional truck is kept in reserve at Crescent City. The traffic to California points is light, the population along both routes is sparse and but little traffic moves, the truck operating out of Crescent City handling an average of 500 pounds per trip. Protestants' Vice-President testified there is not sufficient business to maintain two truck lines.

Protestants also called three shippers, two of whom were engaged in business at Eureka and one at Orick. All endorsed the present service, saying it was sufficient for their needs. In addition, certain petitions were offered, two on behalf of the West Coast Transit Company, and one on behalf of the Coast Auto Lines, endorsing the present service. These were signed by merchants and residents of Crescent City, Eureka, Requa and Arcata.

It appears that applicant proposes to operate irregularly and only when sufficient business is offered to fill his truck. Such a service will be undependable and will not afford shippers the same convenience as that offered by a carrier operating on a regular schedule. By handling only the heavier and more desirable shipments, applicant will greatly reduce the quantity of shipments handled by protestants; and as this traffic is light in volume and

insufficient to support two lines, the ability of the existing carriers to serve the public adequately, will be seriously impaired.

Protestants have pioneered this field, and their service appears to be adequate and dependable, consequently they are entitled to protection against competition, such as that proposed by applicant, which would deprive them of their most profitable traffic without affording the public a dependable service. Furthermore, not one witness was called by applicant, other than himself, in support of his application. Ordinarily a certificate will not be granted on the testimony of an applicant alone; there must be supporting evidence by prospective patrons as to the need for the service. In our judgment the applicant has failed to show any public convenience or necessity for the proposed service; consequently the application must be denied.

Upon full consideration of the evidence, we are of the opinion and hereby find as a fact that public convenience and necessity do not require the operation by M. M. Boutz of an automotive truck service for the transportation of freight between Crescent City and Eureka, between Crescent City and the California-Oregon State Line over the Redwood Highway, between Crescent City and the California-Oregon State Line over the Roosevelt Highway, over county highways on call, or between intermediate points.

An order will be entered accordingly.

O R D E R

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

which appears in the opinion preceding this order,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY
DECLARES that public convenience and necessity do not require the
operation by M. M. Boutz of an automotive truck service for the
transportation of freight between Crescent City and Eureka, between
Crescent City and the California-Oregon State Line over the Redwood
Highway between Crescent City and the California-Oregon State Line
over the Roosevelt Highway, over county highways on call, or be-
tween intermediate points.

IT IS HEREBY ORDERED that the application of M. M. Boutz
for a certificate of public convenience and necessity be, and the
same is hereby denied.

Dated at San Francisco, California, this 12th day of
May, 1926.

H. W. Brundage
Chairman

Leon Whitell
Commissioner.