

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
Mott Peters for certificate of public)
convenience and necessity to operate) Application No. 11360
an auto truck service between the)
City of Sacramento and Morse Ranch.)

ORIGINAL

In the Matter of the Application of)
John H. Colby and Rexford Colby for)
certificate of public convenience)
and necessity to operate a truck ser-) Application No. 11404
vice between Walnut Grove, Hood,)
Courtland, Sacramento and from)
various farms in that vicinity.)

P. J. Wilkie, for applicant in Application No. 11360,
Lester J. Hinsdale, for applicant in Application No. 11404,
H. W. Hobbs, for Southern Pacific Company, Protestant,
C. R. Detrick, for Western Pacific Railroad Company, Sacramento
Northern Railroad, San Francisco-Sacramento Railroad
Co., and Central California Traction Company, Protestants,
Edward Stern, for American Railway Express, Protestant,
W. L. Latta, for Riker Auto Stage, Roseville, Lincoln Truck,
Winters Truck Line, Sacramento-Corning Freight Line,
Sacramento Freight Line, Garden Highway-Truck Line,
El Dorado Motor Transportation Company, Protestants.

WHITSELL, Commissioner -

O P I N I O N

In Application No. 11360, as amended, Mott Peters, operating under the fictitious name of Peters Draying Company, has applied for a certificate of public convenience and necessity authorizing him to operate a daily freight service by motor truck between Sacramento and the "Morse Ranch" in Yolo County, and all intermediate points, including an area of three miles on each side of the route traversed, except that through freight between Sacramento and Lisbon or between Clarksburg and Sacramento will not be handled. Applicant alleges that the route proposed between Sacramento and Morse Ranch via Jefferson Boulevard is now without a motor freight service and that the service proposed is a necessity to this section. In addition to the daily service, it is proposed to transport farm products, on demand, from territory within three miles of the Jefferson Boulevard route. Exhibit "C" shows an

offer of three trucks with a total rated capacity of $9\frac{1}{2}$ tons for the proposed operations.

In Application No. 11404, as amended, John H. Colby and Rexford Colby, as co-partners, petition for a certificate of public convenience and necessity authorizing them to operate a motor truck freight service for the transportation of farm products and necessities between Sacramento, Courtland, Hood and Walnut Grove and intermediate points, and from the contiguous territory of Holland Land and Pierson Districts, Merritt, Sutter, Grand, Andrus, Brannan, Ryer and Staten Islands, and District 744 to the foregoing points. Applicants allege that they have been operating trucks in this territory for the past five years transporting commodities as noted. There is offered for this service three trucks with a total rated capacity of $8\frac{1}{2}$ tons.

A public hearing on the above applications was held at Sacramento, at which time the matters were consolidated for the purpose of receiving evidence and for decision and were duly submitted.

Applicant, Mott Peters, testifying in his own behalf, stated that the value of his equipment was about \$20,000.00 which would be added to as required, and that he had been in the trucking business for about seven years. The record shows that he has heretofore hauled a considerable tonnage of farm products.

The territory in which this applicant proposes to operate is now without any regular service except such as may be rendered by river steamers. No protest was made against the proposed daily freight service.

John H. Colby, in behalf of applicants, testified that the proposed operations were in general the same as those proposed by Geo. E. Buckley in Application No. 11403. The same stipulation was made by applicants in Application No. 11404 as that made in Application No. 11403, with the addition that beans were included in the commodities to be transported to Sacramento.

Both applications propose "on call or demand" operation except that in Application No. 11360, applicant Mott Peters will operate one round trip daily between Sacramento and Morse Ranch in addition to his "on call" operation. Applicants offer to add additional units to their present equipment as may be necessary to properly care for the demand of shippers in the event that certificates are granted.

The different witnesses called by applicants herein, testified regarding the need of motor truck transportation in the movement of farm products, machinery and necessities from and to farms, and farms to loading points or warehouses, etc. All witnesses were in accord in that present authorized carriers, operating on a fixed schedule would not meet their needs. Motor truck service, as proposed, will pick up the commodity to be transported in the field and deliver to destination, thereby obviating extra handling. This is a service not now rendered by rail or authorized motor carriers. Immediate movement is required on account of the perishable nature of some commodities and for the protection from adverse weather conditions.

Twelve witnesses testified as to the productiveness of the Delta region and the necessity for the proposed service. From this section alone deciduous fruit shipments annually run from 2000 to 2500 carloads. Six of the islands, to which service is offered, contain about 50,000 acres and, similar to the surrounding country, are very productive. When crops are to be moved all available trucks are used. The record shows that fruit is not moved over 30 miles by truck and a number of growers and shippers would prefer a shorter truck haul due to the perishable nature of the shipments.

Witnesses called in support of these applications were fully informed as to needs of their respective communities and no useful purpose would be served by detailed discussion of their evidence. The record shows that these applicants offer a service which,

with such modifications as the order will provide, will meet public convenience and necessity.

Applicants have up to this time (with the exception of the daily service proposed by applicant Mott Peters) carried on their operations under the exemption heretofore authorized by the terms of the commonly called "Crittenden Act", an amendment to the Auto Stage and Truck Transportation Act enacted in 1923. This amendment was declared unconstitutional by the California Supreme Court (69 C.D. 473) and applicants now desire to conform to the existing law.

The protests of Southern Pacific Company, Western Pacific Railroad Company, Sacramento Northern Railroad, San Francisco-Sacramento Railroad Company, Central California Traction Company and American Railway Express were withdrawn when it was stipulated by applicants that service would not be rendered by any applicant between points now served by railroad. Protestant rail carriers do not object to operation as proposed if such operation is confined to that formerly exempted by the Crittenden^{den} Amendment.

Mr. W. L. Latta stated that his clients did not oppose the proposed operation of applicants, if conducted in accordance with the foregoing stipulation and if competition was not proposed with the regular authorized carriers.

After full consideration of the record, I am of the opinion and hereby find as a fact that public convenience and necessity require the granting of certificates in accordance with the accompanying order.

I recommend the following form of Order:

O R D E R

Public hearings having been held on the above entitled proceedings, the matters having been consolidated for the purpose of receiving testimony and for decision, having been duly submitted, the Commission being now fully advised and basing its order on the statements and findings of fact as appearing in the

opinion which precedes this order, .

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation by Mott Peters, operating under the fictitious name of Peters Draying Company, of an auto truck line for the transportation of freight, in accordance and in conformity with local freight classification No.1, as filed herein, between Sacramento and Morse Ranch, Yolo County, in Reclamation District 999, and intermediate points, said service to be daily and via Jefferson Boulevard and Courtland Road, including an area of three miles on each side of the route traversed, except that through freight service shall not be rendered between ^{Sacramento and Lisbon or between} Sacramento and Clarksburg; and also for the operation of an "on call or demand" service in the above territory, as restricted, for the transportation of grain, hay, straw, beans, peas, fruits and vegetables.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation by John H. Colby and Rexford Colby, partners in business, of an auto truck line, on demand, for the transportation of hay, grain, beans, sugar beets, packed or unpacked fruits and vegetables, spraying material, shock and fruit and vegetable packing material, rock, sand, cement, lumber, farm implements and farm machinery between Sacramento and Walnut Grove and intermediate points, and to or from these points to farms or to points in Holland Land and Pierson Districts, Reclamation District No.744, Merritt, Sutter, Grand, Andrus, Brannan, Ryer, and Staten Islands, provided that service in no instance shall be rendered between any two points in the above described territory now served by railroad, and that hauls to Sacramento shall consist only of beans or of fruit for the purpose of making up carload lots and that outgoing shipments from Sacramento shall consist only of shock.

IT IS HEREBY ORDERED that certificates of public convenience and necessity be and the same hereby are issued to Mott Peters, operating under the fictitious name of Peters Draying Company, and to John E. Colby and Rexford Colby, co-partners, for the operation of motor freight lines in accordance with the foregoing declaration, subject to the following conditions:

1- Applicants shall file their written acceptance of the certificates 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 of not to exceed twenty (20) days from date hereof; such tariff of rates, time schedules, rules and regulations to be identical with those attached to the applications, or as amended, together with revisions as agreed upon at the hearing, and/or acceptable to this Commission; and shall commence operation of service herein authorized within sixty (60) days from the date of this order.

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 applicants herein under the authority hereby conferred, unless such vehicle is owned by said applicants or is leased by them under a contract or agreement on a basis satisfactory to the Railroad Commission.

For all other purposes 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 ^{3rd} ~~4th~~ day of

September, 1926.

W. B. Brundage
C. C. ...

Leon ...
Thos. ...
Commissioners.