

Decision No. 17916

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of SARAH STEWART BURGER, doing business under the fictitious name and style of Liberty Transfer & Storage Co., for a certificate of public convenience and necessity to operate a motor truck service for the transportation of household goods (as hereinafter described) between

- Route No.1 Sacramento to Redding via Woodland,
 Route No.2 Sacramento to Redding via Marysville,
 Route No.3 Sacramento to Nevada City and Colfax via Auburn,
 Route No.4 Sacramento to Placerville,
 Route No.5 Sacramento to San Francisco via Rio Vista,
 Route No.6 Sacramento to Fresno.

ORIGINAL

Application
No.11777

- B. F. Van Dyke, for Applicant,
 L. I. Mc Kim for Western Pacific Railroad Company, Central California Traction Company, and Sacramento Northern Railroad Company, Protestants,
 Frank M. Nilon for Nevada County Narrow Gauge Railroad, Protestant,
 F. W. Wales for F.W.Wales and F.W.Wales & Son, Protestants,
 L. H. Rodebaugh for San Francisco-Sacramento Railroad Company.

WHITSELL, Commissioner -

O P I N I O N

In this proceeding Sarah Stewart Burger, doing business under the fictitious name and style of Liberty Transfer & Storage Co., has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by her of an automobile service for the transportation of household goods between -

- Sacramento and Redding, via Woodland (Route 1),
 Sacramento and Redding, via Marysville (Route 2),
 Sacramento and Nevada City and Colfax (Route 3),
 Sacramento and Placerville (Route 4),
 Sacramento and San Francisco, via Rio Vista (Route 5),
 Sacramento and Fresno (Route 6),

and intermediate points, and points within a radius of thirty

(30) miles of the main highways traveled and to points thirty (30) miles beyond the terminals named.

A public hearing was conducted on this application by Commissioner Whitsell at Sacramento on June 18, 1926, the matter was taken under submission and is now ready for decision.

Applicant stipulated that she would limit her proposed service to the transportation of household goods, pianos, trunks, baggage and other personal property, office furniture and equipment, from residence to residence, from residence to shipping point, from residence to warehouse, from warehouse to residence and from shipping point to residence . In view of this stipulation the protesting rail lines represented by L.I. McKim withdrew as protestants. L. H. Rodebaugh, representing San Francisco-Sacramento Railroad Company, also withdrew as a protestant, as did, also, Frank M. Nilon for the Nevada County Narrow Gauge Railroad, all the rail lines having protested on the assumption that applicant proposed to transport general freight.

F. W. Wales, protestant on behalf of F.W. Wales and F.W. Wales & Son, withdrew his protest when applicant stipulated that she would not, if granted a certificate, transport property between Sacramento and Folsom and intermediate points served by Wales under authority of a certificate of public convenience and necessity granted by the Railroad Commission.

There was no appearance at the hearing by authorized household goods carriers serving part of the territory proposed to be served by applicant, though all such carriers had been notified of the time and place for hearing the Burger application.

W. A. Hicks, a witness called on behalf of applicant, testified that for a number of years he had conducted a business similar to that operated by the Liberty Company and said that by reason of the experience gained he felt he was thoroughly familiar with the problem of transporting household goods. Going back as far as 1908 he told of the methods used by the

truckmen of that period when, for a distance haul wagons or drays were loaded, hauled by team aboard a ferry boat and shipped. At the other terminal a team was again employed and the furniture hauled to destination. It was the opinion of the witness that at the present time 90% of the household goods transported from town to town is hauled by motor truck, the opportunity to ship furniture uncrated being attractive to the shipper. The applicant presented reports covering the operations, in the year 1921, of three transportation companies operating out of Sacramento into the territory now proposed to be served. These reports showed that in 1921 Capital Van & Storage Company had transported 635,291 pounds of freight; Electric Transfer Company 396,045 pounds, and Liberty Company (applicant herein), 486,000 pounds, a total of 1,517,336 pounds. There were at least two other large companies and fully a score of smaller companies transporting property of whose tonnage there was no record. Witness Hicks gave it as his opinion that since 1921 there has been a steady increase in the amount of tonnage transported by motor truck over the routes named in the Burger application.

A. I. Burger, Manager of Liberty Transfer & Storage Co., testified that he had served in that capacity for eight years, or since the concern was started. Referring to the report of the Liberty Company showing that in 1921 the tonnage transported had amounted to 486,000 pounds Burger declared that since that date the tonnage had very nearly doubled; that his concern was now receiving three or four calls a day for service over the routes and between the points for which it is seeking a certificate to operate. He gave it as his opinion that 95% of the household goods moved in the territory Liberty Company proposes to serve is moved by motor truck.

Witness said that his company was already operating, under authority of a certificate of public convenience and necessity granted by the Railroad Commission between Sacramento and San Francisco via Vallejo. A route via Rio Vista, as

proposed in the instant application, would enable him to use the new bridge at Antioch.

Explaining the failure of Liberty Company to apply (before the instant application), for authority to serve over the routes specified herein, witness said he was under the impression that a certificate was not needed for the particular unscheduled service he proposed to perform; that when advised a certificate was necessary he promptly sought authority to continue the service he had been giving for several years.

Liberty Company, said the witness, was in a position to provide any new equipment or facilities needed to meet service demands. Applicant introduced a financial statement, as of January 1, 1926, showing the company's assets, liabilities, revenues and expenses, which indicated that the company has a net worth of \$11,489.18.

Mrs. Frances Uomini, for whom the Liberty Company had moved household effects from Sheldon to Sacramento, testified as to the satisfactory service given. She also testified that the shipment of household goods by motor truck has an advantage over other forms of transportation.

Applicant proposes to charge rates in accordance with an exhibit attached to the application herein and made a part thereof and to give service on demand.

After giving full and due consideration to the evidence offered in this proceeding, I am of the opinion, and hereby find as a fact, that public convenience and necessity require the operation by Sarah Stewart Burger, operating under the fictitious name and style of Liberty Transfer & Storage Co., of an automobile service for the transportation as a common carrier of household goods, pianos, trunks, baggage and other personal property, office furniture and equipment over the following routes, and between the points named, and intermediate points:

Route No.1 - Sacramento to Redding via Woodland,
Route No.2 - Sacramento to Redding via Marysville,
Route No.3 - Sacramento to Nevada City and Colfax, via Auburn,
Route No.4 - Sacramento to Placerville,
Route No.5 - Sacramento to San Francisco, via Rio Vista,
Route No.6 - Sacramento to Fresno.

At the hearing in this matter there was considerable testimony regarding the particular type of service proposed to be given by the applicant. It resolved itself into a declaration that the transportation of household goods was a specialized service, one that had a direct appeal to the part of the public requiring such service, and because of that fact a service not only convenient but necessary. With this thought in mind, I believe it timely to quote here from Decision No.13775 of the Commission, issued on Application No.9727, which is the application on which Liberty Company, applicant herein, secured authority to operate such a service between Sacramento and San Francisco, via Vallejo:

*****the Commission has in mind the fact that the hauling of furniture, household goods and personal effects constitutes a form of transportation different in some respects from the transportation of general freight handled commercially. The private ownership of household goods and the personal intimacy which many articles may have toward the owner regardless of cost or commercial value, together with the breakable character and irreplaceable nature of some of the goods to be moved, justify the Commission in exercising more than ordinary latitude in the granting of certificates of public convenience and necessity for this class of operation, thus giving the public a choice of services, provided, however, that the responsibility and equipment of the operator in every case is thoroughly satisfactory."

I recommend the following form of order:

O R D E R

A public hearing having been held in the above entitled matter, the Commission being fully advised and basing its order on the statements and findings of fact contained in the opinion preceding this order,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation by Sarah Stewart Burger, operating under the fictitious name and style of Liberty Transfer & Storage Co., 80

of an automobile service for the transportation as a common carrier of household goods, pianos, trunks, baggage and other personal property, office furniture and equipment over the following routes and between the terminals named and intermediate points:

- Route No.1 - Sacramento to Redding via Woodland,
- Route No.2 - Sacramento to Redding via Marysville,
- Route No.3 - Sacramento to Nevada City and Colfax via Auburn,
- Route No.4 - Sacramento to Placerville,
- Route No.5 - Sacramento to San Francisco, via Rio Vista,
- Route No.6 - Sacramento to Fresno.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity for such a service be and the same hereby is issued to Sarah Stewart Burger, operating under the fictitious name and style of Liberty Transfer & Storage Co., subject to the following conditions:

A- Said certificate shall include the right to transport commodities herein authorized to be transported to points laterally on either side of the main highway traversed between the terminals named for a distance of not to exceed thirty miles, but shall not include the right to transport said commodities to any point beyond the terminals named.

B- That no authority is herein conveyed for the transportation of said commodities between Folsom and Sacramento and way points.

C- That no authority is herein conveyed for the transportation of said commodities between Sacramento and Stockton.

D- That no authority is herein conveyed for the transportation of "general freight."

E- Applicant shall file her written acceptance of the certificate herein granted within a period of not to exceed ten (10) days from date hereof, which acceptance shall contain a declaration reciting the terms of the stipulations entered into at the hearing on the application.

F- Applicant shall file, in duplicate, within a period of not to exceed twenty (20) days from the date hereof, tariff of rates and time schedules, such tariffs of rates and time schedules to be identical with those attached to the application herein, or rates and time schedules satisfactory to the Railroad Commission, and shall commence operation of said service within a period of not to exceed sixty (60) days from the date hereof.

G- 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.

H- No vehicle may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by her 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.

Dated at San Francisco, California, this 18th day of January, 1927.

E. J. [Signature]
[Signature]
C. J. [Signature]
Leon [Signature]
Thos. [Signature]
COMMISSIONERS.