

Decision No. 18210

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application of)
 E. N. MATSON, for certificate of)
 public convenience and necessity to)
 operate freight and parcel service)
 between West Point and Martell and)
 between Stockton and points East of)
 Jackson to West Point.)

Application No. 11423.

T. G. Negrich, for Applicant.

BY THE COMMISSION:

O P I N I O N

E. N. MATSON has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of an automobile truck line as a common carrier of freight and parcels between West Point and Martell, and between Stockton and points east of Jackson to West Point.

A public hearing on said application was conducted by Examiner Satterwhite at Stockton, the matter was submitted, and is now ready for decision.

Applicant proposes to charge rates in accordance with Exhibit "A" attached to said application, and to operate on a time schedule and over an alternate route as shown in Exhibit "B", and to use the equipment described in Exhibit "C." There was no opposition to the granting of said application.

The evidence shows that applicant has been, for the past seven years and is now, transporting freight and parcels

between Martell and West Point and intermediate territory. At West Point, Calaveras County, there is a general merchandise store which supplies merchandise of all kinds to a scattered mountain community. In the mountain territory adjacent to West Point there are several mines in operation, and also, the Pacific Gas and Electric Company maintains a system of reservoirs, canals, flumes and numerous buildings in connection with its operations. There are also near West Point a few lumber mills. The record shows that general merchandise and groceries are transported by applicant from Martell to this general merchandise store at West Point, and that construction material, supplies, machinery and other commodities used by the operators in the mines and by the Pacific Gas and Electric Company are transported over the railway lines of the Southern Pacific Company and the Amador Central Railway to Martell, from which point they are transported by trucks of said applicant.

The testimony shows that in the summer-time the operators of the lumber mills occasionally employ applicant to carry a truck-load of manufactured lumber from the mills near West Point to Stockton, and to carry back supplies and various materials for them from Stockton. It was shown that between Jackson and West Point there are a considerable number of settlers, ranchers and other residents who request applicant to purchase for them various articles of merchandise, such as drugs and medicines, at Jackson, which are delivered to these various persons on the return trip of applicant to West Point. Applicant uses his motor trucks in the summer-time when the roads are in good condition and passable, but in the winter-time, when the roads are impassable, applicant is compelled to use horses and wagons.

During the hearing, applicant admitted that his trips to Stockton in the summer-time are few in number, and are only made for the accommodation of lumber manufacturers to transport some of the lumber to Stockton, and on return trips applicant occasionally transports furniture for families or parties moving to West Point. These occasional trips to Stockton are entirely for the convenience of the people in the vicinity of West Point, and are of no particular profit to the applicant because of their infrequency and irregularity. The record shows that practically all of the freight transported by applicant to West Point and way-points beyond Jackson are shipped over the rail lines to Martell and from thence are hauled by applicant to the consignees located both at West Point and in the adjacent mountain territory. Applicant desires to operate over the proposed alternative route in order to accommodate consignees who reside along the Ridge Road between Martell and West Point and for those who reside along the highway by way of Jackson. Applicant does not propose any regular schedule for trips by reason of the fact that the volume of freight transported is more or less limited, and trips are made upon call to meet the convenience of all consignees using his service.

After careful consideration of all the evidence in this proceeding, we are of the opinion, and hereby find as a fact, that public convenience and necessity require the proposed operation of applicant between Martell and West Point, but does not require the proposed service of applicant between Stockton and points east of Jackson to West Point, and the application will be granted only as to that part of the proposed service between West Point and Martell.

O R D E R

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

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES THAT PUBLIC CONVENIENCE AND NECESSITY REQUIRE the proposed service of applicant between West Point and Martell and intermediate points over an alternate route by way of Ridge Road or by way of Jackson; and

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY FURTHER DECLARES THAT PUBLIC CONVENIENCE AND NECESSITY DO NOT REQUIRE the proposed service of applicant between Stockton and points east of Jackson to West Point.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be granted to E. N. MATSON, applicant herein, for the proposed service between Martell and Jackson, subject to the following conditions:

1. Applicant shall file his written acceptance of the certificate herein granted within a period of not to exceed ten (10) days from date hereof.

2. 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.

3. 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.

4.

4. No vehicle may be operated by applicant herein 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.

IT IS HEREBY FURTHER ORDERED that the proposed service of applicant between Stockton and points east of Jackson and West Point be, and the same is hereby denied.

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 11th day of April, 1927.

Commissioners.