

Decision No. 18300

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of ANGELO PICCARDO and ANDREA PICCARDO for a certificate of public convenience and necessity authorizing the operation of automotive truck service for the transportation of property for compensation between Martel and Jackson, California; Martel and Stockton for a radius of fifty (50) miles from Martel, California.

ORIGINAL

Application No. 11601.

Chas. A. Beck, for Applicant.
W. S. Johnson, for Southern Pacific Company
and Amador Central Railroad Company,
Protestants.
W. S. Johnson and E. S. Hodgson, for American
Railway Express Company, Protestant.
John Smalley, for Stockton-Jackson Stage
Line, Protestant.

BY THE COMMISSION:

O P I N I O N

Angelo Piccardo and Andrea Piccardo, co-partners, have petitioned the Railroad Commission in accordance with their amended application for an order declaring that public convenience and necessity require the operation by them of an automobile truck line as a common carrier of freight between Jackson and Stockton, serving Martel and intermediate points.

Public hearings on this application were conducted before Examiner Satterwhite at Jackson, the matter was submitted and is now ready for decision.

Applicants propose to charge rates in accordance with Exhibit "A" attached to said application. The time schedule under which applicants propose to operate will be a daily service, except Sunday, between Jackson and Martel, and three times a week between Stockton and Jackson. Applicants propose to

use as equipment one 5-ton Knight truck, one 1-ton Samson truck, and two Mack trucks.

Southern Pacific Company and Amador Central Railroad Company protested the application as between Stockton and Martel. American Railway Express Company protested the proposed operation of applicants between Martel and Jackson only as to express. John Smalley also appeared as a protestant to the proposed service.

Applicants testified in their own behalf but called no other witnesses in support of their application.

The evidence shows that applicants have been engaged in the general trucking business in and about Martel and Jackson for several years last past. In the operation of their transportation business they have maintained a daily service, except Sunday, between Martel and Jackson. They have also transported from time to time goods, wares and merchandise from Stockton to Jackson, but their operations from Stockton to Jackson have been of an irregular character and upon call only from various shippers.

The daily service of applicants between Martel and Jackson has resulted from the fact that Martel is the terminal of the Amador Central Railroad Company, over which rail line is transported the great bulk of freight shipments destined to Jackson and various industrial and mining establishments surrounding this community. Applicants have hauled from this freight terminal for many years consignments of freight of all kinds to the Pacific Gas and Electric Company, Argonaut Mining Company, and other industrial and mercantile establishments in this territory, as well as to the various merchants at Jackson. During the hearing of this matter applicants admitted that they were unable to secure any testimony in favor of their proposed ser-

vice from merchants doing business in Jackson, the reason being that these merchants were transporting, under private contracts, considerable of their freight with a certain unauthorized truck operator in Jackson and declined to appear at the hearing.

Amador Central Railroad Company called several witnesses and also offered documentary evidence in support of their protest. The record shows that this rail carrier operates a daily service between Ione and Martel, receiving freight shipments to Jackson from the Southern Pacific Company at Ione. Representatives from several of the large industrial and mining concerns in and about Jackson testified to the effect that the Amador Central Railroad Company had always rendered a satisfactory service and that there was no need of additional truck service between Stockton and Martel.

Mr. D. B. Panazotti, Chairman of the Board of Supervisors of Amador County, testified that all the members of the Board of Supervisors had at informal meetings fully discussed the question of a competing truck line, such as is proposed by applicant, and had unanimously concluded that there is no public necessity for any additional truck service between Stockton and Jackson.

Mr. J. A. McPherson, Superintendent of the Amador Central Railroad Company testified to the effect that the Amador Central Railroad Company could not continue its present operations in the face of a certified truck line running regularly between Stockton and Jackson and offered in evidence its Exhibit No. 1, which shows that for the last three years its operating expenses, including interest on borrowed money, have exceeded its operating revenues by several thousand dollars, its deficit for 1923 being \$5,356.11, for 1924 \$15,847.06, and for 1925 \$10,063.56.

American Railway Express Company introduced in evidence its rate schedules, together with a statement of passenger train service transporting express matter, applying between the points proposed to be served.

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 do not require the proposed service of applicants between Stockton and Martel but do require the proposed service of applicants between Martel and Jackson.

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 applicants between Martel and Jackson, but that public convenience and necessity do not require the proposed service of applicants between Stockton and Martel, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and the same is hereby granted said applicants for the operation of a motor truck service as a common carrier of freight between Martel and Jackson, upon the following conditions:

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

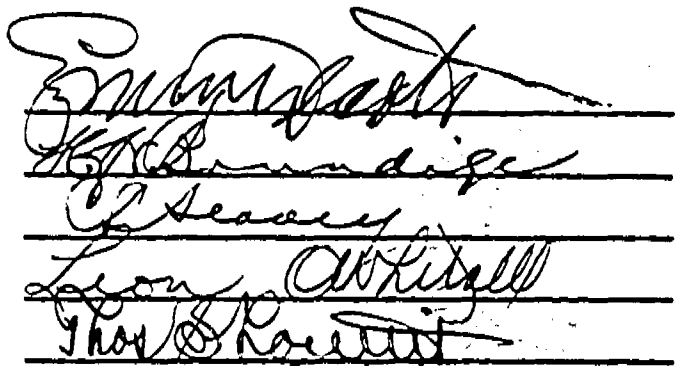
3. The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.

4. No vehicle may be operated by applicants herein 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.

IT IS HEREBY FURTHER ORDERED that the application in so far as it proposes service between Stockton and Martel 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 29th day of April, 1927.



Commissioners.