

**ORIGINAL**

Decision No. 19477

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
A. E. MALLET and GENE ANTICHI, co-  
partners, doing business under the  
fictitious name of SACRAMENTO-CORNING  
FREIGHT LINE, for a certificate of  
public convenience and necessity to  
operate an auto-truck line as a common  
carrier of property, for compensation,  
between Yolo, Zamora, Dunnigan, Arbuckle,  
Williams, Maxwell, Delevan and Norman,  
California, and between said points and  
Sacramento and Corning, California, and  
certain intermediate points, as an ex-  
tension and part of applicants' present  
operations between Sacramento and Corning,  
California.

} Application  
No. 13939

Sanborn & Roehl and DeLancey C. Smith,  
by A.B.Roehl, for Applicants.

A.B.Mason, for Southern Pacific Company, Protestant.

G.A.Velsir, for American Railway Express Company, Protestant.

C.A.Teutschell, for Traffic Department, Sacramento Chamber  
of Commerce.

BY THE COMMISSION -

O P I N I O N

A. E. Mallett and Gene Antichi, co-partners, doing business under the fictitious name of Sacramento-Corning Freight Line, have petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by them of an auto truck line as a common carrier of property, for compensation, between Yolo, Zamora, Dunnigan, Arbuckle, Williams, Maxwell, Delevan and Norman, and between all such points and all the points between Sacramento and Corning now served by applicants, under certificate as authorized by this Commission, as an extension and as part of applicants' present service between Sacramento and Corning and the intermediate points of Willows, Artois and Orland.

A public hearing on this application was conducted by Examiner Handford at Sacramento, the matter was duly submitted and is now ready for decision.

Applicants propose to charge rates in accordance with a schedule as set forth in paragraph IV of the application; to operate on a schedule of two round trips daily, excepting Sundays and holidays; and to operate one Mack Truck of 2½ tons capacity and equipped with pneumatic tires, in addition to the present equipment now in use on their authorized line, and offer to add such additional equipment as may be required by the demands of traffic.

Applicants rely, as justification for the granting of the certificate herein sought, on the following alleged facts:

- (1) that there is no through auto truck service between Sacramento and the points proposed to be served;
- (2) that the trucks of applicant pass through the communities proposed to be served in their operation over the authorized route between Sacramento and Corning;
- (3) that many complaints have been made by merchants and shippers located at intermediate points, or shipping to such points, regarding the refusal of applicants to render service;
- (4) that the existing service of the Southern Pacific Company to and from the additional points herein proposed to be served is not as expeditious nor as adequate as that proposed by applicants;
- (5) that numerous requests have been received by applicants to establish the service;
- (6) that applicants have profitably operated the service between Sacramento and Corning and the intermediate points of Willows, Artois and Orland, and the service to and from the intermediate points for which authority is now sought can also be profitably conducted and the public convenience and necessity further subserved if applicants are authorized to operate serving the additional intermediate points on their present authorized route; and
- (7) that conditions have materially changed since the previous filing of an application for authority to serve the intermediate points in that the demand by merchants and the public for such service is frequent and insistent.

A. E. Mallett, one of the co-partnership, testified regarding the present operations of applicants between Sacramento and Corning serving Willows, Artois and Orland as intermediate points; that the present operations were profitable; that the proposed service to intermediate points now prohibited was to be established in response to many requests from merchants and receivers of freight; that much of the business anticipated was now being transported by trucks not under the regulation of the Commission; that from one to three inquiries daily were received at Sacramento for transportation to the points proposed and one or two inquiries between intermediate points; and that the present freight service afforded by the Southern Pacific Company consisted of but one round trip daily, leaving Sacramento at 6:00 A.M. and Willows at about 8:30 A.M. This witness estimated that additional tonnage of 4 to 4½ tons daily would be cared for on northbound trips from Sacramento with a lesser tonnage on southbound trips. The operation has been conducted since 1922 and, due to the demands for service, applicants proposed to place in service an additional schedule to care for the transportation of perishable commodities.

A. C. Dittlock, employed in the traffic department of A. Levy & D. Zentner, wholesale produce merchants, testified that the proposed service was desirable in that earlier deliveries of perishable products could be made and that the establishment of the additional service would increase the business of his company to points on the west side of the Sacramento Valley which are proposed to be served by applicants by 33-1/3 to 50 percent; that the proposed service is more attractive than the present rail and express transportation in offering earlier delivery of perishable products and that a tonnage of from 3 to 3½ tons would be available for movement if the application were to be granted.

R.M.Hill, a grocer of Artuckle, testified that he would use the proposed service of applicants for the transportation of groceries, vegetables and fresh meats to the extent of approximately 1500 pounds daily. This witness now secures most of his vegetables

from Sacramento by truck although some arrive by express. The truck delivery is made at 4:30 A.M. before business hours and the express deliveries at 11:00 A.M. which is late for the business of this witness. Less than carload freight from Sacramento is received from 11:00 A.M. to 3:30 P.M. on the day following the delivery to the Southern Pacific Company at Sacramento and both freight and express shipments require the payment of local drayage charges from the railroad station at Arbuckle.

Lomont E. Stinson, a druggist at Arbuckle, testified that most of his merchandise was shipped from Sacramento. This witness would use the proposed service by reason of its expedition and to avoid the heavy local drayage charge at Arbuckle.

Lewis W. Hale, handling groceries, produce and feed at Arbuckle, receives the majority of his merchandise from Sacramento, securing his perishables from the trucks of the Pacific Fruit & Produce Company. This witness favors the establishment of the proposed service and will use same, if authorized, for the transportation of from 1 to 3½ tons per week, also enabling him to dispense with the operation of his own truck.

P. T. Foster, garage operator at Zamora, F.L. Cook of Barrett & Cook, grocers at Maxwell, and Chas. E. Stockford, machinist and blacksmith at Williams, also testified in behalf of applicants, stating that they would use same, if authorized, by reason of the expedition to be afforded shipments.

Petitions signed by 26 merchants of Maxwell, Williams, Arbuckle, Zamora, Yolo, Dunnigan, Norman and Delevan endorsing the proposed service were filed by applicants.

The Southern Pacific Company and American Railway Express Company protest the granting of the application.

P.W. Bernard, a witness for Southern Pacific Company, testified regarding the local freight service operated by his company in the territory proposed to be served by applicants; that two merchandise cars left Sacramento daily at 6:45 P.M., one car distributing to

Yolo, Zamora, Arbuckle and Dunnigan, the other distributing to Willows, Williams, Maxwell Delevan and Norman; that the approximate time of arrival and that freight was available for consignees was on the following morning at Yolo, 7:00 A.M., at Zamora, 9:30 A.M., at Dunnigan, 10:00 A.M., at Arbuckle, 11:30 A.M., at Norman, 8:00 P.M., at Delevan, 8:45 A.M. at Maxwell, 9:00 A.M. and at Williams 10:00 A.M.; that this service had been effective for practically one year; and that the freight office at Sacramento was open for the receipt of shipments from 7:30 A.M. to 4:00 P.M. A check of the tonnage handled from Sacramento to the points proposed to be served by applicants, taken during the period September 1, to 16, 1927, inclusive, shows the following daily average tonnage transported from Sacramento to the following destinations:

Yolo	874 lbs.	Norman	--
Zamora	510 "	Delevan	92 lbs.
Dunnigan	935 "	Maxwell	3446 "
Arbuckle	<u>5280 "</u>	Williams	<u>6040 "</u>
Totals -	7599 lbs.		9578 lbs.

J. A. Robinson, operating a general merchandise store in Williams, testified that he was the largest individual receiver of merchandise in Williams averaging 40 tons monthly in less than carload shipments from Sacramento, and from 18 to 25 carloads per year. Witness has never had occasion to use the service of applicants, all freight shipments being satisfactorily handled by the Southern Pacific Company and the service having been improved during the last two or three years. It is the opinion of this witness that no demand exists for the additional service proposed.

Protestant, American Railway Express Company, filed as exhibits schedules of rates and train service upon which express transportation was available.

We have fully considered the evidence and exhibits herein. It appears therefrom that applicants propose rates which are in most

instances less per CWT. than those of the American Railway Express Company and service is offered which results in earlier arrival for shipments from Sacramento than is available either by railroad freight or express. Shippers in Sacramento also have the advantage of freight being received at a later hour than is possible by the regulations of the Southern Pacific Company. The record herein shows justification for the granting of the certificate sought in conformity with the following order.

O R D E R

A public hearing having been held on the above entitled application, the matter having been duly submitted and the Commission being now fully advised,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation by A.E.Mallett and Gene Antichi, copartners doing business under the fictitious name of Sacramento-Corning Freight Line, of an automobile truck service as a common carrier of property, for compensation, between Yolo, Zamora, Dunnigan, Arbuckle, Williams, Maxwell, Delevan and Norman, and between all of said points and all the points between Sacramento and Corning now served by applicants under the authority as contained in this Commission's Decisions Nos. 11071 and 14477 on Applications Nos. 8096 and 9870, as decided October 7, 1922, and January 27, 1925, covering freight truck service between Sacramento and Corning, serving as intermediate points the communities at Willows, Artois and Orland, not as a new and separate operation but in conjunction with and as a part of the operative rights conferred by the decisions hereinabove referred to, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and the same hereby is granted to A.H.Mallett and Gene Antichi, co-partners doing business under the fictitious name of Sacramento-Corning Freight Line, for the operation of an automobile truck service as a common carrier of freight, for compensation,

in accordance with the foregoing declaration and subject to 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 thirty (30) 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 forty-five (45) 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.

The effective date of this order is hereby fixed as twenty (20) days from the date hereof.

Dated at San Francisco, California, this 29<sup>th</sup> day of February, 1978.

Leon Whittell

Clarence

Joe & Robert

COMMISSIONERS.