

ORIGINAL

Decision No. 6559

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of)
CLARENCE E. DALE and WILLIAM K.)
MCCLAIN for a permit to operate a)
freight carrying motor vehicle)
between Sacramento, in Sacramento) Application No. 4543.
County, and Marysville, in Yuba)
County, California, and way stations.)

J. F. Pullen for Applicant.

Chas. R. Detrick for Sacramento Northern
Railroad, Protestant.

H. Wenzel and E. E. Fisher for Southern
Pacific Company.

BY THE COMMISSION

O R D E R

Clarence E. Dale and William K. McClain have petitioned the Railroad Commission 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 Sacramento and Marysville and intermediate points.

A public hearing was conducted by Examiner Handford at Sacramento on July 16, 1919, the matter was duly submitted and is now ready for decision.

At the hearing on this application it was shown that the interest of the applicant McClain had been acquired by Clarence E. Dale and the latter was substituted as the sole applicant in this proceeding.

Applicant proposes to charge rates in accordance with a schedule marked exhibit "A" and filed with the application in

this proceeding, and proposes to operate on a schedule of one round trip daily, except Sundays and holidays, using as equipment one Pageol truck. Applicant proposes to serve the communities at Sheridan, Wheatland and Lincoln as intermediate points.

The only witness appearing in support of the application was the applicant who testified that his operation resulted in the transportation of an average of approximately six tons per round trip, the merchandise transported consisting of groceries, ice cream, beer, soda water, hay, grain and mill stuff, feed, flour, bread and empty carriers returning.

This application is protested by the Sacramento Northern Railroad on the basis that adequate service is offered and at reasonable rates between the terminals of Sacramento and Marysville, no intermediate points proposed to be served by the applicant being objected to as the electric line service did not reach such intermediate communities. This protestant operates two freight trains in each direction daily, charging as fourth class rate (at which rate the majority of less than car load shipments are transported) 15 cents per cwt. Three passenger trains in each direction carry express and the rates on express matter between Sacramento and Marysville are as follows:

EXPRESS RATES

Between	First Class per cwt.	Second Class per cwt.	Special Commodity per cwt.
Sacramento and Roseville/ Sheridan	71 cents	54 cents	48 cents
Lincoln	77 cents	58 cents	54 cents
Marysville	88 cents	66 cents	54 cents

EXPRESS RATES (Continued)

Between	First Class per cwt.	Second Class per cwt.	Special Commodity per cwt.
Roseville & Sheridan	77 cents	58 cents	54 cents
Lincoln	77 cents	58 cents	54 cents
Marysville	88 cents	66 cents	54 cents
Sheridan & Lincoln	71 cents	54 cents	54 cents
Marysville	82 cents	63 cents	54 cents
Lincoln & Marysville	82 cents	63 cents	54 cents

The express and freight rates of the Southern Pacific Company and the Sacramento Northern Railroad are on an equivalent basis.

While some of the rates proposed by applicant are less than the freight rates of the competing rail lines, in that they include pick-up and delivery, the service offered by the existing carriers is, in our opinion, sufficient to adequately care for the needs of the public along the route for which certificate is sought. There was no evidence introduced at the hearing indicating that there was any complaint against either the existing service or rates of the rail carriers, in fact, there was no evidence offered in support of the application other than that of the applicant.

The Commission will require, before issuing a certificate of public convenience and necessity for the operation of a stage or truck line, that public convenience and necessity be affirmatively shown; that the existing transportation lines are not furnishing adequate or satisfactory service or other material facts in support of application. No showing of such nature appears in the evidence in this proceeding other than

the desire of the applicant to enter the business of a common carrier over the proposed route. We are of the opinion and find as a fact that no evidence justifying the granting of a certificate of public convenience and necessity has been presented in this proceeding.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity do not require the operation by Clarence E. Dale of an automobile truck line as a common carrier of freight between Sacramento and Marysville and intermediate points, and

IT IS HEREBY ORDERED that this application be and the same hereby is denied.

Dated at San Francisco, California, this 12th day of August 1919.

W. L. Loveland
Stuart R. ...
Irving ...

Commissioners.