

ORIGINAL

Decision No . 7299.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of)
CLAUDE SEARS for certificate of)
public convenience and necessity to)
operate auto truck service between) Application No.5116.
the Town of Winters and the City of)
Sacramento.)

L. E. Davisson for Applicant.

Harry T. Hennessey for United States
Railroad Administration, Southern
Pacific Railroad, and American
Railway Express.

BY THE COMMISSION:

O R D E R

CLAUDE SEARS 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 between Winters and Sacramento and intermediate points.

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

Applicant proposes to charge rates in accordance with a schedule marked exhibit "A" and attached to the application in this proceeding and to operate one round trip daily serving as intermediate the town of Davis, using as equipment one International truck, two ton capacity, licensed by State Motor Vehicle Department under license number 408675.

Witnesses for applicant testified as to the service rendered by the railroad not being satisfactory in that such service was slow and also requires the handling of shipments to and from the railroad station at points of origin and destination.

The granting of this application is protested by the United States Railroad Administration on behalf of its lessors, the Southern Pacific Railroad and the American Railway Express.

Witnesses for protestant, Southern Pacific Railroad, testified as to the rates and schedules in effect between Sacramento and Winters and stated that no complaints had been received either as to the character of service or as to the rates being unreasonable.

The American Railway Express operate a service of two round trips per day between Winters and Sacramento and claim to have had no complaints against the service or rates.

The rates proposed by applicant are lower than the rates of the Southern Pacific Railroad and also include pick-up and delivery service in the business districts of the communities proposed to be served. The rates of applicant are materially lower than the rates of the American Railway Express.

After careful consideration of all the evidence in this proceeding, we are of the opinion and find as a fact that the public necessity and convenience require the establishment of an automobile truck line as a common carrier of freight between Winters and Sacramento, the public being entitled to the expedited service and materially lower rates as offered by applicant herein.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by Claude Sears

of an automobile truck line as a common carrier of freight between Winters and Sacramento and intermediate points; provided, however, that the rights and privileges hereby granted may not be transferred or assigned unless the written consent of the Railroad Commission to such transfer or assignment has first been secured.

IT IS HEREBY ORDERED that no vehicle may be operated under this certificate unless such vehicle is owned by the applicant herein or is leased by such applicant under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 27th day of March, 1920.

Edwin O. Edgerton
H. H. Loveland
Frank R. Dwin
H. T. Prundige

Commissioners.