

ORIGINAL

Decision No. 7520.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of)
 E. W. VON KRUSZE and PHILLIP BROCCINI)
 for certificate of public convenience)
 and necessity to operate automobile) Application No. 5410
 freight and express service between)
 Santa Rosa, Sonoma County, California)
 and Petaluma, Sonoma County, California.)

- W. L. Ware for Applicants.
- J. R. Allen for American Ry. Express, Protestant
- W. J. Cummings for Northwestern Pacific Rwy Co. Protestant
- E. H. Maggart and W. F. Geary for Santa Rosa and Petaluma Railway Co. Protestant.

BY THE COMMISSION.

ORDER

E. W. Von Krusze and Phillip Brocchini, partners in business under the name of Petaluma and Santa Rosa Freight Transportation Service have petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by them of an automobile stage line as a common carrier of freight between Santa Rosa and Petaluma, Sonoma County, California and intermediate points.

A public hearing on this application was conducted before Examiner Satterwhite at Santa Rosa on March 12th, 1920, the matter was duly submitted and is now ready for decision.

Applicant proposes to charge rates in accordance with a schedule marked Exhibit "A", filed with said application and to operate on a time schedule of two round trips daily between

Santa Rosa and Petaluma, using as equipment one 4-ton De Martini Motor truck and trailer and one 2-ton De Martini Motor truck and trailer.

The Northwestern Pacific Railroad, the Petaluma and Santa Rosa Railroad Company and the American Railway Express Company protested the granting of this application, A petition requesting this service was presented by the applicant at the hearing, and the Petaluma and Santa Rosa Railroad Company also presented a counter-petition, which petitions were signed by business men and merchants of Santa Rosa and Petaluma. An inspection of these petitions discloses the fact that twenty of those who signed applicants' petition, subsequently signed the protesting petition of the Petaluma and Santa Rosa Railroad Company strongly urging that the application be denied. The uncertain value of petitions has again been emphatically shown in this case.

Several witnesses testified in support of the application. The testimony of each of these witnesses was to the effect that they would personally be benefited to some extent by direct cartage and the convenience of the proposed service. Evidence was given indicating that the store door pick up and delivery service to the farmers and residents along the line would justify the authorization of this service. Applicants offered little or no testimony to show that the volume of through business between Santa Rosa and Petaluma was so large that it was not being adequately handled by the protesting rail lines.

The protesting rail lines offered in evidence their respective rate and time schedules and also evidence that they were fully equipped and ready to handle all the traffic between Santa Rosa and Petaluma and that each of them were giving a good

and satisfactory service. A resolution of the Chamber of Commerce of Petaluma was presented protesting the application on the ground that the existing rail carriers were rendering adequate service.

The Petaluma and Santa Rosa Railroad Company is an interurban line and it was shown that it is dependent almost entirely upon the traffic of these local communities for support. Protestants gave testimony to the effect that the future development of these communities as well as the whole of Sonoma County was closely connected with the prosperity of these rail lines and particularly the Petaluma and Santa Rosa Railroad Company.

The Petaluma and Santa Rosa Railroad Company offered in evidence a statement showing that the entire business handled during the year 1919 amounted in gross revenue to \$6,713.18, \$3,347.50 of which represents freight charges on oil moving in tank cars. It was also shown by this protestant that it is entirely dependent upon local business and that as a fact it has been losing for several years past due in a large measure to the loss of business on account of the operation of privately owned automobiles.

The Commission always keeps in mind the welfare of the community as well as the prosperity of existing carriers, especially when adequate and satisfactory service is being rendered to the public and will decline to jeopardize the welfare of a rail carrier unless it is clearly shown that there exists a real public necessity for the authorization of another transportation facility.

The evidence introduced by the applicants shows perhaps some need for this proposed service in the intermediate territory, but there is no indication in the record that applicants desire or would accept a certificate to operate this proposed line

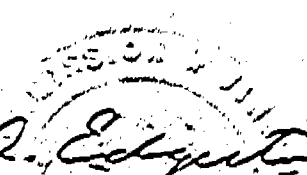
for the intermediate territory or that the volume of business would justify the operation of such a service.

After careful consideration of the evidence, we are of the opinion and find as a fact that the Northwestern Pacific Railroad and the Petaluma and Santa Rosa Railroad Company are rendering adequate and satisfactory service and that there is no justification for the authorization of this proposed auto track line.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity do not require the operation by H. W. Von Krasze and Phillip Brocchini of an automobile stage line as a common carrier of freight between Santa Rosa and Petaluma, Sonoma County, and intermediate points.

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

Dated at San Francisco, California, this 31
day of May, 1920.



Edwin O. Edgerton
A. D. Loveland
W. R. Williams
H. T. Brundage

Commissioners