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Decision No. 7525

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of  
C. W. BURRIS for certificate of  
public convenience and necessity to  
operate freight service between  
Eureka and Garberville, California,  
and intermediate points.

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:  
) Application No. 4328  
:  
)

H. C. Nelson for Applicant  
W. J. Cummings for the North-  
western Pacific Railway Com-  
pany - Protestant.

BY THE COMMISSION.

O R D E R

C. W. Burris has petitioned the Railroad Com-  
mission for an order declaring that public convenience and  
necessity require the operation by him of an automobile stage  
line as a common carrier of freight between Eureka and Gar-  
berville, Humboldt County and intermediate points.

A public hearing on this application was conducted  
by Examiner Satterwhite at Eureka on March 24, 1920, the matter  
was duly submitted and is now ready for decision.

Applicant proposes to charge rates in accordance  
with the amended schedule marked Exhibit "A" and filed with  
said application and to operate on a time schedule of one round  
trip daily on Tuesdays and Fridays of each week and more often  
if necessary in accordance with time schedule marked Exhibit "B"

attached to said application, using as equipment two 2-ton trucks and trailers and one 3-ton Packard Truck.

The Northwestern Pacific Railroad protested the granting of this petition. Many witnesses were sworn and testified in support of the application, consisting of retail merchants conducting stores in the various towns along the proposed route, also business men and farmers.

Applicant for about a year and a half has been operating an auto freight service over the proposed route under a permit from the Board of Supervisors of Humboldt County, and has built up a paying and established business.

Petitions signed by a very large number of the business men and merchants along the line who have been patronizing the applicant, request the authorization of this service. The evidence shows that these merchants purchase nearly all of their stock from the wholesale merchants at Eureka which consists in the main of groceries, grain and various kinds of produce. It was shown that the wholesale merchants at Eureka desire this service and have been patronizing the applicant.

The public highway over which the proposed service operates for a great part of the distance is on the opposite side of the Eel River from the Northwestern Pacific Railroad. The heaviest shipment of freight is from Eureka south to the merchants and farmers along the line, but it was shown that the farmers and garden truck growers have been patronizing this service in the shipment to Eureka of potatoes, tomatoes and all garden products; and that considerable lumber is shipped north to Eureka over this line.

All the merchants who testified in support of this application, stated that they needed this service because it was more direct, satisfactory and economical.

The Northwestern Pacific Railroad introduced in evidence its rate and time schedules applying between Eureka and South Fork and all intermediate points and showed that they had ample equipment to handle all freight offered for shipment, but in spite of this fact, the applicant continues to do a good and paying business. It was stipulated at the hearing by the applicant that no local freight would be carried by him between Eureka and Fortuna for the reason that that portion of the route was well served by other transportation facilities.

After careful consideration of all the evidence, we are of the opinion that the application should be granted,

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by C. W. Burris of an automobile stage line as a common carrier of freight between Eureka and Garberville, Humboldt County and intermediate points.

Provided, however, that no local freight will be carried in connection with this permit between EUREKA and FORTUNA, and,

Provided further that the rights and privileges herein authorized may not be transferred nor assigned unless the written consent of the Railroad Commission to such transfer or assignment has first been procured,

IT IS HEREBY ORDERED that no vehicle may be operated under this certificate, unless such vehicle is owned by applicant herein, or is leased by said applicant under a contract or agreement

on a basis satisfactory to the Railroad Commission.

*May*  
of ~~April~~, 1920.

Dated at San Francisco, California, this 25 day

*Edwin C. Edgerton*  
*H. D. Leonard*  
*Frank R. Allen*  
*H. R. Brinkley*

Commissioners.