

ORIGINAL

Decision No. 7546

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

—000—

In the matter of the application
of MARTINEZ & SON for certificate
of public convenience and necessity
to operate express and freight ser-
vice between Stockton and Greveland.

)
)
) Application No. 5437.
)

Walter Hancock and Rutherford by John
Hancock for applicants.
Arthur L. Levinsky for Southern Pacific Co.
H. A. Butchart for Sierra Railroad.
C. R. Rankin for Hetch Hetchy Railroad.
H. B. Shryock for The Atchison, Topeka &
Santa Fe Railway Company.

BY THE COMMISSION:

OPINION

Elias Martinez and E. N. Martinez, partners
under the name of Martinez & Son, apply for authority to op-
erate automobile trucks for the common carriage of freight
and express between Stockton and Greveland, serving as inter-
mediate points Oakdale, Knights Ferry, Chinese Camp, Jackson-
ville, Priests, Big Oak Flats and Greveland.

A public hearing upon the application was held
by Examiner Westover at Stockton, April 28, 1920.

At the hearing applicants requested leave

to amend their application by withdrawing request for authority to serve between Stockton and Oakdale, which leave was granted. They also stated that they did not wish to handle local business between intermediate points and asked to have their proposed tariff apply only between Oakdale and points named.

In view of the amendment the Southern Pacific Company and The Atchison, Topeka & Santa Fe Railway Company withdrew their opposition to the granting of the application because they are not interested in that part of the route lying to the east of Oakdale.

A protest was made by the Sierra Railway which extends northeasterly from Oakdale to Tuolumne, serving Chinese Camp and Rosasco (now known as Hetch Hetchy Junction) and the intermediate points. It operates one freight train each way daily.

The Hetch Hetchy Railroad is owned and being built by the City and County of San Francisco for the primary purpose of constructing its water system, generally known as the Hetch Hetchy project. Its road, when completed, will extend from Hetch Hetchy Junction to a point about 40 miles east of Greveland. It now operates work trains daily except Sundays between Hetch Hetchy Junction and Greveland but not upon regular schedules. It is the policy of the city to handle such freight shipments as it can get, in an effort to make the road self-supporting. It became a common carrier at the earnest request of the business men of Greveland and bought additional rolling stock to handle shipments of the general public. It has encouraged the establishment of sawmills in its territory.

and expects to handle considerable lumber. It expects to establish regular schedules after its roadbed is fully ballasted. On days when shipments are sufficiently light it operates a motor car over its rails. This is usually on alternate days.

Applicants operated their freight service for about four years between Chinese Camp and Creveland under authority granted by the Commission. About a year ago they ceased operation without authority of the Commission for the reason that they found practically all Creveland freight formerly routed via their line from Chinese Camp was being routed via the Hetch Hetchy Railroad from Hetch Hetchy Junction. There is no suitable wagon road connecting Hetch Hetchy Junction and Creveland. A few times during the year they found freight at Chinese Camp for their patrons at Creveland and delivered it.

The only showing that shippers will in the future route freight via applicants' proposed line is contained in a petition signed by business men and residents of Creveland pledging support to the truck line which applicants propose to operate between Stockton and Creveland.

As there is no showing of the amount of freight to be furnished by the signers and they were not present for examination as to the amount of freight they would ship or the reasons which moved them to sign the petition, we are obliged to disregard it.

Applicants testified that the support was promised if they would meet the rate of the rail carriers. This is done in the proposed tariff accompanying the application.

No showing was made as to the amount of freight handled or to be handled between Oakdale and Greveland nor the probable quantity which would seek transportation over the proposed line. Applicants did not present evidence sufficient to justify a finding that public convenience and necessity require the proposed service. The application must therefore be denied.

ORDER

A public hearing having been held upon the above entitled application, the matter having been submitted and being now ready for decision,

THE RAILROAD COMMISSION hereby declares that public convenience and necessity do not require the operation by Elias Martinez and E. N. Martinez, under the name of Martinez & Son, of an automobile truck line as a common carrier of freight between Oakdale and Greveland.

IT IS HEREBY ORDERED, THEREFORE, that the above entitled application be and it is hereby denied without prejudice.

Dated at San Francisco, California, this 10th day of May, 1920.

Edwin A. Edgerton
J. D. Lovell
Walter R. Brown
H. C. Brundage
George W. Martin
Commissioners.