

Decision No. 8691

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of)
 M. B. BEHRENZ for certificate of)
 public convenience and necessity to : Application No. 6446
 operate a motor truck freight line)
 between Sacramento and Elk Grove,)
 California. :
)

M. B. Behrenz in propria persona
 L. N. Bradshaw for Southern Pacific
 Company, Protestant.

BY THE COMMISSION:

ORDER

M. B. Behrenz has petitioned the Railroad Commission 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 and express between Sacramento and Elk Grove and intermediate points.

A public hearing on this application was conducted before Examiner Satterwhite at Sacramento on February 11, 1921. The matter was submitted and is now ready for decision.

Applicant proposes to charge rates in accordance with the schedule marked "Exhibit A" and filed with said application, and to operate on a time schedule marked "Exhibit B" attached to said application, using as equipment one two and one-half ton patriot truck.

The Southern Pacific Company opposed the granting of this application.

Applicant testified and called other witnesses in support of the public necessity for this proposed service. The testimony

shows that a large number of merchants at Elk Grove and along the proposed route desire this service for the reason that it will afford them early and direct deliveries from Sacramento where they do most of their buying. There are at present three general merchandise stores at Elk Grove and several along the proposed route and the evidence indicates that these merchants prefer an auto truck service ~~to be established~~ on account of the prompt and more economical deliveries at their doors.

G. J. Bradley, representing the Merchants and Manufacturers Traffic Association of Sacramento, gave testimony indicating that many of the members of this Traffic Association are jobbers who do business with the merchants at Elk Grove and along this proposed line, and have expressed a desire that this service be established. A. S. Martindale, Agent for the Union Truck Line Association, gave testimony indicating that the wholesale merchants of Sacramento have for a long time been employing the service of auto trucks in the transportation of their goods, wares and merchandise to Elk Grove and intermediate points. It appears that all kinds of goods, wares and merchandise are shipped to Elk Grove and intermediate points but that the greater portion of the merchandise which the applicant will haul will consist of third-class freight.

Applicant testified to the effect that he has hauled from sixty to seventy tons of freight to Elk Grove and way points within a period of thirty days and that all of the merchants to whom he has hauled consignments have expressed a desire that this proposed service be established.

There are several merchants who do business along this proposed route who have no direct service from the Southern Pacific Railroad and have to rely upon the transportation of their goods by auto trucks.

The Southern Pacific Company gave testimony to the effect that up to February 1st, 1921, it was operating a daily merchandise service but on account of the falling off of traffic it is now operating only a tri-weekly service. Any one who consigns merchandise from Sacramento to Elk Grove by way of the Southern Pacific Railroad must deliver the same at its freight depot at 4 P. M. in order that delivery may be had the next forenoon. This proposed service would insure deliveries on the date of consignment.

After a careful consideration of the evidence we are of the opinion and find as a fact that the public convenience and necessity will be served by the establishment of this proposed service and that the application should be granted.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by M. B. Behronz of an automobile stage line as a common carrier of freight and express between Sacramento and Elk Grove and intermediate points,

provided, however, the rights and privileges herein granted may not be transferred nor 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 by applicant herein unless such vehicle is owned by him or is leased by him under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 3^d day of March, 1921.

Frank P. Wilson
H. Loveland
R. B. Brundage
Chas. H. Hooper

Commissioners