

Decision No. 8788

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
PAUL GATTO for certificate of public)
convenience and necessity to operate) Application No. 6423.
freight service between Scott Valley)
and Little Shasta Valley.)

Paul Gatto in propria persona.

R. H. De Witt and F. A. Reiser for
Yreka Railroad Company.

G. A. Reichman for Etna-Fort Jones-Yreka
Stage Line.

BY THE COMMISSION.

O P I N I O N

By the above application, Paul Gatto seeks authority to operate a freight truck service between Montague and Etna Mills, serving Fort Jones and Greenview as intermediate points; and between Gazelle and Etna Mills, serving Callahan as an intermediate point; also between Montague and Hilt via Klamath River Highway.

A public hearing upon the application was held by Examiner Westover at Montague.

It appears from portions of the application and from the testimony of applicant at the hearing that he does not wish to serve between points served by the Southern Pacific Company or by the Yreka Railroad Company, extending between Montague and Yreka, but that as to rail points he wishes only to operate

trucks between-rail stations and ranches or other points not reached by rail, and to operate only upon special trips as ordered from time to time and not regularly nor upon published tariff. As this irregular, occasional service does not contemplate operation between fixed termini or over a regular route, it is a matter over which the Commission has no jurisdiction.

The only testimony offered by applicant relied upon by him to show any need for service between Montague and Etna Mills is the fact that last Fall during two days he hauled steel from Montague for a new bridge being constructed near Greenview, and brought back grain and hogs from ranches near Etna Mills and Fort Jones, under private contract. This falls far short of showing that there is any public convenience or necessity to be served by applicant and only indicates a desire on his part to enter the business.

It appears from the testimony that G. A. Reichman operates between Yreka and Etna Mills, serving Fort Jones and Greenview as a common carrier of freight and passengers, under the fictitious name of Etna-Fort Jones-Yreka Stage Line, operating in connection with the Yreka Railroad, and also carrying the United States' mail; that this line has been operated continuously for about 18 years by Mr. Reichman and his predecessors in interest, and for a long time he has operated one round trip daily regardless of road and weather conditions. At present and during the winter season, the easterly 10 miles of the route, including the grade over Forest House Mountain, is operated with 6 horse teams and the remaining 20 miles with automotive trucks; the trucks being used for the entire 30 miles during the summer and when the roads are suitable. It is apparent that an elaborate equipment has been provided to maintain the daily service, and the testimony all shows without conflict that the present service is satisfactory.

Applicant testified that he would not attempt to serve regularly during the winter.

It appears from the testimony that Carl Lewis is serving between Gazelle and Etna Mills via Callahan, by proper authority. No testimony was offered tending to show that his service is unsatisfactory or inadequate or that public convenience and necessity in the locality are not adequately served by him. No testimony was offered concerning any need for service between Montague and Hilt via Klamath River Highway.

Prior to the hearing the Southern Pacific Company and American Railway Express Company advised the Commission by mail that, in view of applicant's assurance that he did not seek to serve between points served by rail, they were not interested and would offer no protest.

It appearing from the testimony that the territory in question is now adequately served and that public convenience and necessity do not require additional service, the application must be denied.

ORDER

A public hearing having been held upon the above entitled application, and it appearing from the testimony offered by applicant and others that public convenience and necessity do not require the proposed service,

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

Dated at San Francisco, California, this 25th day of March, 1921.

Frank P. Nelson
H. S. ...
Waring Martin
Deed H. ...
Commissioners.