

Decision No. 9160

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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ORIGINAL

In the Matter of the Application of)
F. H. FITZLAFF and O. P. ROBINSON,)
for certificate of public convenience :
and necessity to operate motor)
freight service between Sacramento,)
Dixon, Vacaville, and Suisun, Fair-)
field, locally and interlocally.-)

Application No. 6547

E. Fitzgerald for Applicant.

L. N. Bradshaw for Southern Pacific Co, Protestant

E. Stern for the American Railway Express, Protestant

M. B. Behrenz, in propria persona, protestant

G. J. Bradley, Merchants & Manufacturers Ass'n of Sacramento

BY THE COMMISSION,

O P I N I O N

F. H. Fitzlaff and O. P. Robinson, in accordance with their application amended at the hearing, have petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by them of a motor freight service as a common carrier of freight between Sacramento, Dixon, Vacaville, Suisun, Fairfield and intermediate points.

A public hearing on this application was conducted before Examiner Satterwhite at Sacramento on June 9, 1921, the matter was submitted and is now ready for decision.

Applicants propose to charge rates and to operate on a time schedule in accordance with Exhibits "A" and "B" attached to said application, using as equipment two and a half ten Kleiber Truck and one one and one-half ton Signal Truck.

The Southern Pacific Company, American Railway Express and M. B. Behrenz appeared in opposition to the application. G. J. Bradley appeared in behalf of the Merchants and Manufacturers Association.

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O. P. Robinsen, co-applicant, and Mrs. F. H. Fitzlaff were the only witnesses who testified in support of the application. Mrs. Fitzlaff is the bookkeeper of said applicants who now operate the authorized motor truck service between Sacramento and Placerville. Each of these witnesses testified to the effect that Vacaville and Dixon are located in a fruit growing district and that this proposed service would carry fruit shipments to Sacramento and other points. It was estimated by them that they would transport at least 8,000 pounds per day from Sacramento of general freight, consisting of general merchandise, lime, spray, sulphur, lumber and machinery and that considerable ice cream would be shipped over this proposed line. A pick up and delivery service would be offered at all points except Sacramento.

A petition signed by several residents and merchants of the towns of Vacaville and Dixon was introduced in evidence requesting this proposed service.

The protesting rail carriers offered in evidence their rate and time schedules and testified to the adequacy of their service. The Southern Pacific Company offered in evidence a statement of tonnage and LCL freight movement from Sacramento over the proposed route for the month of February 1921, which indicates that only a little over fifty tons was transported to the various points. This protestant also offered in evidence a counter petition of merchants and business men at Dixon strongly opposing the granting of this proposed service on the ground that the freight train service was efficient and satisfactory.

C. E. Spear, District Freight and Passenger Agent of the Southern Pacific testified that practically the entire fruit shipments from Vacaville and the other points are consigned directly to eastern cities or are shipped to Sacramento for consolidation purposes over the rail lines.

M. P. Behrenz, protestant, operates an authorized truck service between Sacramento, Dixon, Vacaville, Suisun, Fairfield,

Cordelia and Vallejo and opposed the granting of this application on the ground that his present service would be duplicated, that his service would be made unprofitable and that he would be compelled to discontinue operation. His testimony shows that since March 4, 1921, his truck line has carried daily about four and one-half tons of mixed freight to various points over this proposed service and that the freight consisted of general merchandise, coal, potatoes, beverages, pipes, tires, candies, groceries and hardware and that the movement of freight is principally from Sacramento south. On the return trip, it was shown that some feed is transported over this existing truck line together with empties, such as beer cases and ice cream containers and that shipments north of other character of freight is negligible.

Leonard G. Brotzman, who formerly operated the existing truck line testified to the effect that, although he solicited fruit shipment from time to time, he failed to secure any business. G. J. Bradley testified to the effect that the merchants of Sacramento whom he represented were satisfied with the service now being rendered by the truck line of said M. B. Behrenz and that as a representative of the Merchants and Manufacturers Association, he was opposed to the granting of this proposed service.

After a careful consideration of the evidence, we are of the opinion and find as a fact that public convenience and necessity do not require the operation by F. H. Fitzlaff and O. P. Robinson, of said proposed service and that the application should be denied,

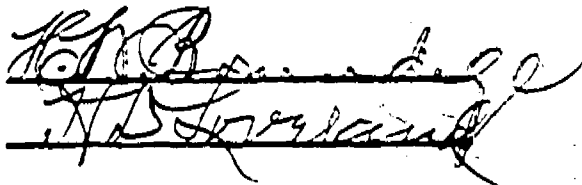
O R D E R


A public hearing having been had on the above-named application, the matter being submitted and now ready for decision,

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity do not require the operation by F. H. Fitzlaff and O. P. Robinson, of a motor freight service as a common carrier of freight between Sacramento, Dixon, Vacaville, Suisun, Fairfield and intermediate points,

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

Dated at San Francisco, California, this 27th day of June, 1921.





Commissioners