

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 CALAVERAS FREIGHT TRANSPORTATION CO. )  
 for certificate of public convenience )  
 and necessity to operate freight and ) Application No. 6785  
 express service between Stockton and )  
 Angels and San Andreas and intermediate )  
 points. )

James P. Sweeney, for Applicant.  
 L. M. Bradshaw, for the Southern Pacific Co., Protestant,  
 H. A. Burchart & J. F. Bullock for Sierra Ry Co. of  
 California, Protestant,  
 E. T. Lercey, for Atchison, Topeka & Santa Fe Ry Co., Protestant,  
 Edward Stearn for American Ry Express Company, Protestant.

MARTIN, COMMISSIONER.

O P I N I O N

In this proceeding Emery T. Cove, doing business under the fictitious name of CALAVERAS FREIGHT TRANSPORTATION COMPANY, has made application to the Railroad Commission for a certificate of public convenience and necessity, authorizing the operation of freight and express service between Stockton, Valley Springs, San Andreas and Angels, and intermediate points.

Applicant at this time proposes to operate between the above named points via Lodi, Lockeford and Clements, pending such time as the highway is completed via Linden, Bellota and Stone Corral.

A hearing was held at Stockton on July 5, 1921, at which time the matter was submitted and is now ready for decision.

The granting of this application was opposed by the Southern Pacific Company, the Sierra Railway Company of California,

the Atchison, Topeka & Santa Fe Ry. Company, the American Express Company and the Board of Supervisors of the County of Calaveras.

Applicant proposes to make one round trip each day, leaving Stockton at 9 A.M., arriving at Angels at 3 P.M., leaving Angels at 4 P.M. and arriving at Stockton at 8 P.M., and to operate in such service one 2½ ton Packard truck with one 2½ ton trailer.

The rates as proposed by applicant range from seventy-nine (79) cents per hundred pounds for first class to sixty-seven (67) cents per hundred pounds for fourth class freight, with an additional charge of 10 cents per hundred pounds where goods are picked up at shipper's door.

The rates of the Sierra Railway Company operating under joint tariff with the Southern Pacific Company and the A.T. & S.F. Ry. Co., are materially lower than those proposed by applicant, though such railroad companies do not render a store pick up and delivery service. The rates of the American Express Company, protestant, are lower in certain instances than those proposed by applicant and slightly higher in others. Their rates, however, include a pick<sup>up</sup> and delivery service both at point of origin and at destination.

The Sierra Railway Company, protestant in this proceeding, showed that its facilities were at the present time far from being used to their full capacity; that the Company was not operating at a profit and that if it was forced to meet the competition of an auto truck company that its services must of necessity be materially curtailed. It presented in evidence a petition signed by some 36 residents of Angels and other points protesting against the granting of this application. Applicant herein presented a petition signed by some 11 residents of San Andreas, Angels and other points, in which they requested that the Railroad Commission

grant this application.

The protest of the Board of Supervisors of the County of Calaveras was directed against such operation, due principally to the damage resulting to county roads, protestant alleging that should the operation of applicant be permitted the roads between the various Calaveras County communities proposed to be served would be so greatly damaged that during the winter months it would be impossible to operate vehicles over such roads.

In considering applications for the operation of automobile truck service in competition with existing railroad service, the Railroad Commission has heretofore held that when a majority of the shippers living in the territory proposed to be served appear to be in favor of continuing the existing railroad service, in preference to a curtailed or restricted rail service following the inauguration of the additional truck service, and when no showing is made as to the inadequacy of the service rendered by railroad carriers, that the application for a certificate of public <sup>convenience</sup> ~~necessity~~ and necessity to operate automobile truck service should be denied, and it is my opinion from the evidence in this proceeding, that the applicant herein has not made a sufficient showing to warrant the granting of his application, and I recommend that it be denied.

I submit the following form of order:

O R D E R

A public hearing having been held in the above entitled proceeding, the matter having been duly submitted and the Commission being fully advised:

