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Decision No. 9639

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the matter of the application of ARTHUR E. PALMER for certificate of public convenience and necessity to operate a freight, express and baggage service between Sacramento and Galt. )

Application No. 7142.

Arthur E. Palmer, in propria persona.

G. J. Bradley, for Merchants and Manufacturers Association, Intervenors.

L. N. Bradshaw, for the Southern Pacific Company.

BY THE COMMISSION:

OPINION

Arthur E. Palmer, in accordance with his amended application, has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of an automobile truck line as a common carrier of freight between Sacramento and Galt and intermediate points.

A public hearing on this application was conducted before Examiner Satterwhite at Sacramento on October 17, 1921. The matter was submitted and is now ready for decision.

Applicant proposes to charge rates and to operate on a time schedule in accordance with Exhibits marked "A" and "B" filed with said application, using as equipment certain motor trucks described in Exhibit "C" attached to said application.

This proposed service of applicant will be an extension of an authorized freight truck service now operated by him between Sacramento and Elk Grove and intermediate points. The Southern Pacific Company opposed the granting of this application.

The testimony shows that nearly all of the merchants at Galt desire this service for the reason that it will afford them early and direct deliveries from Sacramento, where they do a large part of their buying. It appears that the railway service of the protestant is not satisfactory on account of slow deliveries and delays in adjustment of claims presented for goods lost or damaged. It was indicated that the merchants at Galt prefer this proposed auto truck service on account of the prompt and more economical deliveries at their doors. G. J. Bradley, representing the Merchants' and Manufacturers' Traffic Association of Sacramento, appeared in behalf of the applicant, strongly endorsing his application, and stated that many of the members of this traffic association do business with the merchants at Galt and along this proposed line and have expressed a desire that this service be authorized.

The Southern Pacific Company offered in evidence a statement of L. C. L. tonnage forwarded by it from Sacramento to Galt in the month of May, 1921, which indicates that only 1349 average pounds per shipping day were transported to Galt. It would appear from this statement that the merchants at Galt, in the absence of a regular freight truck service, are not patronizing to any great extent the transportation facilities of the Southern Pacific Company, but are availing themselves of other means of transportation. Consignments of merchandise from Sacramento to Galt by way of the Southern Pacific railroad must be delivered at its freight depot at 4 p. m. in order

that delivery may be had the next day. The proposed service of applicant, as shown at the hearing, would enable the merchants of Galt to phone their merchandise orders to Sacramento in the early forenoon and receive deliveries of such orders on the same day.

After a careful consideration of the evidence, we are of the opinion, and hereby 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.

#### ORDER

A public hearing having been held in the above entitled application, the matter having been duly submitted, the Commission being fully advised and basing its order on the findings of fact as fully set forth in the preceding opinion,

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by Arthur E. Palmer of an automobile truck line as a common carrier of freight between Sacramento and Galt and intermediate points;

Provided, however, that the operative rights and privileges hereby established may not be transferred, leased, sold nor assigned, nor the said service abandoned, unless the written consent of the Railroad Commission thereto has first been secured; and,

Provided further, that no vehicle may be operated in said service unless said vehicle is owned by the applicant herein, or is leased by the said applicant under a contract or agreement satisfactory to the Railroad Commission.

IT IS HEREBY ORDERED that applicant shall, within twenty days from the date hereof, file with the Railroad Commission his time schedules and tariffs covering said proposed service, which shall be in addition to proposed schedules and tariffs accompanying the application, and shall set forth the date upon which the operation of the line hereby authorized will commence, which date shall be within sixty days from date hereof, unless time to begin operation is extended by formal supplemental order.

Dated at San Francisco, California, this 26<sup>th</sup> day of October, 1921.

H. D. Loveland  
Charles H. Fowler  
J. H. Anderson