

Decision No. 31917 on this application was made by the Railroad Commission of the State of California on this application 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 Susanville and serving intermediate points between Chico, Mineral and Susanville, California.

Applicant proposes to charge rates

**ORIGINAL**

In the Matter of the Application of LOUIS E. SMITH, doing business under the fictitious name and style of LASSEN TRUCKING SERVICE, for a certificate of public convenience and necessity as a common carrier between Sacramento and Susanville, and intermediate points between Chico, Mineral and Susanville, California, Application No. 31917.

and to charge rates as follows:

Rate per ton for Sacramento North and Susanville, California, as follows:

- Harry A. Excell for Applicant,
- E. W. Hobbs for Southern Pacific Company, Protestant,
- Edward Stern and E. W. Hobbs for Railway Express Agency, Protestant,
- L. N. Bradshaw for The Western Pacific Railroad Co. and Sacramento Northern Railway, Protestants,
- J. S. Ginochio for Nevada-California Transportation Company,
- Sam Aronson for Mt. Lassen Transit Co.
- L. C. McClure for Red River Lumber Co.

**BY THE COMMISSION:** The Railroad Commission of the State of California do hereby order that

the application of Louis E. Smith, doing business under the fictitious name and style of Lassen Trucking Service, has made application to the Railroad Commission, in accordance with his amended application, 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 Susanville and serving intermediate points between Chico, Mineral and Susanville.

Louis E. Smith, doing business under the fictitious name and style of Lassen Trucking Service, has made application to the Railroad Commission, in accordance with his amended application, 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 Susanville and serving intermediate points between Chico, Mineral and Susanville.

The evidence shows that applicant is an experienced truck operator. He has been engaged in the general trucking business for twenty years, having operated for several years a certificated truck service between Susanville and Doyle. Applicant testified that there was a public necessity for a regulated truck line as proposed; that it could be operated profitably and that during his investigation for the proposed service, he had numerous requests for its establishment and was convinced that upon its authorization, an immediate and very substantial response would be made by numerous shippers and merchants.

Sacramento is one of the main buying and jobbing centers for Susanville and all way points along the proposed route. Susanville, with a population of about 4000, also enjoys as the county seat of Lassen County and as a business center, the patronage of merchants at Chester and other points on the route. All of the points proposed to be served, except Chico, are located in mountain territory.

Applicant proposes to operate a daily over-night service, leaving Sacramento at 5:00 p.m., arriving at Susanville at 8:00 a.m., this service being responsive to a public demand for early morning deliveries.

Chester is a summer resort and the testimony of eight witnesses, consisting of the hotel proprietor, the owners of grocery stores, butcher shop, garages and other business places there shows the need for the proposed service. The evidence of these witnesses indicates that the existing uncertificated service of two or more truck operators serving this community and Susanville is unsatisfactory and

that they desire a regulated truck service as proposed by the applicant.

A. J. Matthews, Chairman of the Transportation Committee of the Chamber of Commerce of Susanville, testified in support of the proposed service. This transportation committee consists of three business men at Susanville appointed by the Chamber of Commerce as its committee on transportation interests and needs of the community. After a full survey and investigation, Mr. Matthews testified that the committee was entirely unanimous as to the public convenience and necessity for the certificated service as sought by applicant. His testimony shows that the shippers, merchants and business men of Susanville, in spite of the existing rail facilities, patronize constantly and regularly several uncertificated truck operators, who transport in the aggregate, monthly one thousand tons of freight into Susanville, this large tonnage being at least two-thirds of the total volume of freight, to-wit: 1500 tons, delivered each month into this community. Applicant offered little or no evidence in support of a service to Westwood. It appears that the Red River Lumber Company has sole and exclusive control of the business activities of this lumber mill town and utilizes almost entirely the rail service of the Southern Pacific Company and The Western Pacific Railroad Company in connection with private trucking facilities when necessary.

The protesting rail carriers introduced evidence to the effect that they are rendering satisfactory service between Sacramento and Susanville. The record shows that the Southern Pacific Company operates six days a week to Susanville and affords a delivery at Susanville at 7:30 a.m., the

second morning from Sacramento, with store-door pickup and delivery available on less than carload traffic. The Railway Express Agency operates daily, except Sundays, leaving Sacramento at 12:25 a.m., and arriving at Susanville at 11:25 a.m., with the usual store-door delivery. The Nevada-California Transportation Company, which operates an inter-state truck service from Reno to Susanville, offered evidence to the effect that it receives freight at Reno over a truck line of United Motors Company from Sacramento, daily except Sundays, freight arriving at Susanville at 12:30 p.m. the day following shipment.

The evidence in this proceeding affords another instance of the shipping public resorting to the wild cat or uncertificated operators in the absence of a satisfactory certificated truck service. It is obvious that the public convenience and necessity would be met by the applicant's direct and through route wholly within the State. It is also patent that the existing rail facilities have failed for several years to divert from and obviously cannot expect to attract to any extent from these wild cat or unregulated carriers the large volume of tonnage they now transport into Susanville and way points from Sacramento.

After a careful consideration of all the evidence in this proceeding, we are of the opinion that the proposed service of applicant should be authorized.

#### O R D E R

Public hearings having been held in the above entitled proceeding, the matter having been submitted, and being now ready for decision,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

hereby declares that public convenience and necessity require the operation by Louis E. Smith, doing business under the fictitious name and style of Lassen Trucking Service, of an automobile truck line as a common carrier of freight between Sacramento and Chico, on the one hand, and Susanville and intermediate points north of Chico, on the other hand, provided, however, that applicant shall transport no freight to and from Westwood, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and the same hereby is granted to Louis E. Smith, applicant herein subject to the following conditions:

1. Applicant shall file his written acceptance of the certificate herein granted within a period of not to exceed fifteen (15) days from date hereof.
2. Applicant shall file, in triplicate, and make effective within a period of not to exceed thirty (30) days after the effective date of this order, on not less than ten days' notice to the Commission and the public a tariff or tariffs constructed in accordance with the requirements of the Commission's General Orders and containing rates and rules which, in volume and effect, shall be identical with the rates and rules shown in the exhibit attached to the application in so far as they conform to the certificate herein granted.
3. Applicant shall file, in duplicate, and make effective within a period of not to exceed thirty (30) days after the effective date of this order, on not less than five (5) days' notice to the Commission and the public, time schedules covering the service herein authorized in a form satisfactory to the Railroad Commission.
4. The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.

5. No vehicle may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by him under a contract or agreement on a basis satisfactory to the Railroad Commission.

For all other purposes the effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 5<sup>th</sup> day of February, 1934.

C. Deany  
Leon White  
M. J. Lee  
M. B. Lewis  
W. H. ...  
Commissioners.