

Decision No. 28927

**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of Application of  
PACIFIC MOTOR TRUCKING COMPANY for  
extension of its operative rights  
for the transportation of property  
from Martell to Jackson, Sutter Creek  
and Amador City, and to serve Franklyn  
and Woodbridge.

} Application No. 19713.

H. W. Hobbs for Pacific Motor Trucking Company.  
Snyder & Snyder for Piccardo Bros., protestants.  
McCutchen, Olney, Mannon & Greene, by John O. Moran,  
for The River Lines, protestant.  
E. O. Erickson for Amador Central Railroad Company,  
in support of application.  
Wm. Lord for Railway Express Agency, Inc.  
W. G. Stone for Sacramento Chamber of Commerce.

BY THE COMMISSION:

O P I N I O N

The Pacific Motor Trucking Company, hereinafter referred to as applicant, by this application seeks an order declaring that public convenience and necessity require the extension by them of their present truck operations (a) to include the territory between Martell on the one hand, and Jackson, Sutter Creek and Amador City on the other; and (b) a rerouting of the present truck operations between Stockton and Martell to better serve the communities of Woodbridge and Franklyn.

Public hearings were held by Examiner Geary at Jackson, Stockton and Sacramento and the proceeding having been submitted and briefed is now ready for decision.

Applicant is operating trucks by virtue of a certificate originally granted October 24, 1932 (Application No. 19010) to

Pacific Motor Transport Company, and later transferred (Application No. 18892) to the Pacific Motor Trucking Company.

The authority granted in Application No. 18010 (Decision No. 25289) permitted the motor truck operations between Stockton and Martell via Lockeford, Clements and Ione and one mile on either side of the Stockton-Jackson highway. By the same decision (No. 25289) Piccardo Brothers in Application No. 18061 were denied an extension of their operating rights between Martell, Jackson, Sutter Creek and Amador City on the one hand, to include Stockton on the other, via the Lockeford and Ione highway. All the historical details of these two common carrier operations were completely discussed by our Decision No. 25289 and need not be repeated here. The record however shows that the Piccardo family have been hauling freight in the Jackson territory for more than 50 years.

Applicant contends that there is unnecessary delay to the freight at Martell because one of the Piccardo Brothers (Angelo Piccardo) also operates the trucking services known as the Amador County Freight Line between Sacramento and Jackson and that this delivering carrier receiving the long haul and having direct contact with the shippers may influence the routing through Sacramento to the detriment of applicant's operations through the Stockton gateway, but this allegation is not sustained by the record. The distance between Sacramento and Jackson is practically the same as that between Stockton and Jackson and this record points out that prior to December, 1934, the movements out of Martell were not expeditiously handled, due almost entirely to the failure of a proper cooperation between applicant and Piccardo Brothers. The record indicates that, to a great extent, when delays did occur it was by reason of the fact that the freight was unloaded from applicant's trucks by its employees without consideration to a proper segregation of the different shipments and their destinations; also the tonnage going to Jackson was frequently

delayed because the trucks of Piccardo Brothers served Sutter Creek and Amador City before making the Jackson deliveries. Since December of last year, however, the parties have coordinated their activities, are now giving every consideration to the prompt transferring of the property at Martell, and the record shows that the shipments through Stockton and Martell have the same, if not earlier, deliveries than have the shipments passing through Sacramento.

Testimony was presented by interested shippers and jobbers having their places of business at Stockton who claimed that at certain times in the past there were delays in the deliveries of commodities because of the Martell transfers but the cross-examination disclosed that this source of complaint has been removed. The shipments from Stockton or through Stockton and Martell are in small quantity lots and many of them under a minimum charge of 75 cents as compared with similar shipments moving from or through Sacramento under a minimum charge of 50 cents. Piccardo Brothers have signified a willingness to discuss an adjustment of this discrimination and therefore the item is possible of an informal adjustment between the parties. The amount of revenue involved in the distribution to the points beyond Martell is small, protestant to this application receiving only approximately \$738.00 as its proportion of the through revenue during the entire year of 1934. Applicant contends that the granting of its request would result in the saving of \$470.00 per year, arrived at by deducting \$268.00, the estimated annual truck costs beyond Martell, from the \$738.00 now paid Piccardo Brothers, and that any saving would be of material assistance to the Amador Central Railroad Company whose operations terminate at Martell; also it would avoid a transfer of the lading at that point. The amount involved is too small for serious consideration.

Testimony given by some 15 shipper witnesses located at Jackson and the other points involved was all to the effect that the

services rendered by Piccardo Brothers were entirely satisfactory. The names of some 47 other witnesses were stipulated into the record who, if called, would have testified the same as those taking the stand.

The record clearly indicates that there is practically a unanimous request from the receivers of freight in the Jackson-Sutter Creek territory for a continuation of the present local operations. It is also apparent from this record that if the instant application be granted, the local operative rights between Martell, Jackson, Sutter Creek and Amador City could not be profitable and would be discontinued. The record is barren of any convincing proof that the services of Piccardo Brothers is at this time either inadequate or inefficient but the parties are hereby placed on notice that the services must be continued responsive to the public convenience and necessity.

We are of the opinion and find that, while there may have been some delay at Martell prior to the filing of this application, the difficulty has been cured and there is now no justification for authorizing a new operation. The application of the Pacific Motor Trucking Company for a certificate to operate trucks between Martell and Jackson, Sutter Creek and Amador City will be denied.

There was no opposition to the rerouting between Stockton and Lockeford, these points being a link in the operation between Stockton and Martell. It is proposed to operate trucks on their return movement from Martell via Franklyn (also known as Roma) and provide that on arrival at Lodi the trucks will pick up shipments for Woodbridge, proceed to that point, make deliveries and pick up outgoing freight. The rerouting proposed will eliminate a rail switching service now performed twice per week, thus reducing the operating expenses of the Southern Pacific Company and giving to the district a daily rapid service into consuming markets. This part of the application has been justified and authority to reroute the trucks as set forth in the application will be granted.

O R D E R

The Pacific Motor Trucking Company, a corporation, having made application for a certificate of public convenience and necessity authorizing the operations of motor truck freight transportation between Martell and Jackson, Sutter Creek and Amador City, a public hearing having been held and the matter having been duly submitted for decision,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity do not require the establishment of such operations between Martell and Jackson, Sutter Creek and Amador City. This part of the application is denied.

IT IS HEREBY FURTHER ORDERED that Decision No.25289, on Application No.18010, be amended by granting further authority to applicant to operate its vehicles between Stockton and Martell, via Lodi, over the Sacramento-Stockton highway and thence via main highway between Lodi and Martell and intermediate points, via Woodbridge and Franklyn (Roma), with the right to receive and discharge shipments at Lodi, said route being in lieu of the route between Stockton and Martell, via Waterloo.

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 10<sup>th</sup> day of June, 1935.

Leon C. Williams

W. H. C. C.

W. B. Davis

W. H. C. C.

Frank R. Devere

COMMISSIONERS.