

ORIGINAL

Decision No. 22992

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
MT. LASSEN MOTOR TRANSIT, INC., a cor-)	
poration, for a certificate of public)	
convenience and necessity to operate a)	
common carrier truck service between)	Application No. 21990
Susanville, California, and Alturas,)	
California, and intermediate points via)	
Standish, Litchfield, Ravendale, Termo,)	
Madeline and Likely, California.)	

THOMAS O'HARA, for Applicant

HARRY A. ENCELL, for O. C. & N. Stages, Inc.,
Protestant

ANSEL S. WILLIAMS, for Southern Pacific
Company and Pacific Motor Trucking Company,
Protestants

THOMAS O'HARA, for United Motor Transport
Lines, Inc. as its interest may appear

HARRY A. ENCELL, for Railway Express Agency,
Incorporated, Protestant.

BY THE COMMISSION:

O P I N I O N

By this application, as amended, Mt. Lassen Motor Transit, Inc., a corporation, seeks authority from this Commission to establish and operate an automotive service as a highway common carrier between Susanville and Alturas and intermediate points via Standish, Litchfield, Ravendale, Termo, Madeline and Likely.

A public hearing in this proceeding was conducted by Examiner McGettigan, in Susanville, on September 15, 1938, where testimony was received, exhibits filed, the matter submitted, and it is now ready for decision.

The granting of this application was protested by O. C. & N. Stages, Inc., Southern Pacific Company, Pacific Motor

Trucking Company and Railway Express Agency, Incorporated. United Motor Transport Lines, Inc. entered an appearance as an interested party.

Sam Aronson, president of the applicant corporation, testified that he had been in the transportation business for fourteen years and had made a survey of the territory proposed to be served before filing the instant application. He further testified that his company was the holder, since July 1, 1938, of a mail contract between the termini now sought for certification. He also stated that his estimate of daily tonnage available would vary from one-half ton up to eight tons and that inasmuch as his company had to operate a mail truck over this route he believed that with little or no additional operating expense this tonnage could be moved. He further testified that his company proposed a daily service over the 112 mile route to be traversed leaving Susanville and Alturas at 11:00 A.M. and 12:00 noon, respectively, with arrival time being set for Alturas at 2:45 P.M. northbound and for Susanville at 4:00 P.M. on the southbound trip. Two 1938 International trucks of from four to six tons capacity would be utilized in this service. Rates assessed are to be in accordance with the Commission's decision No. 30370 and supplements thereto. Additionally, Aronson testified that his company obtained, from the Commission, a highway contract carriers permit (18-175) issued August 2, 1938, and that thereunder it had entered into some twenty-four written and nine verbal contracts with shippers and receivers of freight to transport their commodities. Between July 1, 1938, when the mail route was started, and the entry by this company into contract operations, Aronson testified that nothing but mail had been transported in this territory. Subsequently thereto, he asserted, no property had been transported save for those with whom contracts had been entered into with the result

that shipments had been refused by Mt. Lassen Motor Transit, Inc. because offered on other than a contract basis. It was also his testimony that he had the substantial shippers of the district under contract. So far, he stated, no shipments other than those originating at Susanville had been transported and these consisted principally of meat, eggs, butter, choese, groceries and cream. Other freight moving in this territory consisted of feed, farm implements and parts, flour and salt.

He admitted that the equipment proposed to be used in this service was purchased in June of 1938 and that in view of the fact that the daily mail amounted to only three or four hundred pounds, the vehicles were excessive in size for this service. He testified that as a contract carrier his company was transporting from two hundred pounds to two tons daily. It was further developed from this witness that without the mail contract (\$4100 per year) the proposed service would not be compensatory despite his assertion that it could be operated for about 6 $\frac{1}{2}$ cents per mile. When queried about the amount of tonnage available at termini and intermediate points this witness was unable to quote any figures in this respect, in fact, admitted he "didn't know." Questioned as to the extent of his survey the witness Aronson testified that he had made one trip between Susanville and Alturas and had interviewed some nine people including one each at Standish, Litchfield, Ravendale, Tormo, and Madeline and three or four at Alturas. He denied discussing the matter of contracts with these people at the time of this survey which antedated obtainment of the contract carrier permit referred to. It appears that a driver (not identified or present at the hearing) had conducted most of the prior negotiations and had subsequently left contract forms at stores along the way for prospective patrons to use. Admittedly the contract carrier permit was obtained as a temporary expedient pending adjudication of the instant application.

Seven public witnesses, five from Susanville and two from Termo, were presented and testified in behalf of applicant. Several of these witnesses had contracts with applicant and one or two have been using their own trucks. Each indicated that they would patronize the service of applicant but at the same time, with one exception, found no great dissatisfaction (except with rates assessed) with the service of O. C. & N. Stages, Inc. now operating a daily service⁽¹⁾ for the transportation of property between Susanville and Alturas limited to packages weighing not more than 100 pounds on passenger vehicles.

Comparing the scheduled service proposed by applicant with that of protestant O. C. & N. Stages, Inc. we find that as to leaving time from Alturas the two are identical, with applicant arriving at Susanville one hour later than O. C. & N. Stages, Inc. The return trip from Susanville shows O. C. & N. Stages, Inc. leaving forty minutes before applicant and arriving forty-five minutes prior to arrival of applicant. Additionally, the testimony of witness Lucas of O. C. & N. Stages, Inc. was that vehicles of his company had 449 cubic feet of cargo space which was only being utilized at about 10 per cent of full carrying capacity. A considerable degree of dissatisfaction was expressed by several witnesses with respect to Southern Pacific Company service which allegedly was slow and irregular. Generally rail service was not very extensively used according to these witnesses.

(1) Time schedule No. 19 of O. C. & N. Stages, Inc. effective July 1, 1938, shows one scheduled round trip between termini of Susanville and Alturas as follows:

12:00 Noon	LV	Alturas	AR	2:00 P.M.
3:00 P.M.	AR	Susanville	LV	10:20 A.M.

In connection with Southern Pacific Company service it was testified by an operating witness of the Company that a daily except Sunday 1cl merchandise service was rendered between Susanville and Alturas via Wendel with Pacific Motor Trucking Company pickup and delivery service available at Alturas and Susanville. Trains, it was stated, leave Susanville between 9:00 and 10:00 P.M., arrive Wendel 10:00 to 12:00 P.M. and Alturas 10:00 to 12:00 A.M. From Alturas departure was set between 10:00 and 12:00 P.M., arrival at Wendel between 8:00 and 10:00 A.M. with departure therefrom at 3:00 P.M., arriving Susanville between 4:00 and 5:00 P.M.

At the request of counsel for applicant protestant Southern Pacific Company filed with the Commission and parties of interest, on October 3, 1938, its exhibit No. 3 ⁽²⁾ supplementary to and supporting said protestants testimony as to the service above described, which

(2)	<u>Date</u>	<u>Lv. Alturas</u>	<u>Ar. Wendel</u>	<u>Date</u>	<u>Car</u>	<u>Destination</u>
	5-14-38	12:55 AM	8:15 AM	5-14-38	TNO 50818 SP 29472	Susanville Reno
	5-15-38	1:15 AM	9:20 AM	5-15-38	SP 30578	Reno
	5-16-38	1:15 AM	3:00 PM	5-16-38	GAR 767995	Reno
	5-17-38	3:05 AM	9:10 AM	5-17-38	SP 17672 SP 37510 SP 24206	Reno Reno Susanville
	5-17-38	11:40 PM	8:00 AM	5-18-38	SP 26875 SP 29472 SP 37643	Susanville Reno Likely
	5-19-38	12:30 AM	8:20 AM	5-19-38	SP 30578	Reno
	5-20-38	12:20 AM	7:50 AM	5-20-38	SP 32510	Reno
		<u>Lv. Wendel</u>	<u>Ar. Alturas</u>			
	5-14-38	2:20 AM	7:30 AM	5-14-38	SP 32622 FFE 91818 TNO 52049 SP 30578	Alturas Klam. Falls Lakeview Alturas*

applicant alleged through counsel was in fact tri-weekly rather than daily except Sunday. This exhibit, covering the period May 14 to 20, 1938, inclusive, was made up from data abstracted from original wheel report records of car movements. The period taken was alleged to be a representative one prior to the filing of the instant application on May 31, 1938.

(2) Cont'd.

<u>Date</u>	<u>Lv. Wendel</u>	<u>Ar. Alturas</u>	<u>Date</u>	<u>Car</u>	<u>Destination</u>
5-15-38	1:55 AM	9:45 AM	5-15-38	SP 62016 SP 27391 SP 32510 TNO 53559 PFE 34826	Lakeview Lakeview Alturas* Alturas Klam. Falls
5-16-38	2:55 AM	11:25 AM	5-16-38	PFE 24552	Klam. Falls
5-17-38	2:35 AM	7:15 AM	5-17-38	SP 33264 SP 18083 SP 29472 SP 61585	Klam. Falls Alturas Alturas* Lakeview
5-18-38	2:45 AM	9:10 AM	5-18-38	PFE 35385 SP 30578 RI 41029 PFE 41968	Lakeview Alturas* Alturas Klam. Falls
5-19-38	2:40 AM	8:05 AM	5-19-38	PFE 33848 MC 95341 CBQ 42744 SP 32570	Klam. Falls Lakeview Alturas Alturas*
5-20-38	2:45 AM	8:30 AM	5-20-38	PFE 51284 WLE 25842 PFE 22494 SP 29472	Klam. Falls Alturas Lakeview Alturas*
	<u>Lv. Wendel</u>	<u>Ar. Westwood</u>			
5-13-38	3:35 AM	10:45 AM	5-13-38	SP 28463 SP 37904 PFE 90286	Susanville Susanville Westwood
5-14-38	3:30 AM	10:10 AM	5-14-38	TNO 35245 SP 61616 SP 61190 SP 88536	Westwood Westwood Susanville Susanville #
5-15-38	Sunday, no train.				

Aside from O. N. Bennett of Armor and Bennett of Susanville, shippers and receivers of milk, cream, and dairy products, none of the witnesses presented, testified as to any great need of additional transportation service. Indeed, it appears that unless subsidized by the mail contract previously referred to, the proposed operation could not support itself on the tonnage offered or available.

(2) Cont'd.

<u>Date</u>	<u>Lv. Wendel</u>	<u>Ar. Westwood</u>	<u>Date</u>	<u>Car</u>	<u>Destination</u>
5-16-38	3:55 AM	11:35 AM	5-16-38	SP 88164 SP 50818 SP 88536 SP 64019	Westwood Susanville Susanville # Susanville
5-17-38	3:10 AM	10:15 AM	5-17-38	SP 14640 SP 33826	Susanville Susanville
5-18-38	3:20 AM	12:20 PM	5-18-38	SP 24206 SP 28445 SP 15206 PFE 91973	Susanville Susanville Litchfield Westwood
5-19-38	3:30 AM	12:15 PM	5-19-38	SP 35686 SP 26875 SP 34046 SP 88536	Susanville Susanville Westwood Susanville #
	<u>Lv. Westwood</u>	<u>Ar. Wendel</u>			
5-13-38	12:50 AM	6:05 AM	5-13-38	SP 18434 SP 88536	Litchfield Wendel #
5-14-38	12:45 AM	5:25 AM	5-14-38	SP 33826 PFE 20286	Reno Sparks
5-14-38	11:10 AM	2:50 PM	5-14-38	SP 88536	Wendel #
5-17-38	12:50 AM	8:20 AM	5-17-38	SP 50818	Reno
5-18-38	1:05 AM	9:30 AM	5-18-38	SP 61190	Reno
5-19-38	12:55 AM	10:50 AM	5-19-38	SP 25341	Reno

* - Indicates cars designated in records as mail cars.

- Indicates cars designated in records as milk, empty cans or cream cars.

The information available in this proceeding with respect to the distribution and extent of population and location thereof, and extent of trading and ranching areas in this territory, was rather meagre, as was evidence of a "back haul" from Alturas. There was also insufficient evidence as to a new, different or faster service being offered in comparison with existing services to which no great inadequacy was attached, according to the record, although some dissatisfaction with rates was expressed. Considered together with the lack of definite knowledge of transportation requirements in this territory, divulged by the record, the facts so developed preclude an affirmative finding herein that public convenience and necessity require or will support the service proposed.

Based on the record presented, therefore, it is the finding of this Commission that no adequate showing of public convenience and necessity having been made by Mt. Lassen Motor Transit Inc., the application be denied.

O R D E R

A public hearing having been held on the above-entitled proceeding, the matter having been duly submitted, and the Commission having been duly advised in the premises,

IT IS HEREBY ORDERED that Application No. 21990 of Mt. Lassen Motor Transit Inc. for a certificate of public convenience and necessity to establish and operate an automotive service as a

highway common carrier between Susanville and Alturas and intermediate points be and the same hereby is denied.

The effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 16th day of June, 1939.

Raymond A. Brown
Frank DeWitt
Carl A. Rice
H. B. Allen
Justin J. Casner
COMMISSIONERS