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Decision No. \_\_\_\_\_

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application  
of SACRAMENTO NORTHERN RAILWAY for  
certificate of public convenience  
and necessity to operate an auto  
truck line for the transportation  
of property, as a common carrier,  
for compensation, between Sacramento  
and Woodland and Oxford and certain  
intermediate points.

Application No. 23000

L. N. BRADSHAW, for Sacramento Northern  
Railway, Applicant.

W. G. STONE, for Sacramento Chamber of  
Commerce as its interests may appear.

BY THE COMMISSION:

O P I N I O N

This is an application by Sacramento Northern Railway for authority to establish and operate an automotive service, as a highway common carrier of property, between the rail depots of applicant located (1) on its so-called Woodland Line operated between Sacramento and Woodland and intermediate points, and (2) on its so-called Holland Line operated between Sacramento and Oxford and intermediate points, over and along certain routes as hereinafter set forth.

A public hearing in this proceeding was had before Examiner McGettigan in Sacramento on November 3, 1939, where testimony was received, the matter submitted, and it is now ready for decision.

No protestants to the granting of this application appeared. The Sacramento Chamber of Commerce entered an appearance as an interested party, and letters of waiver of protest to the granting of the application from The River Lines and Beverly Gibson, doing business as River Auto Stages, copies of which were filed with the Commission, were placed in the record by reference.

Under its proposal, applicant, according to H. A. Mitchell, its president, will establish an on-call automotive service primarily for the more expeditious movement of property between the termini and intermediate points heretofore set forth. This service is to be operated on the days when no carloads, necessitating train operation, are available. A strictly depot to depot operation only, will be maintained and no pickup and delivery service is contemplated. Aside from the evident economies of operation to be realized through the use of a truck rather than a train for l.c.l. shipments, this proposed service is expected to inure to the shipping and receiving public a faster, more flexible, and more expeditious service than can now be afforded by rail. Rates to be assessed for this service will be those contemporaneously applicable for rail service subject to the following rule: <sup>(1)</sup>

"Applicable Only in Connection with Rates Under Which, as to Less-Than-Carload Traffic, any of the Rail Carriers Listed Below Act as Originating or Delivering Carrier."

"The less-than-carload rates shall apply for all-rail service and for joint rail-motor service to the following extent: The motor service will be performed only between points on the line of the origin or destination rail carrier and is limited to service by the motor carrier listed immediately under the name of such rail carrier between points so listed and to the most practicable highway routing nearest to the line of that railroad.

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(1) Recently suggested by the Interstate Commerce Commission in its report in Ex Parte No. 129 (Substituted Freight Service, 231 I.C.C. 683).

"Unless otherwise directed by the shipper, the less-than-carload shipments under the rates subject hereto will be transported in such all-rail or joint motor-rail service at the option of the origin or destination carrier.

"Sacramento Northern Railway:

Sacramento Northern Railway (motor truck service) between Sacramento and Woodland and intermediate stations.

Sacramento Northern Railway (motor truck service) between Sacramento and Oxford and intermediate stations."

Explaining the situation further, Mr. Mitchell stated that during certain periods of the year, the movement of freight both on the Woodland and Holland branches, is very light. Outbound, the movement consists principally of asparagus which, aside from a period of some twenty days during the latter part of February and the early part of March, which is the heavy season, consist of shipments ranging from twelve to two hundred crates daily. Inbound, general merchandise is carried which rarely exceeds five hundred pounds and may drop as low as twenty-six pounds per day. Palpably, such shipments do not warrant the operation of either a freight train or box motor with their attendant expense of operation. Nevertheless, as stated by Mr. Mitchell and confirmed by the testimony of four representative witnesses, this property must be afforded transportation if growers are to make their market, and other patrons be in a position to obtain supplies, machinery parts, etc. necessary in the conduct of their respective businesses. Under present arrangements, due to lack of carload shipments, it has been necessary for people in this territory to either submit to a delay of as much as five days, dependent upon the availability of said carload shipments, or make use of their own trucks.

Arrangements have been made, according to Mr. Mitchell, which will insure patrons of having contact with the carrier and

under the "on demand" or "on-call" feature of this service, the  
(2)  
truck or trucks to be used will be available daily if necessary,  
for any and all shipments regardless of weight or number of  
pieces of property available.

Based upon the record, it appears that the proposal of  
applicant offers a practical solution to the present transportation  
problem in this area and it further appearing to be in the public  
interest, the application will be granted.

Sacramento Northern Railway is hereby placed upon notice  
that "operative rights" do not constitute a class of property which  
should be capitalized or used as an element of value in determining  
reasonable rates. Aside from their purely permissive aspect, they  
extend to the holder a full or partial monopoly of a class of busi-  
ness over a particular route. This monopoly feature may be changed  
or destroyed at any time by the state which is not in any respect  
limited to the number of rights which may be given.

### O R D E R

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY  
DECLARES that public convenience and necessity require the estab-  
lishment and operation by Sacramento Northern Railway, of an automotive  
service, as a highway common carrier, as such is defined in section  
2-3/4 of the Public Utilities Act, between

1. Sacramento and Woodland (Woodland Line) and  
intermediate points,

2. Sacramento and Oxford (Holland Line) and in-  
termediate points,

over and along the following routes:

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(2) One 1½ ton Ford truck with stake body, at present. Additional  
or different equipment will be made available if necessary or  
required.

(a) Between Sacramento and Woodland:

Beginning at 2nd and M Streets, freight station, Sacramento; thence west on U.S. 40 to 5th Street, Town of Washington, Yolo County; thence north on 5th Street to State Highway #16; thence northwesterly on State Highway #16 to Bryte Station; continuing on State Highway #16 to Rose Orchard Station

"	"	#16	"	Beardslee Station
"	"	#16	"	Lovdal Station
"	"	#16	"	Leeman Station
"	"	#16	"	Harbinson Road

south and west on Harbinson Road to Harbinson Station; thence northwest on State Highway #16 to Fourness Road, southwest on Fourness Road to Fourness Station; thence northwest on State Highway #16 to Beatrice Station

"	"	"	#16	Merkeley	"
"	"	"	#16	Win	"
"	"	"	#16	Kiesel	"
"	"	"	#16	Fremont	"
"	west	"	#16	Conaway	"
"	"	"	#16	Birch	"
"	"	"	#16	Hebron	"
"	"	"	#16	Deaner	"
"	"	"	#16	Woodland	"

(b) Between Sacramento and Oxford:

Beginning at Sacramento Northern Railway's freight station 2nd and M Streets, Sacramento; thence west on M Street (U. S. 40) to county road at west end of M Street Bridge, in Yolo County; thence south on county road to 15th Street; thence west on 15th Street to Westgate Station; thence continuing west on 15th Street to Jefferson Boulevard (State Highway #99); thence south on Jefferson Boulevard (State Highway #99) to Arcade Station; thence continuing south on Jefferson Boulevard (State Highway #99) to Willow Point Road; east on Willow Point Road to Willow Point Station; continuing east on Willow Point Road and south on Willow Avenue to Tasco; south on Willow Avenue, east on Clarksburg Road and south on west levee road to Clarksburg; south on Jefferson Boulevard from Willow Point Road to Clarksburg Road, east on Clarksburg Road to Conistom Station; south on Jefferson Boulevard from Clarksburg Road to Central Avenue; east on Central Avenue, to Central Station; south on Jefferson Boulevard from Central Avenue to Greendale Station; south on Jefferson Boulevard from Greendale Station to north Courtland Road; west on north Courtland Road to Silverdale Station; south on Jefferson Boulevard from north Courtland Road to Courtland Road (State Highway Route #99); west on Courtland Road to Sorroca Station; west on Courtland Road from Sorroca Station to Ryer Avenue (State Highway #99); south on Ryer Avenue to Sutter Road; east on Sutter Road to Valdez Station; south on Ryer Avenue (State Highway Route #99) from Sutter Road to Patterson's; continuing south on Ryer Avenue to Solano Avenue; east on Solano Avenue to Oxford Station.

subject to the following restriction:

1. The authority herein granted is limited to a depot to depot service between rail stations of the Sacramento Northern Railway located on its Woodland and Holland Lines, respectively.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity therefor be, and the same hereby is, granted to Sacramento Northern Railway, subject to the following conditions:

1. The authority herein granted shall lapse and be void if applicant shall not have complied with all of the conditions within the periods of time fixed herein, unless, for good cause shown, the time shall be extended by further order of the Commission.
2. Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed twenty (20) days from date hereof.
3. Applicant shall commence the service herein authorized within a period of not to exceed thirty (30) days from the effective date hereof, and shall file in triplicate, and concurrently make effective on not less than ten (10) days' notice to the Railroad 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 conform to the certificate herein granted, or rates and rules satisfactory to the Railroad Commission.
4. 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 Railroad Commission and the public, a time schedule or time schedules covering the service herein authorized in a form satisfactory to the Railroad Commission.
5. 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 obtained.
6. No vehicle may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by applicant under a contract or agreement on a basis satisfactory to the Railroad Commission.

7. Applicant shall, prior to the commencement of service authorized herein and continuously thereafter, comply with all of the provisions of this Commission's General Order No. 91.

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

Dated at San Francisco, California, this 16<sup>th</sup> day of November, 1939.

Grant Devere  
Ray A. Pacey  
M. J. Kelly  
COMMISSIONERS