

**ORIGINAL**

Decision No. 24189

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the application of	)
T. F. BURNS for a certificate of	)
public convenience and necessity to	)
operate an auto truck line for the	)
transportation of freight, as a high-	)
way common carrier, between Marysville	)
and Yuba City, California.	)

Application No. 24189

BY THE COMMISSION:

O P I N I O N

By his application in this matter, T. F. Burns seeks a certificate of public convenience and necessity authorizing operation as a highway common carrier as defined by section 2-3/4, Public Utilities Act, between Marysville and Yuba City, a distance of approximately two miles, handling only freight originating at, or destined to, points on the line of the Sacramento Northern Railway and connecting carriers beyond Marysville. Between Marysville and Yuba City, which are contiguous municipalities, no local service would be performed.

The traffic would move at the rates published in the tariffs of the Sacramento Northern Railway, in which applicant would join, naming rates to and from Yuba City. No fixed time schedules would be observed, operations being conducted with such regularity as the needs of traffic may require. Equipment adequate to handle the traffic would be provided.

From the application it appears that the proposed service is essential to permit less-than-carload shipments, routed via the Sacramento Northern Railway to or from Yuba City, to be

transported with the degree of dispatch demanded by the public, without requiring Sacramento Northern Railway to operate additional train service solely to accommodate this traffic. Applicant, who now holds permits issued by the Commission authorizing operation as a radial highway common carrier and as a city carrier, has been providing a service similar to that for which certification is sought, under a contract between him and the Sacramento Northern Railway. The legality of this arrangement having been questioned by the Commission's Division of Investigation, applicant now seeks a certificate authorizing him to conduct the service as a highway common carrier.

It appears that there is a public need for this service. No existing carrier would be prejudiced. Both Southern Pacific Company and Pacific Motor Trucking Company have waived protest. Similar action has been taken by United Motor Transport Lines and Valley Motor Lines, Inc. which propose to extend their service from Sacramento to Marysville and Yuba City, among other points, under an application now pending and under consideration (Application No. 23687). In this matter no public hearing is necessary.

We accordingly find that public convenience and necessity require the establishment and operation by T. F. Burns of a service as a highway common carrier, as defined by section 2-3/4, Public Utilities Act, between Marysville and Yuba City, for the transportation of freight moving between Yuba City and points on the line of the Sacramento Northern Railway and connecting carriers, beyond Marysville.

O R D E R

Application having been made as above-entitled, and the Commission being now fully advised:

IT IS ORDERED that a certificate of public convenience and necessity be and it hereby is granted to T. F. Burns, authorizing the establishment and operation of service as a highway common carrier, as defined by section 2-3/4, Public Utilities Act, between Marysville and Yuba City, including the right to render store-door pickup and delivery service at Yuba City; subject, however, to the following conditions:

- (a) Applicant shall be limited to the transportation of shipments which he may receive from or deliver to Sacramento Northern Railway, all of which shipments shall receive, in addition to the movement by applicant, a prior or a subsequent movement by rail.
- (b) No traffic shall be transported locally between Marysville and Yuba City.

IT IS FURTHER ORDERED that in the operation of a highway common carrier service pursuant to the foregoing certificate, applicant shall comply with and observe the following service regulations:

1. Applicant shall file a written acceptance of the certificate herein granted within thirty (30) days from the effective date of this order.
2. Applicant shall comply with the provisions of General Order No. 80 and Part IV of General Order No. 93-A by filing tariffs and time schedules in conformity therewith, in triplicate, within sixty (60) days from the effective date hereof and upon not less than ten (10) days' notice to the Commission and the public.
3. Subject to the authority of the Commission at any time by further order to change or modify it, applicant shall conduct said operation as a highway common carrier over and along the following described route:

Starting on 2nd Street between "E" and "F" Streets, in the City of Marysville, proceeding northerly on "F" Street to 5th Street,

thence westerly on 5th Street to the West City Limit marker of Marysville, which is the East City Limit marker of Yuba City, continuing westerly from this point on Bridge Street to Plumas Street, in the City of Yuba City, being the location of the Sacramento Northern freight shed and terminus; returning over the same route in the reverse direction.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 24th day of June, 1941.

W. B. Baker  
W. L. Miller  
Justus F. Casper  
Francis K. Haven  
Richard L. Baker  
COMMISSIONERS