Decision No. $\qquad$ 35252
before gee railroad comitssion oz tie staie or chivforila

In the Matter of the Appiscation of T. F. BURNS for a certificate of public convenience and necessity to opsate an auto truck line for the transportation of freight as a highway common carrier between Harysville and prodosed Mañisville Army Cantonment in the County of Yuba, State of Caiffornia.

Application No. 24849

## ORMCHAL

## OEINION

In this proceeding T. F. Burns sceis a certificate of prolic convemience and necessity under section 50-3/4, Public Jtilities hct, authonizing the operation of a service as a highway common carrier, as defined by section 2-3/4 of that Act, between Narysvilie and the Karysvilie dimy Cuntorment, $11 m \leq t e d$ to the tranciortation of trafile moving over the rail lines of Western Pacific Railroad Company ame Sacramento Northem Raiway. No traffic would be kandied locally between ifarysville and the Cantonment.

Under a certificate granted by the Commission, applicant operates as a highway common carier between Limysvilic and Yuba City, transporting freight deinvered to, or received from, Sacramento Northern Railway. At Marysullie and Yuba city, appilcant performs a local pickup and delivery service for the Sacramento Northern Railway, and, aiso, at Kinyyovile, for the Westem Pacific Railroad Company, pursuant to contracts with those carriers.
(1) Authority to pexform this service was granted by Decision No. 34344 , Fendered June 24, 194I, in Appiscation No. 24289.

The Varysvilie Army Cantonment is an important and essential military establichment situated approximately ten miles east of Karysvizie. To reach the cantonment, appiicant proposes to traverse three routes designated as the iNIIs Jewett Zoac, the Spencevilie Road and the Access Road, respectively, which diverge from U. S. Eighvaj No. 99-E. Other routes over which applicant does not propose to operate are aiso available, including those connecting with J. S. Eighway No. 99-E at Ostrom and at Wheatiand.

Applicant, it appears, has equipment surincient to provide an adequate service. تie proposes to publish fates conforming to those established by the Comassion in Decision No. 31606, as modified, and to establish joint zates with Nestern Pacific Rallroad Company, Sacramento Northern Rallway, and connecting carriers.

Applicant asserts that a substantial voive of traffic, destined to the cantonment, would move over the rails of westem Pacific Railroad Company and Sacramento Northern Raslway. During the period of construetion this would consist largely of builcing materiale, and subsequentiy it rould comprise materiei and subsistence supplies. Although other carriers in the territory now (2) serve the cantonment, it appears essentiad, in the public interest and in the furtherance of the war program, that appincant also be
(2) Southern Pactfic Company is constructing a spur track extending from ostrom to the cantoment. Recentiy, ceztificates have been grantec to Vailey Xotor Inee, Inc. (Decision No. 35149, rendered Varch 24, 1942, in Appiscation No. 24578) and to Pacific Notor Mruckins Company (Decision No. 34805, rendered December 2, 1941, as modified by Decision No. 35148, =endexec Narch 24, 2942, in Application No. 24548) authonizing the operation by theos carriers of a highway comon caurice zervice to and from the Narysville Army Cantoment.
permitted to conduct a simila: operation. Accordingly, the appiication will be granted.

In this matter no public hearing appears to be necessary. To permit a more ilexible service, applicant will be authorized to operate alternatively over all available routes between Karysville and the cantonment.

## 오료

Appiication heving been mede as above entitied, and the Comission being of the opinion, and now finding, that public convenience and necessity so require:

IT IS ORDERED:
(1) That a certificate of public convenience and necessity be and it hereby is gnanted to 2. 2. 3unne, an individual, authorizing the establishment and operation of a service as a highway comon carwier as cefined by section 2-3/4, Public Ưtilities Act, between Narysvilic ane the Marysville humy Cantonment, situated approximately ten míles east of Larysvilie.

Saic certificave 1z granted subject to the E012owng condition:

That 7. 2. Burns, his successors or assigne, shall never claim before tis Commssion, on any court or other yublic boiy, a vaiue for the autiority hereby granted in excess of the actual cost thereof.
(2) That in the operation of a nighway comon carrier service purcuant to the foregoing certificate, the follownge service regulations shall be obsorved:

1. Applicant shall ifie a written acceptance of the certisicate herein granted within a perioc of not to exceed thirty (30) days from the effective date hereof.
2. Applicant shall comply with the provisions of General Order No. 80 , and Part IV of General Order No. 93-A, by filing, in triplicate, and concurrently making effective tariffs and time schedules satisfactory to the Commission, within sixty ( 60 ) days from the effective date hereof and on not less than one (1) day's notice to the Commission and the pubic.
3. Applicant shall conduct said highway common carrier operations over and along the following routes, sublect to the authority of the commission to change on =odify them at any time by further order:
a. From Marysville via U. S. Highway No. 39-E to the junction of said highway with Nils Jewett Road; thence via said Mills Jewett Road to the Marysville Army Cantonment;
b. From Marysville via J. S. Highway No. $99-\mathrm{E}$ to the junction of said highway with Spenceville Road; thence via said Spencevilie Road to the Marysville Army Cantonment;
c. From Narysville via J. S. Highway No. 99-E to the junction of case highway (at Norason's Crossing) with Access Road; thence via said Access Road to the Namyevilie An my Cantonment;
d. Alternatively, over any and all public highway e open to and available for truck operation between Warysvilie and the Virusvile Army Cantonment;
e. Returning via the same routes.

The effective date of this order shall be the date hereof. Dated at $\mathcal{L u s}$ Cugeleneairornia, ins -1 tot cay of April, 1942.


