

Decision No. 36380

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
EL DORADO MOTOR TRANSPORTATION COMPANY,
a corporation for an extension of
certificate of public convenience and
necessity to operate an auto truck
freight service between Sacramento,
California, on the one hand and
McClellan Field and Camp Kohler,
California, on the other hand.

ORIGINAL

) Application No. 25502

BY THE COMMISSION:

O P I N I O N

This is an application by El Dorado Motor Transportation Company to operate an automobile truck line for the transportation of property between Sacramento, on the one hand, and McClellan Field and Camp Kohler, on the other hand.

Applicant at present conducts, along with other operations, a freight service between Sacramento and Lincoln and intermediate points, via Roseville, over U. S. Highway No. 40. The county highway known as Antelope Road is an old existing road and prior to the construction of U. S. Highway No. 40 was the only highway between Sacramento and Roseville.

The certificate of public convenience and necessity herein involved was in the first instance granted to Ralph W. Fowler and authorized the operation of "an automobile truck line as a common carrier of freight between Lincoln and Sacramento."⁽¹⁾

(1) Decision No. 6530, dated July 30, 1919.

No particular route was specified other than by way of Roseville.

The Fowler right was transferred to Morris M. Frederick⁽²⁾ and then to J. L. Fithian and Louis Sposito, doing business as Roseville-Lincoln Truck⁽³⁾. It subsequently was merged with El Dorado Motor Transportation Company, a corporation, the present⁽⁴⁾ owner.

It is clear that applicant's existing rights do not include the right to serve McClellan Field and Camp Kohler, by diversion from U. S. Highway No. 40. Applicant has been, and is now operating over U. S. Highway No. 40, and proposes to serve McClellan Field over said highway and Antelope Road, also via Madison Avenue.

Applicant further requests permission to extend its service from U. S. Highway No. 40 to Camp Kohler, located approximately one-half mile west of said highway.

The application alleges that both McClellan Field and Camp Kohler are war department installations, maintained in the conduct of the war effort; that quantities of freight move into and out of both places, and require expeditious handling, and that both installations are adjacent to the main line of travel between Sacramento and Roseville.

It appears to us that public convenience and necessity require the service herein proposed, and that the application should be granted. All public carriers operating between the points sought to be served have filed written notice of waiver of

(2) Decision No. 8394, dated November 27, 1920
(3) Decision No. 11961, dated April 24, 1923
(4) Decision No. 31694, dated January 30, 1939

protest, in view of which a public hearing does not seem necessary.

O R D E R

Application having been filed, and it having been found that public convenience and necessity so require;

IT IS ORDERED that a certificate of public convenience and necessity is hereby granted to El Dorado Motor Transportation Company authorizing the establishment and operation of a service as a highway common carrier, as defined by section 2-3/4 of the Public Utilities Act, between Sacramento, on the one hand, and McClellan Field and Camp Kohler, on the other hand, subject to the following condition:

El Dorado Motor Transportation Company, its successors or assigns, may never claim before this Commission or any court or other public body, a value, for any purpose, for the certificate herein granted in excess of the actual cost incurred by it in securing said operative authority.

IT IS FURTHER ORDERED that in the operation of said highway common carrier service, applicant shall comply with and observe the following service regulations:

1. File a written acceptance of the certificate herein granted within a period of not to exceed thirty (30) days from the effective date hereof.
2. 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 five (5) days' notice to the Commission and the public.

- 3, Conduct said highway common carrier service over and along the following routes subject to the authority of the Railroad Commission to change or modify them at any time by further order:

From Sacramento via U. S. Highway No. 40 to junction of county road known as Madison Avenue, thence via Madison Avenue to McClellan Field; also, via U. S. Highway No. 40 to the junction of Antelope Road, and thence via Antelope Road to McClellan Field; also, via U. S. Highway No. 40 to junction of road leading from said highway to Camp Kohler, thence to said Camp Kohler.

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

Dated at Los Angeles, California, this 25th day of May, 1943.

Frank R. Havenner

Justice D. Casper
Richard Jackson
Thomas W. Clark
 COMMISSIONERS