

Decision No. 11869

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of JACOB J. REPPERT, for certifi- )  
cate of public convenience and )  
necessity to operate freight, ex- )  
press and baggage service between )  
Stonyford and Willows. )

Application No. 8650.

George R. Freeman, for Applicant.  
R. L. Clifton, for D. O. Sullivan, protestant.

BY THE COMMISSION:

O P I N I O N

This application was heard before Examiner Eddy at Willows on March 16th, at which time the matter was submitted and is now ready for decision.

Elk Creek is a community of two hundred people in Glenn County about twenty-two miles northwest of Willows and five miles west of Fruto. Stonyford is a settlement of two hundred in Colusa County, and lies about 19 miles south of Elk Creek. In order to reach Willows from Stonyford it is necessary to travel via Elk Creek and Fruto. The applicant herein has a contract for carrying United States mail between Elk Creek and Stonyford, and makes three trips a week, using in that service a Ford one-ton truck. He now desires to operate in connection with the mail contract a tri-weekly service for the transportation of freight, express and baggage between Stonyford and Willows via Elk Creek. The application is opposed by D. O. Sullivan, who operates an automobile stage line for the transportation of

passengers, freight, baggage and express between Willows, Fruto and Elk Creek. Sullivan also handles the United States mail between these points, and makes a round trip daily, using a Dodge five-passenger touring car or a Dodge screen side car. The testimony of record indicates that this equipment is ample to take care of the traffic requirements of the territory and that the service furnished by Sullivan is very satisfactory. Fruto is the terminus of a branch line of the Southern Pacific Company extending in a westerly direction from Willows. It is a very small community, numbering only fifteen inhabitants, and but one train a week is operated on the branch. J. W. Fouch operates an automobile stage daily, except Sunday, between Stonyford and Maxwell, a point on the Southern Pacific seven miles south of Willows. Fouch testified that if the desired certificate were granted to Reppert to operate between Stonyford and Willows, it would cut down his earnings to such an extent as to make necessary a curtailment of his service between Stonyford and Maxwell.

It will be seen from the above that the residents of Stonyford now have access to the railroad at Maxwell over the Fouch line. The residents of Elk Creek may obtain railroad service by a haul of five miles to Fruto or a haul of twenty-two miles to Willows. The reasonable requirements of Elk Creek and Fruto for stage transportation are fully met by the Sullivan line. There is left for consideration, therefore, the transportation requirements of the persons living between Elk Creek and Stonyford. Quite a number of families live along this road, and they find a ready market for their poultry, butter, eggs, etc., at Willows. Some of them desire to ship cream to San Francisco, and the facilities for handling this commodity are better at Willows than at Maxwell. These products must now be hauled by the farmer either from his ranch into Willows or to Elk Creek for further transportation on

the Sullivan line. At the present time the Sullivan stage leaves Elk Creek for Willows about an hour before Mr. Reppert reaches Elk Creek with the mail for Stonyford, so that no through service is available. Mr. Reppert stated that the application has been filed because of the requests made upon him by fifteen or more residents along the route that he furnish a through service to Willows.

This is the third application that has been filed by Mr. Reppert to operate as a common carrier over this route. On July 14, 1922, he asked for a certificate of public convenience and necessity to operate a passenger and freight service between Elk Creek and Stonyford, which certificate was granted on July 19, 1922, Decision No. 10727. After some correspondence acceptance of this certificate was filed with us on September 15, 1922. On October 19, 1922, the applicant requested that the certificate be cancelled because of insufficient business to warrant the operation of the line as a common carrier. No action was taken on this request. In the meantime, and on September 20th, another application had been filed by him for authority to operate between Stonyford and Willows, which application was denied on December 22, 1922, no hearing having been had. The instant application was filed on February 6, 1923.

It is clear from this record and admitted by the applicant that the traffic moving between Elk Creek and Willows is not sufficient to warrant the operation between these points of two stage lines. It is equally clear that by a slight rearrangement of schedules of the Reppert and Sullivan lines so that direct connection will be made at Elk Creek, the residents along the line will enjoy a service to Willows fully comparable with that proposed to be operated by the applicant. It was agreed at the hearing that this could and should be done. The Commission will expect this action to be taken immediately. The application for a certificate of public convenience and necessity between Stonyford and Willows

will be denied.

O R D E R

A public hearing having been held in the above entitled application, evidence submitted and the Commission being fully advised,

IT IS HEREBY ORDERED that the above entitled application be and the same is hereby denied.

Dated at San Francisco, California, this <sup>30<sup>d</sup></sup> 20th day of March, 1923.

Cherry  
H. B. Brundage  
Dwight Martin

Commissioners.