

Decision No. 12526**ORIGINAL****BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA**

In the Matter of the Application of)
 NEVADA-CALIFORNIA-OREGON RAILWAY for)
 a certificate of public convenience)
 and necessity to operate an auto stage) Application No. 8842.
 line for transportation of persons and)
 property for compensation between)
 Alturas, Cal., and Eagleville, Cal.,)
 via Cedarville, Cal.)

Sanborn & Roehl and DeLancey Smith, by A. B.
 Roehl, for applicant.
 E. C. Bonner for Surprise Valley Stage Company
 and Eagleville-Cedarville Stage Company,
 protestants.

BY THE COMMISSION:

O P I N I O N

Nevada-California-Oregon Railway, in accordance with its amended application, has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by it of an automobile stage line as a common carrier of passengers and baggage between Alturas, California and Eagleville, California, via Cedarville, California, for the period from May 1st to November 1st of each year.

A public hearing on this application was conducted before Examiner Satterwhite at Alturas on August 2, 1923, the matter was duly submitted and is now ready for decision.

- Applicant proposes to charge rates and to operate on a time schedule in accordance with schedules respectively set out in paragraphs 3 and 5 of said application, using as equipment one 7-passenger touring car and all necessary additional equipment.

The Surprise Valley Stage Line and Eagleville-Cedarville Stage Company appeared in opposition to said application but withdrew as protestants at the hearing when the said applicant amended its application, eliminating its proposed freight service.

Applicant called several witnesses in support of its application. The evidence shows that the communities of Eagleville and Cedarville are served by the Hanson Stage Line, an interstate carrier operating ninety miles over the Nevada desert to the railroad point of Gerlack, Nevada, on the Western Pacific Railroad. This stage line operates only during that portion of the year when auto trucks are able to be operated, which is approximately from May to November.

Eagleville and Cedarville are served from Alturas by the Surprise Valley Stage line, which handles United States mail and express as well as some local passenger traffic and approximately all through freight, under the authority of this Commission. The testimony shows that the Surprise Valley Stage line does not permit the through movement of passengers from railroad points to Cedarville and Eagleville, for the reason that they leave Alturas at 7:00 a.m. and return from Cedarville, leaving that point at 1:00 p.m. This Surprise Valley Stage line only operates as far as Cedarville and the traffic between Cedarville and Eagleville is handled by the Eagleville-Cedarville Stage line.

It appears that due to the large differential in rates and fares via the Nevada-California-Oregon Railway and the present stage lines and the Western Pacific Railroad Company and the Hanson Stage Line, this applicant is unable to compete with the Western Pacific Railroad Company on passenger traffic to Cedarville and Eagleville, and in order to preserve its present business and

the business that it has always enjoyed from the Surprise Valley, said applicant has deemed it necessary to inaugurate this proposed stage service in connection with its steam line service so that through service may be established direct to points involved.

After a careful consideration of the evidence, we are of the opinion and hereby find as a fact that public convenience and necessity will be served by the establishment of said line.

ORDER

A public hearing having been held in the above entitled application, the matter having been submitted and being now ready for decision,

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by Nevada-California-Oregon Railway of a stage line as a common carrier of passengers and baggage between Alturas, California, and Eagleville, California via Cedarville, California, for the period from May 1st to November 1st of each year.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be, and the same hereby is, issued to Nevada-California-Oregon Railway, a corporation, covering the above described route and in accordance with the following conditions.

1. The rights and privileges herein granted shall 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 secured.

2. No vehicle may be operated by the corporation herein unless such vehicle is owned by said corporation or is leased by it under a contract or agreement satisfactory to the Railroad Commission.

3. Applicant, Nevada-California-Oregon Railway, a corporation, shall file within a period of ten (10) days from date hereof its written acceptance of the certificate herein granted; shall file, in duplicate, tariff of rates and time schedules within a period of not to exceed twenty (20) days from date hereof, said tariff of rates and time schedules to be identical with those as set out in the application herein; and shall commence operation of the service herein authorized within a period of not to exceed thirty (30) days from date hereof.

Dated at San Francisco, California, this 27th
day of August, 1923.

C. Seavey

Irving Martin

J. T. Whittney
Commissioners.