

Decision No. 12650

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA
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ORIGINAL

In the Matter of the Application)
of Sam Aronson and H. E. Boswell,)
copartners, doing business under)
the Name and Style of Golden)
Eagle-Barker Stage, for Certificate)
of Public Convenience and Necessity)
to Operate Automotive Passenger and)
Express Service between Sacramento)
and Marysville, via Roseville and)
Lincoln.)

APPLICATION NO. 8891.

E.C.Gibson and Ray Maxwell, for Applicants.
W.H.Carlin and C.R.Detrick, for Sacramento Northern Railroad
and Western Pacific Railroad, Protestants.
F.W.Mielke and W.B.Kirkland, for Southern Pacific Company,
Protestants.
A.J.Dillon and Edward Stern, for American Railway Express Company,
G.J.Bradley, for Merchants and Manufacturers Traffic
Association of Sacramento.

BY THE COMMISSION:

O P I N I O N

Sam Aronson and H. E. Boswell, copartners, doing business under the fictitious name and style of Golden Eagle-Barker Stage Line, have filed an application with the Railroad Commission in which they petition for a certificate of public convenience and necessity authorizing the operation of automotive express service on passenger cars between Lincoln and Marysville and intermediate points; for a certificate of public convenience and necessity authorizing the operation of automotive passenger and express service between Roseville and Marysville, such service to be operated

as a through route over two connecting certificates now held by the same copartners, and for permission to establish through passenger fares and express rates between Sacramento, Roseville, Lincoln and Marysville under three separate operative rights now held by the same copartners.

A public hearing in the above entitled application was held before Examiner Geary on September 6, 1923, at Sacramento, at which time the matter was submitted and is now ready for decision.

The copartnership holds an operative right authorizing operation of automotive passenger and express service between Sacramento and Roseville originally, secured under the provisions of Section 5 of Chapter 213, Statutes 1917, through operation in good faith prior to May 1, 1917 and continuously since that date; also an operative right authorizing operation of automotive passenger and express service between Roseville and Lincoln and intermediate points, secured under the provisions of Decision No. 7931 in Application No. 4856, dated July 29, 1920, and an operative right authorizing operation of automotive passenger stage service between Lincoln-Marysville and intermediate points, secured under the provisions of Decision No. 11612 in Application No. 8262, dated February 6, 1923.

The Commission held under Decision No. 9892, dated December 20, 1921, what is known as the Western Motor Transport case, that an individual copartnership or corporation holding two or more connecting certificates could not establish through service or through rates over such connecting certificates unless a certificate of public convenience and necessity had first been secured authorizing the establishment of such through service and through rates. The present application is made principally under the provisions of said Decision No. 9892.

The copartnership at the present time holds the right to operate express service in connection with its passenger schedule between Sacramento-Roseville and Roseville-Lincoln. Its operative right between Lincoln and Marysville provides for passenger service only and the present application is for the purpose of also establishing express service over this division. The evidence in this proceeding shows that the great volume of passenger travel handled by applicant is between Sacramento and Roseville, over which division 30-passenger capacity equipment is operated; that over the divisions Roseville to Lincoln and Lincoln to Marysville traffic is not as heavy, and 20-passenger or less capacity equipment is operated between the last named points. Under the present proceeding it is proposed to operate large equipment between Sacramento and Roseville, passengers destined beyond Roseville to change cars to smaller equipment, which equipment will be operated through from Roseville to Marysville.

Under existing conditions, whereby applicant is obliged to collect separate fares over different divisions, numerous disputes arise, principally with passengers not fully acquainted with the English language, or method of operation, who form the conclusion that the driver is attempting to collect twice for the same service. The evidence further shows that by permitting a passenger to buy at one time a ticket which would carry him straight to his destination would result in a considerable convenience, the elimination of disputes, and would not materially affect existing transportation companies. It is the intention of applicant to charge for a through ticket the full combination of the local fares now in effect and not to establish reduced fares for the through service which would tend to attract traffic not otherwise patronizing this service. Evidence was also introduced with reference to the necessity of passenger cars handling small express

packages between Lincoln and Marysville in connection with express service now rendered between Sacramento and Lincoln. Testimony of several witnesses tended to show that there is, on frequent occasions, a demand for this class of service, particularly in emergencies. The testimony of applicants was to the effect that they do not desire to actively solicit the handling of express packages, but do desire to legally handle packages when demand is made upon them for such service.

In view of the evidence, we are of the opinion that public necessity requires the establishment of express service restricted to shipments not to exceed 100 pounds in weight which can be handled on the regular passenger stages only, with the exception of ice cream, a commodity applicants are frequently called upon to handle in emergencies. We are further of the opinion that the evidence clearly shows that public necessity requires the establishment of through rates between termini and intermediate points, Sacramento and Marysville, particularly in view of the fact that such through rates will be based solely upon a full combination of locals and, further, that public convenience and necessity require operation of cars between the termini of Marysville and Roseville through Lincoln.

O R D E R

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

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA
HEREBY DECLARES that public convenience and necessity require the operation by Sam Aronson and H. E. Boswell, copartners, doing

business under the fictitious name and style of Golden Eagle-Barker Stage Line of automotive passenger and express service between Sacramento and Marysville and intermediate points, via Roseville and Lincoln, and the establishment of through rates between termini above named and all intermediate points; that public convenience and necessity does not require through operation of equipment other than between Sacramento and Roseville and between Roseville and Marysville, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be, and the same hereby is granted, subject to the following conditions:

That the certificate herein granted shall be in lieu of and not in addition to the existing operative rights held by the applicants herein over the same routes and between the same termini as covered by the certificate herein granted.

Express matter which may be handled by applicants under the certificate herein granted shall be limited to shipments which may be handled on passenger cars, not to exceed 100 pounds in weight, with the exception of ice-cream and containers.

Applicants shall file their written acceptance of the certificate herein granted within a period not to exceed fifteen (15) days from date hereof; shall file, in duplicate, within a period not to exceed twenty (20) days from date hereof, tariff of rates identical with the tariff of rates as shown in Exhibit attached to the application herein, with the exception that the rate between Marysville and Sacramento shall be \$1.60; Operation under the certificate herein granted shall commence within a period of not to exceed thirty (30) days from date hereof, unless the time to commence such operation is formally extended by supplemental order.

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.

No vehicle may be operated by applicants unless such vehicle is owned by them or leased by them under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 24th day
of September, 1923.

Chas. E. ...

Iwing Martin

Egerton Shore

J. T. Whitting