

Decision No. 13178

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 HARRY L. EGAN and ALICE L. EGAN for
 certificate of public convenience
 and necessity to operate passenger
 and parcel service between Kennett
 and Redding, in Shasta County, Calif.)

Application No. 9161.

Charles B. Harris, for applicant.
 A. L. Dillon and Edward Stern for American
 Railway Express Co., Protestant.
 F. W. Mielke for Southern Pacific Company,
 Protestant.

BY THE COMMISSION:

OPINION

Harry L. Egan and Alice L. Egan have petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by them of an automobile stage line as a common carrier of passengers and parcels between Kennett and Redding and intermediate points.

A public hearing on this application was conducted before Examiner Satterwhite, at Redding, the matter was submitted and is now ready for decision.

Applicants propose to charge rates and to operate on a time schedule in accordance with amended Exhibits "A" and "B" attached to said application, and to use the equipment described in Exhibit "C".

The Southern Pacific Company and the American Railway Express Company opposed the granting of said application. Harry

L. Egan, one of said applicants, testified in his own behalf and called several witnesses in support of the application.

The evidence shows that the town of Kennett is located on the main line of the Southern Pacific Company, about 16 miles north of Redding and has a population of about 800 people, which population has been recently increased at least 50 per cent on account of the re-opening of the large smelting plant situated a short distance away. This plant, when in full operation, employs from 1500 to 1800 laborers, whose families reside at Kennett or near the mines. Redding is the chief recreation and business center for the people of Kennett, as well as the main point where labor agencies are maintained at which men apply for and secure employment at the Kennett smelting plant and elsewhere.

The record indicates that the train service of the Southern Pacific Company is unsatisfactory, as shown by many complaints made at the hearing on this proceeding. It appears that there is one early morning southbound train and one early morning northbound train between these two communities, each of which is often late in the summer time and very frequently behind time in the winter season. The one evening southbound train and one evening northbound train are frequently late and each is scheduled to depart about 8:15 p.m., which it appears prevents any social or recreation period at Redding for the families and residents of Kennett who do considerable shopping in the afternoon at Redding and desire to attend the theatres in the evening. Moreover, there is a considerable number of laborers going to and from the plant at Kennett who make daily inquiries at the auto stage office and labor bureau at Redding for stage transportation on account of the infrequent train service. It appears without contradiction that the citizens at Kennett, as well as many merchants

at both Kennett and Redding, desire this proposed passenger stage service.

As to the proposed parcel service, applicant offered but little evidence in support of any additional need for such service.

The Southern Pacific Company, protestant, introduced in evidence certain exhibits showing its train service between Redding and Kennett, as well as its average earnings per mile on local trains between Sacramento and Dunsmuir from March to August, 1923. The American Railway Express Company also introduced in evidence statements of shipments moved by express between Redding and Kennett, as well as the schedule of trains on which there is express service between these two communities.

After a careful consideration of all the evidence, we are of the opinion and hereby find as a fact that the proposed passenger operation of applicant between Kennett and Redding should be authorized and that the proposed parcel service should be denied.

O R D E R

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 Harry L. Egan and Alice L. Egan of an automobile stage line as a common carrier of passengers between Kennett and Redding and intermediate points, and does not require the operation by Harry L. Egan and Alice L. Egan of an automobile stage line as a common carrier of parcels between Kennett and Redding.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be, and the same hereby is, granted for the aforesaid passenger service between Kennett and Redding, subject to the following conditions:

1. Applicants shall file their written acceptance of the certificate herein granted, within a period of not to exceed ten (10) days from date hereof; shall file, in duplicate, tariff of rates and time schedules within a period of not to exceed twenty (20) days from date hereof, such tariff of rates and time schedules to be identical with those given in amended Exhibits "A" and "B"; and shall commence operation of said service within a period of not to exceed thirty (30) days from date hereof.

2. The rights and privileges herein authorized may 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.

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

IT IS HEREBY FURTHER ORDERED THAT THE SAID APPLICATION be, and the same hereby is, denied as to the proposed parcel service.

Dated at San Francisco, California, this 19th
day of February, 1924.

C. C. Harvey
H. B. Bunnell
James Martin
Egerton Shaw
J. T. Whittier
Commissioners.