

Decision No. 13765.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of J. W. HOUK and J. E. SMITH, co-partners doing business under the fictitious name and style of CHICO-WESTWOOD-SUSANVILLE AUTO STAGE, for a certificate of public convenience and necessity to establish an automobile line for the carrying of passengers and packages between Sacramento, Marysville and Chico, California, but not locally between said points, in conjunction with, as part of and as an extension to the passenger and package service now being rendered by said applicants between Chico and Susanville and intermediate points.

ORIGINAL

Application No. 8671.

Grover O'Connor, for the Applicants.
Theodore Chester, for the Sacramento Northern Railroad Company.
C. W. Dooling, for the Western Pacific Railroad Company, and for Smith & Ramsey Stage Line.
J. E. Lyons, for the Southern Pacific Company.
A. L. Dillon, for the American Railway Express Company.
Sam Aronson, for the Golden Eagle-Barker Stage.

BY THE COMMISSION:

OPINION

J. W. Houk and J. E. Smith, co-partners, doing business under the fictitious name of Chico-Westwood-Susanville Auto Stage, have petitioned the Railroad Commission in accordance with their amended petition 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 baggage between Sacramento, Marysville and Chico, in conjunction with, as part of, and as an extension to their present passenger service now being rendered

by them between Chico and Susanville, and intermediate points. Applicants do not propose to carry any passengers locally between Sacramento, Marysville and Chico but desire to establish service between Sacramento and Marysville on the one hand and points on said applicants' present authorized route, on the other hand.

A public hearing on this application was conducted by Examiner Satterwhite at Chico, 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 Exhibits "A" and "B" attached to said application and to use two 18-passenger, two 14-passenger and one 22-passenger White cars.

The Sacramento Northern Railroad Company, Western Pacific Railroad Company, Southern Pacific Company and the American Railway Express Company protested the granting of said application.

Applicants testified in their own behalf and called several other witnesses in support of their application.

The evidence shows that applicants operate, during a period of five months between June 1st and November 1st of each year, an authorized passenger stage line between Chico and Susanville, serving Chester and Westwood and intermediate points, and now desire to extend this service in order that they may carry passengers and baggage from Sacramento and Marysville to points on the route over which they now operate and similarly to transport passengers from points on their present route to Marysville and Sacramento.

The manufacture of lumber is the main industrial enterprise at both Susanville and Westwood and the passenger traffic on applicants' stage line is almost entirely made up of laborers and lumber-jacks who work in the lumber mills and camps at and near

these towns. These laborers come from and are employed largely at Sacramento. The lumber companies at Susanville and Westwood have authorized labor agents or representatives at Sacramento who secure the necessary laborers from day to day and start them on their journey to these lumber mills. During seven months of the year, from about November 1st to June 1st, the period when applicants' stage line cannot operate through the mountains, these laborers are transported to Susanville and Westwood over the lines of the Southern Pacific Railroad and the Western Pacific Railroad.

It appears that for many years past the lumber companies at Westwood and Susanville have sustained a financial loss by reason of the payment in advance of fares of men employed at Sacramento and from there started on the rail lines to their places of employment, by reason of the fact that some of the men fail to arrive at their destination. The reason for this loss of men or their failure to arrive is that they deliberately stop off or discontinue their journey at various intermediate points en route from Sacramento for the purpose of working at such way points, resulting, of course, in their obtaining a free fare to a place other than the original point of destination. This is and has been a common practice among lumber-jacks. The applicants in this proceeding request the authority to operate a through stage between Sacramento and Westwood and Susanville upon the sole, or at least the primary, ground that such a direct through stage service will eliminate or at least minimize the practice of these laborers discontinuing their journey between the points proposed to be served.

The record shows that the men employed will be placed in the stage of applicants at the employment offices in Sacramento and that a close watch or surveillance will be kept over them throughout the entire trip, and although no force will be used by

the driver of the stage to prevent any man from deserting en route, the driver, under instructions, will use his good influences to have all the men act in good faith and complete their trip to the place of employment. It appears, of course, that this interest of the applicants to have the men complete their trip is confined entirely to the north bound trip to the lumber mills. On the south bound trip the lumber companies have no interest whatever in the men and the applicants' interest consists in not having to operate their stages empty from Chico south to Sacramento.

The proposed time table of applicants indicates that the north bound stage would leave Sacramento at 6:30 a.m., and the south bound stage would leave Susanville at 7:20 a.m.. The record shows, and applicants admit, that the Sacramento Northern Railroad, protestant herein, renders a very efficient and satisfactory service between Sacramento and Chico, and the time table of this protestant shows that its first electric train leaves Sacramento at 5:50 a.m. and arrives at Chico at 9:00 a.m., in ample time for the transfer of all passengers to applicants' stage. It appears, however, that applicants' proposed south bound stage, scheduled to leave at 7:20 a.m. from Susanville, would arrive at Chico too late to connect with the Sacramento Northern train known as the "Steamer Special" leaving at 3:00 p.m., and south bound passengers would have to wait for the next electric train at 7:20 p.m. Applicants indicated at the hearing that an earlier leaving time than 7:20 a.m. would prevent prospective passengers from securing breakfast at Susanville. A study of the proposed time table of applicants, however, convinces the Commission that if the passenger traffic is sufficient to justify another early morning stage trip out of Susanville it would be

a very simple matter to fix the leaving time at 6:00 a.m., or even 6:20 a.m., for the reason that passengers could obtain breakfast at Westwood, where a regular stop is made for twenty minutes. The departure of a stage at 6:20 a.m. from Susanville admittedly would permit ample time for train connections, not only with the south bound electric train at 3:00 p.m. but also with the north bound Southern Pacific train leaving Chico at 4:45 p.m.

The evidence shows that the train of the Sacramento Northern known as the "Steamer Special" formerly left Chico at 3:30 p.m., but in response to a general public demand in the Sacramento Valley this schedule was changed so that this train now leaves Chico at 3:00 p.m. in order that it may arrive in Sacramento in time to connect with the California Transportation Company boat leaving for San Francisco at 6:30 p.m. This train also enables passengers to make connections not only with the boats but also with the Southern Pacific train leaving for San Francisco at 6:30 p.m. and the Central California Traction train leaving Sacramento at 6:15 p.m. for Stockton and Lodi, connecting with the Santa Fe for Fresno and Bakersfield and points south, thus giving a continuity of service from Chico to all points south. This 3:00 o'clock train of the Sacramento Northern also connects with the 7:00 p.m. Sacramento Short Line for San Francisco.

The record in this proceeding shows without contradiction that the general public has little or no interest in the proposed extended stage service of applicants; that the number of laborers or lumber-jacks proposed to be transported, none of whom were shown to have the slightest interest in this stage service, would average about 15 or 20 on the north bound trip and about half that number on the south bound trip; and that the transportation facilities,

equipment and service of the Sacramento Northern Railroad are more than ample to handle this particular traffic.

Moreover, the evidence shows that this proposed service is based wholly upon the plan and desire of applicants to secure and load in their stages at the employment offices in Sacramento and Marysville these mill laborers and lumber-jacks and transport them to Westwood or Susanville in a sort of quasi-custody in order to insure their arrival there to the private advantage or benefit primarily of said applicants and the two or three lumber companies operating at these towns.

This Commission does not consider public necessity and convenience to be based upon any such scheme or purpose as herein indicated by applicants.

The Commission has, in its previous decisions, clearly established the doctrine that certificates to operate auto stage service shall be granted or withheld upon the basis that the rights, welfare and interest of the general public will be advanced by the authorization and prosecution of the enterprise but not upon the private benefit or advantage that may accrue to any carrier, shipper or consignee.

We have given careful consideration to all the evidence in this proceeding and are of the opinion and hereby find as a fact that said applicants have presented no evidence to justify the authorization of their proposed extended passenger service. Their application will therefore be denied.

O R D E R

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

for decision, the Commission being now fully advised and basing its order on the finding of fact as appearing in the opinion which precedes this order,

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity do not require the operation by J. W. Houk and J. E. Smith, co-partners, doing business under the fictitious name of Chico-Westwood-Susanville Auto Stage, of an automobile stage line between Sacramento, Marysville and Chico, as proposed in their said application.

IT IS HEREBY ORDERED that said application of J. W. Houk and J. E. Smith be, and the same is hereby, denied.

Dated at San Francisco, California, this 14th day of March, 1924.

C. Seaver

H. B. Bunnell

Irving Martin

Egerton Shore

J. E. Whittier
Commissioners.