

ORIGINAL

Decision No. 14004

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
A. DUNHAM, for a certificate of pub-)
lic convenience and necessity to)
operate an auto stage line for the)
transportation of passengers and)
property, for compensation, between)
Sacramento and Jackson, California,)
and intermediate points, via Elk)
Grove, Stockton Junction, Clay and)
Ione, California.)

Application No. 9705.

Sanborn & Roehl and DeLancey C. Smith, by
A. B. Roehl, for the applicant.
F. G. Athearn, for the Amador Central
Railway, protestant.
Edward Stern, for American Railway Express
Company, protestant.
T. G. Negrich, for John Smalley Stage Line,
protestant.
Ralph E. Lewis, for Talbot & Seeley Stage
Line, protestant.
C. E. Spear, for Southern Pacific Company,
protestant.
A. J. Watts, for Central California Traction
Company, protestant.

BY THE COMMISSION:

OPINION

A. Dunham has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of an automobile stage line as a common carrier of passengers and property between Sacramento and Jackson, California, and intermediate points via Elk Grove and Stockton Junction, serving Herald, Clay, Carbondale, Ione and Martell.

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

Applicant proposes to charge rates in accordance with Exhibit "A" attached to said application, and to operate on the time schedule set out on page 3 of said application, using equipment described in paragraph 7 on page 3.

The Southern Pacific Company, American Railway Express Company, Amador Central Railway Company, Talbot and Seeley, Joseph J. Ratto, J. J. Smalley, and Central California Traction Company protested the granting of this application.

Applicant testified in his own behalf and called several witnesses in support of his application. A large number of the merchants, business men and residents of Jackson have endorsed this service on the ground that the rail and stage service between Sacramento and Jackson is very unsatisfactory. Under the schedules of the protesting rail carriers it is impossible for passengers to go to Sacramento from Jackson or vice versa and return the same day. It requires about seven hours travel by rail from Sacramento to Jackson and about the same time from Jackson to Sacramento, involving transfers at Galt from the Southern Pacific to the Amador Central Railway, and also transfers at Ione and Martell. Under the time schedules of the stage lines operated by J. J. Ratto, and Talbot and Seeley between Jackson and Sacramento by way of Plymouth, passengers may travel from Jackson to Sacramento and return the same day, with a lay-over of about two hours at Sacramento, but no passenger can travel over these protesting stage lines from Sacramento to Jackson and return the same day.

Sacramento is the chief buying center for many of the merchants and business men at Jackson and the proposed extended

service of applicant will afford direct, more expeditious and convenient transportation facilities between the terminals and intermediate points along said route proposed to be served. Many Sacramento business firms and merchants have patrons at Jackson and this proposed extension will permit the residents of Jackson to come to Sacramento and do their shopping and return on the same day. It also appears that many traveling salesmen have complained about the unsatisfactory transportation facilities between Sacramento and Jackson, for the reason that it required at least two days to go to Jackson and return.

Applicant also offered testimony to the effect that many of the merchants and business men of Jackson desired the proposed express service, particularly in reference to emergency deliveries, such as automobile parts and supplies, but the record shows that the express traffic which moves between Sacramento and Jackson is rather limited. In this connection the American Railway Express Company offered in evidence a statement of the tonnage handled between Jackson and Sacramento during the month of January, 1924, and an examination of this exhibit shows that the express traffic is small, and that the average weight of all shipments hauled per day in both directions did not exceed 400 pounds; that the total charges collected during said month by the American Railway Express Company on shipments of 100 pounds and less was only \$53.28; and that the total number of shipments of all weights under and over 100 pounds did not exceed 150.

Applicant now operates an authorized stage line for the transportation of passengers and baggage between Sacramento and Ione and the service now proposed will be an extension of his operations from Ione to Jackson, with authority to operate a through

service from Sacramento to Jackson.

After a careful consideration of all the evidence in this proceeding, we are of the opinion and hereby find as a fact that public convenience and necessity require only the operation of the proposed passenger service of applicant between Sacramento and Jackson, and that portion of the proposed operation will be authorized.

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 OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation by A. Dunham of an automobile stage line as a common carrier of passengers between Sacramento and Jackson and intermediate points via Elk Grove, Stockton Junction, serving Herald, Clay, Carbondale, Ione and Martell; provided, however, that the foregoing operative rights authorized shall be in lieu of, and not in addition to, applicant's existing operative rights between Sacramento and Ione, and

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

1. Applicant shall file his 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 attached to the application herein; 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 applicant herein unless such vehicle is owned by said applicant or is leased by him under a contract or agreement on a basis satisfactory to the Railroad Commission.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY FURTHER DECLARES that public convenience and necessity do not require the proposed express service of applicant; and

IT IS HEREBY ORDERED that said application as to the proposed express service be, and the same hereby is denied.

Dated at San Francisco, California, this 30th day of August, 1924.

C. C. Seavey

Irvine Martin
Egerton Shaw

J. F. Whittling
Commissioners.