

Decision No. 14338

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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ORIGINAL

J. W. HOUK and J. H. SMITH, co-  
partners doing business under the  
name of Chico-Westwood-Susanville Auto  
Stage,

Complainants.

-vs-

W. C. LAWRENCE and MRS. W. C. LAWRENCE,

Defendants.

Case Number 2022

In the Matter of the Application of  
GEORGE A. SCOTT for certificate of public  
convenience and necessity to operate pas-  
senger service between Westwood, Calif-  
ornia and Crescent Mills, Indian Valley,  
California.

Application No. 9879

In the Matter of the Application of  
W. C. LAWRENCE (Lawrence Stage Co. ) for  
a certificate of public convenience  
and necessity to operate automobile  
stage line between Crescent Mills and  
Keddie and intermediate points, etc.

Application No. 9898

In the Matter of the Application of  
IRA N. SHORT for the extension of his  
present certificate of public convenience  
and necessity.

Application No. 10058

Harry A. Encell for W.C.Lawrence, De-  
fendant, applicant and protestant.

W. M. Kearney for Geo. A. Scott, ap-  
plicant and protestant.

J. J. Truman for Indian Valley Railroad,  
Protestant and Ira N. Short applicant.

Grover O'Connor for J. W. Houk and J. H.  
Smith, complainants.

BY THE COMMISSION:

O P I N I O N

At a public hearing held on July 12, 1924, at Greenville before Examiner Satterwhite the above entitled proceedings were by stipulation consolidated for evidence and decision.

Case No. 2022 is a complaint brought on behalf of J. W. Houk and J. H. Smith, co-partners doing business under the name of Chico-Westwood-Susanville Auto Stage Company, against W. C. Lawrence and Mrs. W. C. Lawrence. Said complaint alleges in effect that complainants have the right to operate auto stage service for the transportation of passengers between Chico and Westwood and also between Westwood and Susanville; that defendants have heretofore secured under Decision No. 7506 a certificate authorizing them to transport passengers locally between Westwood and Susanville as a part of and an extension to their existing right to transport passengers for compensation between Crescent Mills and Westwood; that in the operation of auto stage service by defendants they have violated the provisions of Section 21 of Article 12 of the Constitution and also Section 6-b of the Auto Stage and Truck Transportation Act as amended in that they have at times transported passengers at less than their published tariff; that they have also transported passengers at times for no compensation whatsoever and further that at times passenger stages have not stopped at railroad grade crossings as provided for under the provisions of General Order No. 63 of the Railroad Commission and the provisions of the Motor Vehicle Act. Complainants list specific cases of such

violations.

At the hearing evidence was introduced by witnesses called by complainants to the effect that they had ridden upon the stages of defendants for varying amounts less than the published rate or for nofare whatsoever. It appears from the testimony of several of such witnesses that they presented themselves at the stage of defendants and requested transportation representing to defendants that they did not have sufficient funds to pay the published tariff rate and were out of work and desired to move on either in search of employment or to their respective homes; that they were transported by defendant at either free or reduced rate upon such representation. The evidence further shows, however, that said Lawrence accepted such statements as true making no investigation himself or through his agents or employees as to the financial condition or indigence of such prospective charitable patrons. In defense defendant Lawrence testified that during the twenty years in which he had been operating stages between points in Plumas County it had always been the practice to transport free of charge laborers or working men who were out of employment and did not have the necessary amount to pay fares when moving from camps seeking work, and trusted them to pay the full amount after they had secured employment.

Further as regards operation of stages over crossings without coming to a full stop defendant Lawrence states that his drivers are all fully instructed as to the legal requirements to stop before proceeding over railroad crossings, but that there are in Plumas County several logging roads which have been abandoned after logging operations had ceased, although the tracks

had not been removed and that it is these crossings which are no longer in use which complainants allege his stages were operated over without first coming to a full stop.

We do not think that the evidence in this proceeding warrants the granting of the prayer of complainants petitioning for an immediate suspension of applicant's certificate and a revocation thereof.

Application No. 9879, is an application filed on behalf of Geo. A. Scott in which he petitions for a certificate of public convenience and necessity authorizing the operation of automotive passenger stage service between Westwood and Crescent Mills and intermediate points, California, as an extension of his existing operative right between Susanville and Westwood. This applicant proposes to operate one round trip per day connecting at Crescent Mills with the train of the Indian Valley Railroad to and from Paxton, leaving Crescent Mills at 9 a. m. after the arrival of the railroad train and arriving at Crescent Mills at 4:40 p. m. there connecting with the railroad for Paxton where a connection is made with the Western Pacific Railroad Company's trains. This applicant proposes to charge a rate from Westwood of \$2.00 to Greenville and \$2.00 to Crescent Mills with a rate of 50¢ between Crescent Mills and Greenville.

The application sets forth that at the time the service was rendered by Lawrence between such points that it was not satisfactory in that no effort was made to make train connections at Crescent Mills resulting in material inconvenience to passengers. Upon representation of applicant and officials of the Indian Valley Railroad Company, the Commission on March 14, 1924, issued its Decision No. 13264 under which Geo. A. Scott was granted

a temporary certificate authorizing operation between Westwood and Crescent Mills and intermediate points pending final determination of the present proceeding. Such representation on behalf of applicant and officials of the Indian Valley Railroad was to the effect that Lawrence had abandoned service to Crescent Mills without authorization, transporting his passengers onto Keddie where a connection was made with the Western Pacific Railroad instead of delivering such passengers to the Indian Valley Railroad at Crescent Mills for transportation to Paxton; that the schedule of the Indian Valley Railroad which necessitated a wait of some two or three hours at Paxton could not be changed due to expense involved, namely, over-time to train crew and additional employees at the hotel operated by the railroad company at Paxton; that conditions permit the operation of a stage out of Westwood to a connection with the Indian Valley Railroad at Crescent Mills under the railroad's present schedule and that Mr. Scott through his experience in the operation of stage lines in this territory could and desired to make such connection.

Evidence introduced at the hearing showed that Lawrence had abandoned service to Crescent Mills and was transporting passengers to Keddie where connection was made with the Western Pacific Railroad, Lawrence contending that the people refused to ride to Crescent Mills and there take the Indian Valley Railroad due to the fact that they were required to lay over for approximately three hours at Paxton; further that to make connection with the Indian Valley Railroad Company he was obliged to leave Westwood so early in the afternoon that prospective patrons could not collect wages due them and refused to ride.

It further appears that although Mr. Scott claims that such connections could easily be made and the claims of the officials of the Indian Valley Railroad Company that the train schedules could not be changed to a later hour, within a very short time after the temporary certificate was granted to said Scott, the train schedule was set back due to the fact that the public either would not patronize the joint service of Scott and the Railroad Company or that the connection could not be made. However, in view of the fact that said Lawrence without permission did abandon service to Crescent Mills, transporting passengers to Keddie, we are of the opinion that the service as proposed by applicant Scott between Westwood and Greenville, and Crescent Mills to a connection with the Indian Valley Railroad Company should be granted, but that there is no necessity for duplicate service locally between Westwood, Greenville or intermediate points.

Application No. 9898 is a joint application filed on behalf of W. C. Lawrence and Mrs. W.C. Lawrence in which they petition the Railroad Commission for an order authorizing Mrs. W. C. Lawrence to transfer for the sum of \$1.00 her interest in the certificate heretofore granted to W. C. and Mrs. W. C. Lawrence covering the operation of automotive stage service for the transportation of passengers, baggage and express between Westwood and Susanville and intermediate points, established under Decision No. 7506 in Application No. 3652 dated April 30, 1920, also an application on behalf of W. C. Lawrence for a certificate of public convenience and necessity authorizing the operation of automotive stage service as a common carrier of passengers, baggage and freight between Crescent Mills and Keddie as an extension of and in conjunction with his existing operative right between Crescent Mills, Greenville, Westwood, Susanville, Canyon Dam, Almaror, Chester and Drakesbad. In effect this application asks for a blanket certificate authorizing

operation by Lawrence of his existing service together with a proposed extension from Crescent Mills to Keddle as a unit, such operative rights having been granted under separate proceedings.

Applicant proposes to operate one round trip per day when road conditions permit leaving Keddle at 7:30 a. m. after arrival of the Western Pacific train and arriving at Keddle at 7:30 p. m. there connecting with the evening train. Freight service is also to arrive and leave at the same time from Keddle to Greenville, Chester, Drakesbad and intermediate points. Rates to be charged for both passengers and freight to be as more specifically set forth in amended exhibits attached to the application herein; equipment to be used being the equipment owned and used at the present time by applicant.

This application was protested by the Indian Valley Railroad, Geo. A. Scott and Houk and Smith. Evidence was introduced to the effect that this applicant has been carrying on automotive stage service between points proposed to be served herein for many years last past; that applicant originally operated his stages to a connection with the Western Pacific Railroad at Keddle, but after completion of the Indian Valley Railroad, service was discontinued to Keddle and a connection made at Crescent Mills with the Indian Valley Railroad Company; that after several years operation to and from Crescent Mills, it was found to be extremely unsatisfactory, the schedule of the Indian Valley Railroad Company being operated at such times as to require passengers to wait for a considerable period of time at Paxton which wait was objectionable in that it required residents of Plumas County to leave their homes early in the afternoon and wait over at Paxton for some three hours, there

connecting with the westbound train of the Western Pacific Railroad when traveling to San Francisco.

On March 26, 1924, the Railroad Commission also issued a preliminary order granting a temporary certificate to W. C. Lawrence to operate passenger stage service to Keddie, under Decision No. 13326 and the evidence in this proceeding from witnesses not only for applicant but also for protestant tended to show that during the period of time that Scott was operating under temporary certificate to Crescent Mills and Lawrence under temporary certificate to Keddie that the bulk of the patronage was moved to Keddie due to the fact that the traveling public in this territory were more satisfied with and in fact demanded the Keddie service in preference to service to Crescent Mills and the rail connection to Paxton. Evidence was also introduced by the operators of resorts at Almanor, Chester and Drakesbad as to the necessity for Lawrence handling supplies required by them particularly perishables from Keddie to their respective resorts.

It appears from the evidence introduced in this proceeding and from actual operation of the service under temporary certificate that the service proposed by this applicant is not only demanded by the public at points served by him, but is a convenience and necessity to the traveling and shipping public in this territory.

Application No. 10058 is an application on behalf of Ira N. Short for an extension and enlargement of his existing operative right between Crescent Mills and Seneca. This applicant transports U. S. Mail from Crescent Mills to Seneca via Greenville and Canyon Dam and the Commission heretofore granted

him a certificate authorizing transportation of passengers, freight and express to and from Seneca on the one hand and Crescent Mills, Greenville and Canyon Dam on the other. Applicant asks for an enlargement of this certificate permitting him to transport express and freight between Crescent Mills, Greenville and Canyon Dam. At the present time there is practically nothing whatsoever located at Canyon Dam, which is near the old site of the Great Western Power Company's construction camp in connection with a dam at its Lake Almanor project, the camp being at the present time deserted with the exception of a caretaker and several others. Canyon Dam is served by Lawrence, the existing line, for both freight and passengers. Greenville on the other hand is served by passenger service by both Lawrence and Scott. There is, however, at this time no freight service from Crescent Mills due to abandonment of stage service by Lawrence and we are of the opinion that applicant Short should be granted a certificate permitting him to transport freight and express from Crescent Mills to Greenville and Canyon Dam in connection with and as an extension of his existing operative right between Crescent Mills and Seneca.

After careful review of the evidence introduced and exhibits filed in the above entitled proceedings, we are of the opinion and hereby find as a fact that public convenience and necessity require the operation by Geo. A. Scott of automotive stage service for the transportation of passengers between Westwood, Crescent Mills and intermediate points in conjunction with and as an extension of his existing operative right, Susanville to Westwood, also that public convenience and necessity require the operation by W. C. Lawrence of automotive freight, express, pas-

senger and baggage service between Keddie and Crescent Mills, Greenville, Canyon Dam, Almanor, Chester and Drakesbad, and the operation of passenger, baggage and express service between Keddie and Crescent Mills as an extension of and in conjunction with his existing operative right between Crescent Mills, Greenville, Westwood and Susanville; also the transfer of the interest of Mrs. W.C. Lawrence in an operative right granted to the co-partnership of W. C. and Mrs. W. C. Lawrence under Decision No. 7506 in Application No. 3652 also that public convenience and necessity require the operation by Ira N. Short of automotive freight and express service between Crescent Mills, Greenville and Canyon Dam in conjunction with and as a part of his existing operative right between Crescent Mills and Seneca, but that public convenience and necessity do not require the operation by Ira N. Short of passenger service locally between Crescent Mills, Greenville and Canyon Dam.

We hereby further find as a fact that the complaint in Case No. 2022 is not sufficient to warrant the suspension or revocation of the operative right heretofore granted to W.C. Lawrence. Said complaint will, accordingly, be dismissed.

#### ORDER

Public hearing having been held in the above entitled proceedings, evidence introduced 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 Geo. A. Scott of an automotive stage line for the transportation of passengers between Westwood and Greenville on the one hand and Crescent Mills/<sup>and Greenville</sup> on the other but not intermediate

between Westwood and Greenville inclusive, as an extension of and in conjunction with his existing Susanville-Westwood Stage Line, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and the same hereby is granted, subject to the conditions as hereinafter set forth.

IT IS HEREBY FURTHER ORDERED that Mrs. W.C. Lawrence be and she hereby is authorized to transfer to W. C. Lawrence her interest in the certificate authorizing operation of automotive stage line granted to the co-partnership of W. C. and Mrs. W.C. Lawrence under Decision No. 7506 in Application No. 3652 dated April 30, 1920.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY FURTHER DECLARES that public convenience and necessity require the operation by W.C. Lawrence of automotive passenger, freight, express and baggage service between Keddie, Crescent Mills, Greenville, Forest Camp, Canyon Dam, Prattville, Elmanor, Chester and Drakesbad and intermediate points and of passenger, baggage and express service between Keddie, Crescent Mills, Greenville, Westwood and Susanville, in lieu of and not in addition to his existing operative rights and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and the same hereby is granted subject to conditions hereinafter set out.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY FURTHER DECLARES that public convenience and necessity require the operation by Ira N. Short of automotive stage service for the transportation of freight and express for compensation between Crescent Mills, Greenville and Canyon Dam in conjunction with and as a part of his existing service between Crescent Mills and Seneca, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and the same hereby is granted, subject to conditions as hereinafter set out. 130

IT IS HEREBY FURTHER ORDERED that Case No. 2022 be,  
and the same hereby is dismissed.

1. Applicants in the above entitled proceedings shall file their respective written acceptances of the certificates herein granted within a period of not to exceed fifteen days from date of this order; shall file rates and time schedules covering service rendered under the respective certificates within a period of not to exceed thirty days from date of this order. Rates and time schedules of each applicant to be identical with those as set out in the respective applications; and shall commence operation of the services herein authorized within a period of not to exceed forty days from date of this order.

2. The rights and privileges herein granted applicants may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission has first been secured.

3. No vehicle may be operated by any of the applicants in the above entitled proceedings unless such vehicle is owned or leased by them under a contract or agreement on a basis satisfactory to the Railroad Commission.

4. All above entitled certificates authorizing transportation of service as herein more specifically set out to be operated during all periods when the roads are passable and open to travel.

Dated at San Francisco, California, this  
8<sup>th</sup> day of December, 1924.

C. L. Seavey  
H. A. Brundage  
Dwight Martin  
Ernest Shore  
J. T. Whittney  
Commissioners