

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
SAM ARONSON and H. E. BOSWELL (Golden)
Eagle-Barker Stage Line) for cer-)
tificate of public convenience and)
necessity to operate passenger and)
express stage service between Sacramento)
and Oroville, California.)

Application No. 10134

Ray Maxwell, for the Applicant
C. R. Detrick, for the Sacramento Northern Railroad,
and the Western Pacific Railroad Co., Protestants.
C. E. Spear, for the Southern Pacific Co., Protestant,
Edward Stern, for the American Railway Express
Company, Protestant.
John Brereton, for the Retail Merchants Association
of Oroville, Protestant.

BY THE COMMISSION:

O P I N I O N

Sam Aronson and H. E. Boswell, co-partners doing business under the fictitious name of Golden Eagle-Barker Stage Line, 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 express between Marysville and Oroville, serving Honcut, Palermo and intermediate points, in conjunction with and as a part of their present service between Sacramento and Marysville.

A public hearing on this application was conducted before Examiner Satterwhite at Oroville, the matter was duly 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 the same equipment now used by applicants in their present authorized service.

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

Sam Aronson, co-applicant, testified in his own behalf and called several witnesses in support of said proposed stage service. Most of these witnesses are farmers and residents in the farming localities at Palermo, Honcut and in Reclamation District 10, an irrigation district on the proposed route of applicants. District 10 has a population of about 400, Honcut about 150 and Palermo and vicinity about 300 people. Oroville and Marysville are buying centers for this territory. Although most of these farmers have and use their own private automobiles in going to and from either Oroville or Marysville they endorse the present stage line on the basis that it would afford a convenient means of transportation to Oroville and Marysville.

Nearly all the witnesses who testified for applicants admitted that they made but infrequent trips to Sacramento or other points south of Marysville and are interested primarily in the local stage service between Oroville and Marysville.

Applicants offered in evidence a resolution of the Merchants Association of Marysville endorsing the proposed local stage service between Oroville and Marysville and intermediate territory, but the record indicates that this resolution was based on the grounds that there is considerable development going on in that particular territory and that tracts of farm land are being subdivided and that future investors will need a stage service, as well as the present population.

There is little or no evidence in the record indicating any necessity for the proposed limited express service, except the testimony of Sam Aronson, co-applicant, who testified that it was the desire of applicants to have the privilege of carrying small merchandise shipments of any kind which might be offered from time to time and that there was no desire to enter into a general express business.

The protesting rail carriers joined in calling many witnesses and offered considerable evidence in support of the adequacy of the steam and electric service between Oroville and Marysville and Sacramento. The testimony of these witnesses shows that practically all the merchants and business men and citizens of Oroville and vicinity are entirely satisfied with the present rail service, both as to train schedules and equipment. There is in the record written protests by the Boards of Supervisors of both Butte and Yuba counties, by the Boards of Trustees of both Oroville and Marysville, also by the Oroville Chamber of Commerce, Oroville Retail Merchants Association and other civic bodies, all opposing the granting of the proposed additional stage service on the grounds that Oroville and Marysville and surrounding territory are now adequately served by the three protesting railroad transportation companies and present authorized stage lines and that the train schedules now in effect are more than ample to meet all passengers and express traffic.

S. F. Frye, who holds a certificate from this Commission under Decision 10824 in Application 7710 to operate a passenger stage line between Oroville and Palermo, appeared at the hearing and testified that there was no need at all for the proposed stage service of applicants and that he had to abandon some time ago his stage service to Palermo because the farmers and other residents

in that section used their own private cars and would not patronize his stage service and that his business depended almost solely upon the mill laborers employed by the Hutchison Lumber Company at Adelaide. The record shows that said applicants are proposing to serve the same local territory that Mr. Frye was obliged to abandon for lack of patronage.

Applicants stated at the hearing that unless they were authorized to operate their proposed local service between Oroville and Marysville in conjunction with and as a part of their present stage service between Marysville and Sacramento they would not accept any permit to operate locally between Oroville and Marysville for the reason that such local operation would be unprofitable.

We have carefully considered all the evidence in this proceeding and hereby find as a fact that the public convenience and necessity do not require the proposed additional stage service of applicants and that the application should be denied.

O R D E R

A public hearing having been held in the above entitled application, the matter having been duly submitted, the Commission being 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 Sam Aronson and H. E. Boswell, co-partners under the name of Golden Eagle-Barker Stage Line, of an auto stage line as a common carrier of passengers and express between Marysville and Oroville, and

IT IS HEREBY ORDERED that this application be and the same is hereby denied.

Dated at San Francisco, California, this 24th day of March, 1925.

H. P. ...

C. ...

George D. ...

Commissioners