

Decision No. 15942

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
CARL PHELPS for certificate of public
convenience and necessity to operate
Passenger and Baggage service between
Weed and Yreka.

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) Application No. 10935
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ORIGINAL

James M. Allen, for Applicant.

N. C. Folsom, for Pickwick Stage System, protestant;
L. Richardson, for Southern Pacific Co. "
F. A. Reiser, for Yreka Railroad, "

BY THE COMMISSION:

O P I N I O N

Carl Phelps 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 baggage between Weed and Yreka, serving the intermediate points of Gazelle and Granada.

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

Applicant proposes 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 equipment described in Exhibit "C" attached thereto.

Pickwick Stages, N. D., Southern Pacific Company and Yreka Railroad Company protested the granting of said application.

Applicant testified in his own behalf and called several witnesses consisting of hotel men, merchants, business men and county officials in support of his application.

Yreka is the county seat of Siskiyou County and it is estimated to have a population of about 2000 people. Weed is a mountain town with a population of about 5000 and its business and industrial life is supported by one of the largest lumber mills in the State of California.

The evidence shows without contradiction that there is considerable travel between Weed and the county seat, Yreka, by reason of the fact that from time to time litigants, witnesses, jurors, tax payers and others have occasion to travel back and forth between these two terminals. The present rail and stage transportation facilities do not maintain time schedules which permit a resident of Weed to go to Yreka and transact legal or other business and return the same day. The record shows considerable complaint against the unsatisfactory service of both the rail and the Pickwick Stage service. The only northbound train service is by two trains, Nos. 14 and 16. Train No. 16 leaves Weed at 2:20 p.m., arriving at Yreka at 4:00 p. m. Train No. 14 leaves Weed at 9:27 p. m. and arrives at Yreka at 10:45 p. m., which compels a person to stay overnight at Yreka and return in the afternoon or evening of the next day on either southbound train No. 13, leaving at 2:15 p. m. or on train No. 15, leaving at 9:40 p. m. The train service involves also a transfer at Montague to the Yreka Railroad with a wait at this station of at least a half hour. The Pickwick Stages System operates two stages daily between San Francisco and Portland, which pass northbound through Weed at 11:00 a. m. and 9:20 p. m. These are through stages

and carry any local passengers who present themselves for transportation between Weed and Yreka. The record shows that this stage service of the Pickwick Stages does not meet the local demand for service to the county seat. It appears that these through stages are very frequently crowded and are late in arriving and departing from Weed and do not cater particularly to local travel to and from the county seat. It appears that it has been the practice of the local people to hire either taxicabs or private conveyances to travel back and forth between the two proposed terminals to conduct whatever business they may have; whether it be legal or other business.

At the time this application was heard there was pending before the Commission Application No. 11189 of Pickwick Stages System for an order removing restrictions upon its local service between Woodland and the California-Oregon line imposed by this Commission in its Decision No. 7209 on Application No. 5081, decided March 2, 1920, which were as follows:

"Provided, however, that the authority herein conveyed does not authorize the carriage of any local passengers between Oakland and Davis; that no local passengers are to be carried between Woodland and the California-Oregon line unless vacant seats are available in the equipment operated by applicant and such vacant seats are not required for the accommodation of through passengers between points in the State of California and points in the State of Oregon; and provided, further, that no authority is herein conveyed for the establishment of any local line between any of the intermediate points on the through route herein authorized; * * * * *".

This Commission, in its Decision No. 15215 on said Application No. 11189, cancelled and annulled the foregoing restrictions placed upon the local service of the Pickwick Stages System as to that portion of its service between Redding and California-Oregon State line, north of Cole, California.

During the hearing of the instant application, Pickwick Stages System, protestant, indicated its willingness and ability to operate sufficient equipment on the time schedules now on file with the Commission to take care of local service and promised to add sufficient time schedules to its operations, in order to adequately take care of local service between Weed and Yreka, as might be required, in addition to its present time schedules.

The Commission has held this decision in abeyance for several months with a view of giving the Pickwick Stages System every opportunity to respond to the local demands for local service, as proposed by the instant applicant, between Weed and Yreka, but an examination of the time schedules now on file with this Commission indicates that this protestant has failed and neglected to add to its time schedules between Weed and Yreka the necessary schedules to meet the local demands of travel between Weed and Yreka, the county seat.

After careful consideration of all the evidence in this proceeding, we are of the opinion and hereby find as a fact that the public convenience and necessity require the service proposed by said applicant between Weed and Yreka and the application should be granted.

O R D E R

A public hearing having been held in the above entitled proceeding, the matter having been duly submitted and the Commission being now fully advised, and basing its order on the findings of fact as appearing in the opinion preceding this order,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA
HEREBY declares that public convenience and necessity require
the operation by Carl Phelps of an automobile stage line as a
common carrier of passengers and baggage between Weed and
Yreka and serving Gazelle and Granada as intermediate points.

IT IS HEREBY ORDERED that a certificate of public
convenience and necessity be and the same hereby is granted
to Carl Phelps, upon 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, tar-
riff of rates and time schedules within a per-
iod 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 agree-
ment on a basis satisfactory to the Railroad
Commission.

For all purposes, other than hereinabove stated, the
effective date of this order shall be twenty (20) days from the
date hereof.

Dated at San Francisco, California, this 6th day
of February, 1926.

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H. M. A. ...
C. ...
Frank ...
Leon ...

Commissioners.