

Decision No. 17282

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
A. H. WESTON and W. H. CURSON
for a certificate of public convenience and necessity to extend and operate passenger and express service by auto stage between Knights Landing and Marysville in conjunction with a regular stage service between Knights Landing and Woodland under authority of Decision No. 12190.

ORIGINAL

Application No. 11716.

C. C. McDonald and Ray Maxwell, for Applicants.
C. R. Detrick, for Sacramento Northern Railroad.
H. W. Hobbs, for Southern Pacific Company.
Edward Stern, for American Railway Express Company.

BY THE COMMISSION:

O P I N I O N

A. H. Weston and W. H. Curson, co-partners, have petitioned the Railroad Commission, in accordance with their amended application, 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 Knights Landing and Marysville and intermediate points; provided, however, that said applicants shall transport neither passengers nor express between O'Banion Corner and Yuba City or Marysville, nor between any intermediate points between O'Banion Corner and Yuba City or Marysville; and provided further, that applicants shall transport no through passengers between Woodland and Yuba City or Marysville in conjunction with their present authorized stage service between Woodland and Robbins.

The proposed route between Knights Landing and Marysville is as follows:

The Sutter Basin Boulevard between Knights Landing and Robbins; thence on the Sutter Basin Boulevard from Robbins to Sutter By-Pass; thence north across Sutter By-Pass via County road a distance of four miles; thence easterly on County highway to where said highway intersects the River Garden highway, said intersection being commonly known as O'Banion's Corner; thence on said River Garden highway to Bunce Street, Yuba City; thence to Hotel Sutter in Yuba City via Bunce Street, B. Street, Plumas Street and Bridge Street, said route being commonly known and designated as Knights Landing-Yuba City cut-off; thence to Western Garage in the City of Marysville via Bridge Street, Fifth Street, E. Street.

A public hearing on this application was conducted before Examiner Satterwhite at Marysville; 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 the equipment described in Exhibit "C" attached to said application.

The Southern Pacific Company and American Railway Express protested the granting of said application. Sacramento-Northern Railroad withdrew as protestant during the hearing by reason of the amendment to said application eliminating the proposal to operate a through passenger service between Woodland and Marysville.

Applicants now operate only an authorized passenger service between Woodland and Robbins via Knights Landing, and their proposed passenger service herein sought will be an extension to Marysville solely of that part and portion of their present passenger service between Knights Landing and Robbins.

Many witnesses appeared on behalf of applicants and testified to public necessity of the proposed service. At the present time there is no authorized stage service covering the particular territory proposed to be served between Knights Landing and Marysville.

The evidence shows that the proposed route of applicants traverses a very extensive and fast developing farming and agricultural territory located in the Sutter Basin district. The Sutter Basin Company, a corporation, now engaged in extensive farming activities, owns about 45,000 acres in this section, and many thousands of these acres are now under intensive cultivation, growing wheat, barley, rice and beans, together with fruits and vegetables of all kinds. The River Gardens Farm Company, another big ranching organization in this territory, also owns several thousand acres devoted to the growth of farm products of all sorts. Representatives from both of these large companies appeared at the hearing and strongly endorsed the proposed service. These large farming concerns employ constantly several hundred farm laborers and during the summer time several thousand farm hands are employed to harvest the various crops.

The record shows that at least 5,000 men, during the harvest season, are employed upon the farms in Sutter Basin, particularly in and about the communities of Knights Landing and Robbins. The town of Robbins, formerly called Maddock, is a rapidly growing community by virtue of the fact that at least 200 farmers have, in very recent years, purchased

small farms in this vicinity which are under extensive cultivation. Knights Landing has a population of over 1,000, and also is a growing community.

It was shown by applicants that Knights Landing, Robbins and Marysville are not only purchasing centers for all these farmers, but that they are also important labor recruiting points. The travel of ranch hands to and fro in this territory is more or less constant on account of the large labor turn-over. The evidence shows that the existing passenger service of the Southern Pacific Company, protestant, is unsatisfactory to these farmers, new settlers and laborers dwelling between Knights Landing and Marysville, and does not adequately serve the transportation needs of the district proposed to be served. There is only one train daily operated by the Southern Pacific Company in each direction between Marysville and Knights Landing. One south-bound train leaves Marysville for Knights Landing at 6:20 a.m. and one north-bound train leaves Knights Landing at 8:40 p.m. It appears that any person desiring to travel from Knights Landing to points intermediate in Sutter Basin are obliged to go to Marysville, remain over night there and take the morning train back through Sutter Basin in order to transact their business at any of the intermediate points. The record shows that there is considerable demand from settlers and laborers to travel in the daytime between Marysville and Knights Landing and way points and the proposed stage service, consisting of two trips daily in each direction, will meet this demand. The record further shows that applicants propose an express service, limited to 125 pounds to each package, and it was shown that the settlers and farmers in this agricultural district constantly purchase, both at Marysville and Knights Landing, food supplies and merchandise of all kinds, as well as farming tools and parts of

machinery equipment used on the ranches within the proposed limited weight.

The American Railway Express Company offered no evidence at all in support of its protest. The Southern Pacific Company introduced an exhibit showing its present passenger service, as hereinabove referred to, between Knights Landing and Marysville, and also offered some oral evidence indicating that its passenger service is very limited between these terminals, and that the train service is operated at a loss.

We have carefully considered all the evidence in this proceeding, and are of the opinion, and hereby find as a fact, that the public convenience and necessity require the service as proposed by said applicants, and the application as amended should be granted.

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. E. WESTON and W. E. CURSON, co-partners, of an automobile Stage line as a common carrier of passengers and express between Knights Landing and Marysville and intermediate points; provided, however, that applicants shall transport neither passengers nor express between O'Banion Corner and Yuba City or Marysville, nor between any intermediate points between O'Banion Corner and Yuba City or Marysville; and provided further, that applicants shall transport no through passengers between Woodland and Yuba City or Marysville in conjunction with their present stage service between

Woodland and Robbins.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity for the foregoing passenger and express service be, and the same is hereby granted; provided, however, that the foregoing passenger service is granted not as a separate passenger service, but as supplemental to and as an extension of that part and portion of applicants' present passenger operative rights between Knights Landing and Robbins, and subject to the following conditions:

1. Applicants shall file their 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 in form and substance in accordance with the declaration contained in this order and satisfactory to this Commission; 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 applicants herein unless such vehicle is owned by said applicants or is leased by them under a contract or agreement on a basis satisfactory to the Railroad Commission.

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

Dated at San Francisco, California, this 27th day of August, 1926.

H. B. Brundage

C. C. Cheney

Thos. S. Rountree

Commissioners.