

Decision No. 18788

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
COLLINS AND HEINDEL operating under
the name of the RUBICON ROUTE STAGE
LINE, for certificate of public con-
venience and necessity to operate
motor vehicle passenger and baggage
stage line between the City of Auburn,
County of Placer, State of California,
and McKinney's, Placer County, Cali-
fornia.

ORIGINAL

Application No. 13024

In the Matter of the Application of
C. R. SPICKARD and GEO. A. COLWELL, co-
partners, doing business under the firm
name and style of RUBICON SPRINGS STAGE,
for a certificate of public convenience
and necessity to operate auto passenger
and express service between Rubicon
Springs and Auburn, and intermediate
points, and consolidate same with their
now existing franchise between Lake
Tahoe and Rubicon Springs.

Application No. 13117

Thomas Maul, for Collins & Heindel, Applicant in Ap. 13024,
Lowell, Lowell & Lowell, by Marshall Z. Lowell, for
Spickard & Colwell, Applicant in Ap. No. 13117;
Gwyn H. Baker, for A. L. Richardson's Pierce Arrow Stage
Line, Protestant.
A. L. Whittle, for Southern Pacific Company, Protestant.
Gwyn H. Baker, for Bert Albush, Protestant.
T. E. Farrow, for Tahoe Transportation Company, Protestant.

BY THE COMMISSION:

O P I N I O N

Collins and Heindel, operating as co-partners under the
name of Rubicon Route 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 baggage between Auburn
and McKinney's and intermediate points via Georgetown, Wentworth
Springs and Rubicon, but not to include the transportation of

passengers and baggage between Auburn and Georgetown nor between Rubicon Springs and McKinney's, nor between Lake Tahoe and Rubicon Springs, nor between Georgetown and Auburn. At the hearing the application was amended to include express as well as passengers and baggage.

The applicant proposes to charge passenger 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.

Spickard & Colwell, operating as co-partners under the name of Rubicon Springs Stage, 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 Rubicon Springs and Auburn and intermediate points and to consolidate and unify same with their now existing franchise which permits their operation between Lake Tahoe and Rubicon Springs.

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.

A public hearing on said applications was held before Examiner Cannon at Auburn, at which time the matters were consolidated for the purpose of receiving evidence and for decision, the matters were submitted and are now ready for decision.

There are no stage or truck lines or railways operating between the points to be served as set forth in the applications, but certain portions of the proposed route are supplied with local service to-wit: Between Auburn and Georgetown and between McKinney's on Lake Tahoe and Rubicon Springs. There is no public transportation of any character between Georgetown and Rubicon Springs.

Applicants Collins and Heindel exempt from their application the transportation of passengers and express between Auburn and Georgetown and applicants Spickard and Colwell likewise exempt the portions of the route lying between Auburn and Georgetown and between McKinney's and Rubicon Springs.

Each of said applicants produced various witnesses who testified as to the necessity for the proposed service, among them being several resort owners. The record shows that the proposed service would afford a new route to Lake Tahoe, in addition to the now existing routes from Sacramento via Auburn and Truckee and also via Placerville. The route was described as one of great scenic beauty which afforded abundant opportunity for hunting, fishing and camping. A shortening of the distance between Sacramento and Lake Tahoe would be effected by some 11 miles.

The testimony showed a sharp conflict of opinion as to the condition of the road between the points to be served. One applicant testified that if granted a certificate they would accept it only for pioneering purposes and do the best they could, but doubted their ability to get through. Other testimony was to the effect that it was a "good" road, an "average" road and a "fair mountain" road. A reasonable summary of the testimony in this regard would reveal the fact that the road from Auburn to Wentworth Springs is for the most part in fair condition and from there on to Lake Tahoe it is rough and in some places perilous. From year to year improvements have been made mostly by popular subscription and with some aid from the Federal Forest Service and the local county Board of Supervisors. The road conditions are such as to make it appear extremely doubtful, if not impossible, to maintain an adequate and satisfactory service, provided there existed a definite

public demand for the service.

There is no evidence before the Commission which indicates that there is any necessity for the establishment of this service, no testimony having been presented that would indicate the probable number of patrons desiring such service. The proprietor of a resort known as Uncle Tom's, situated midway between Auburn and McKinney's, testified that between 20 and 25 automobiles passed through the resort last summer on their way to Lake Tahoe. If established, even under present unfavorable road conditions, it must necessarily appeal only^{to} that relatively small number of patrons who are interested solely in travelling to Lake Tahoe by way of a new route and not because the present service by rail or stage is inadequate or unsatisfactory. There has been no showing of public convenience and necessity, the testimony being limited rather to a showing of possible personal convenience.

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 do not require the operation by Collins and Heindel of an automobile stage service for the transportation of passengers, express and baggage between Auburn and McKinney's; and we are further of the opinion and hereby find as a fact that public convenience and necessity do not require the operation by Spickard and Colwell of an automobile stage service for the transportation of passengers and express between Lake Tahoe and Rubicon Springs.

O R D E R

A public hearing having been held in the above entitled applications, the matters having been duly submitted, the Commission being now fully advised, and basing its order on the findings of fact set forth in the preceding opinion;

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA hereby declares that public convenience and necessity do not require the proposed operation by Collins and Heindel, of an automobile stage line for the transportation of passengers, baggage and express between Auburn and McKinney's, and

IT IS HEREBY ORDERED that the application of Collins and Heindel be and the same is hereby denied.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA hereby declares that public convenience and necessity do not require the proposed operation by Spickard and Colwell of an automobile stage line for the transportation of passengers and express between Rubicon Springs and Auburn and intermediate points, and

IT IS HEREBY ORDERED that the application of said Spickard and Colwell be and the same is hereby denied.

Dated at San Francisco, California, this 7th day of

April, 1927.

Frank D. [Signature]

[Signature]

[Signature]
Commissioners.