

Decision No. 18314

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
FRANK WORD for certificate of public )  
convenience and necessity to operate )  
passenger and express auto stage ) Application No. 12839  
service between a point on the Nevada- )  
California State line near Reno Junction )  
and Loyalton, California. )

In the Matter of the Application of )  
FRANK WORD and WILLIAM SPALETTA, JR. )  
for certificate of public convenience )  
and necessity to operate passenger, ) Application No. 12840  
freight and express auto stage service )  
between Chilcoot, by Loyalton, Sierra- )  
ville, Sattley and Sierra City, to )  
Downieville, California. )

W. M. Kearney, for Applicants.

James S. Moore, Jr., for Western Pacific  
Railroad Company, Protestant in  
Application No. 12840.

BY THE COMMISSION:

O P I N I O N

FRANK WORD has petitioned the Railroad Commission, in accordance with his amended application, 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 express between the California-Nevada State line on the Reno highway south of Reno Junction, serving Loyalton, Sierraville and Sattley, and all intermediate points between Chilcoot and Sattley, as an extension of applicant's

present service between said State line and Calpine via Chilcoot as authorized in Decision No. 15343 on Application No. 10711, dated August 26, 1925.

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 Exhibit "C" attached thereto.

No one appeared in opposition to the granting of said application.

FRANK WORD and WILLIAM SPALETTA, JR., copartners, have petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by them of an automobile stage and truck line as a common carrier of passengers, freight and express between Chilcoot and Downieville, serving Loyalton, Sierraville, Sattley, Sierra City and intermediate points.

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 thereto.

Western Pacific Railroad Company appeared as a protestant in so far as said application involves transportation of freight between Chilcoot and Loyalton.

A public hearing on the above-named applications was conducted before Examiner Satterwhite at Portola. The matters were submitted and are now ready for decision. Said applications were consolidated at the hearing for the purpose of receiving evidence and for decision.

The evidence shows that applicant, Frank Word, operates an authorized stage and express service between the Nevada State line and Calpine and certain way-points via Chilcoot and Sattley, but has no authority to carry either local passengers or express matter between Chilcoot and Sattley and intermediate points.

On July 1, 1926, applicants, Word and Spaletta, as co-partners, were awarded the mail contract between Chilcoot and Downieville via Loyalton and Sierra City, and ever since said date have been transporting the United States mail in accordance with the terms of said contract over and along this route. They are the successors, with respect to this mail route, of Charles Dubourdieu, who, upon his failure to secure the mail contract again, abandoned, on July 1, 1926, his authorized operative rights to carry passengers and freight between the points now proposed to be served by said applicants.

The record shows that the passenger and freight business between Chilcoot and Downieville is so limited in volume that a stage and truck operator must hold and operate the United States mail contract in conjunction therewith in order to operate successfully, or at any profit. It was shown by applicant, Word, in connection with his proposed extended service to intermediate points between Chilcoot and Sattley that he would be able to expedite both passenger traffic and express matter weighing only 50 pounds. All freight or express matter in excess of 50 pounds, together with all passengers destined to points beyond Sattley and to Downieville can, without conflict with the proposed service of applicant, Word, be transported by the proposed service of applicants Word and Spaletta, co-partners, between Chilcoot and Downieville.

The evidence shows that the territory proposed to be served consists of a farming and dairying section between Chilcoot and Sierra City, and a lumber and mining district between Downieville and Sierra City and vicinity. The owners of general merchandise stores, together with all farmers along the entire route, desire the proposed service of applicant, Word, as well as the proposed service of Word and Spaletta, co-partners. The passenger business consists mainly of laborers who work in the lumber mills at Loyalton and Calpine and on the ranches along the line. The record indicates that the main volume of freight and express matter will be shipped from Sacramento or Reno, consisting of groceries, farm supplies and machine parts, dry goods and fruits and vegetables. Reno is now the chief buying center of all perishable goods, such as fruits and vegetables and limited shipments of farm supplies and necessities, which are transported to Chilcoot over the Western Pacific Railroad and thence by auto truck to the merchants and farmers along the proposed routes of applicants.

It appears that the weight of shipments from Reno to Chilcoot of these farm necessities and perishable goods range as an average from 50 to 100 pounds, and rarely exceed 300 pounds in weight. The heavier shipments of goods, wares and merchandise are transported mainly from Sacramento and San Francisco to Loyalton, the terminal of a branch line of the Western Pacific Railroad Company operating out of Portola. Loyalton, with a population of about 700 people, is the largest town on the proposed routes of applicants, and its principal industry is the lumber business, a large mill being operated by the Clover Valley Lumber Company, employing several hundred men.

Western Pacific Railroad Company, protestant, called as witnesses its/<sup>assistant</sup> general freight agent at San Francisco, and its general freight agent at Reno, who testified to the effect that the freight service of this rail carrier between Sacramento and Loyalton and Chilcoot, and between Reno and Loyalton is more than adequate to meet the limited demands of freight traffic moving to Loyalton.

The testimony shows that less than carload shipments from Sacramento and San Francisco are transported under a tri-weekly service to Loyalton over its rail branch from Portola in connection with a local freight service operated by this rail carrier from Portola to Loyalton on Tuesdays, Thursdays and Saturdays. It was shown that merchandise cars carrying only l.c.l. freight are made up at San Francisco and Sacramento so as to arrive at Portola at 2:50 a.m., leaving there at 9:30 a.m. and reaching Loyalton at 11:30 a.m. the same day, and freight is available for immediate delivery to consignees on arrival. No regular schedule is maintained via Chilcoot to Loyalton because of the negligible demand for such a route, but certain freight trains carry, about thrice weekly, a merchandise car that contains shipments to Chilcoot.

This carrier also operates a freight local from Reno to Chilcoot daily, except Sundays, leaving Reno at 7:00 a.m. and arriving at Chilcoot about 10:00 a.m., and transports to Chilcoot much of the perishable freight, such as fruit and vegetables, together with farm supplies and necessities destined to many of the points between Chilcoot and Downieville, the route proposed to be served by said applicants.

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

We are also of the opinion, and hereby find as a fact, that public convenience and necessity require the proposed service by FRANK WORD and WILLIAM SPALETTA, JR., co-partners, with the restriction, however, that in-bound freight shipments exceeding 300 pounds in weight shall not be transported by said applicants, Word and Spaletta, from Chilcoot to Loyalton.

O R D E R

A public hearing having been held in the above-entitled applications, the matters having been duly 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 FRANK WORD of an automobile stage line as a common carrier of passengers and express between the California-Nevada State line on the Reno highway south of Reno Junction, serving Loyalton, Sierraville and Sattley, and all intermediate points between Chilcoot and Sattley, not as a separate service, but as an extension of applicant's present service between said State line and Calpine via Chilcoot as authorized in Decision No. 15343 on Application No. 10711, dated August 26, 1925.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be, and the same is hereby granted to said FRANK WORD for the operation of the service hereinabove described, subject to the conditions hereinafter set forth.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation by FRANK WORD and WILLIAM SPALETTA, JR., co-partners, of an automobile stage and truck line as a common

carrier of passengers, freight and express between Chilcoot and Downieville, serving Loyalton, Sierraville, Sattley, Sierra City and intermediate points; provided, however, that in-bound freight shipments exceeding in weight 300 pounds shall not be transported by said applicants, Word and Spaletta, from Chilcoot to Loyalton.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be, and the same is hereby granted to FRANK WORD and WILLIAM SPALETTA, JR., co-partners, for the operation of the service hereinabove described, subject to the following conditions:

1.- Applicants shall file their written acceptance of the certificates herein granted within a period of not to exceed ten (10) days from date hereof.

2.- Applicants shall file, in duplicate, within a period of not to exceed twenty (20) days from the date hereof, tariff of rates and time schedules, such tariffs of rates and time schedules to be identical with those attached to the applications herein, or rates and time schedules satisfactory to the Railroad Commission, and shall commence operation of said service within a period of not to exceed sixty (60) days from the date hereof.

3.- 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.

4.- No vehicle may be operated by applicants herein unless such vehicle is owned by said applicants or is leased by them under contracts or agreements on a basis satisfactory to the Railroad Commission.

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

Dated at San Francisco, California, this 3<sup>rd</sup> day of May, 1927.

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