

EEM

Decision No. 19032.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 MT. LASSEN TRANSIT COMPANY, a corpora-
 tion, for certificate of public con-
 venience and necessity to operate ex-
 press service between Oroville and
 Buck's Ranch and intermediate points,
 etc., and to consolidate all oper-
 ative rights now owned and sought
 by applicant for the transportation
 of passengers, baggage, freight and
 express.

Application No. 13797.

Harry A. Eucell, for Applicant,
 George Scruggs, for Western Pacific
 Railroad Co., Protestant.
 Edward Stern, for American Railway
 Express Co., Protestant.

BY THE COMMISSION:

O P I N I O N

Mt. Lassen Transit Company, a corporation, has pe-
 titioned the Railroad Commission for an order declaring that
 public convenience and necessity require the operation by it
 of an automobile truck and stage line as a common carrier
 of express between Oroville and Buck's Ranch and intermediate
 points and of freight between Merrimac and Swayne's Logging
 Camp and intermediate points, and also of freight between
 Chester and Mineral; also permission for the adjustment of cer-
 tain inconsistent rates now appearing in the tariffs of appli-
 cant and for an order authorizing the consolidation of all op-
 erative rights now owned and herein sought by applicant for
 the transportation of passengers, baggage, freight and express.

Applicant proposes to charge fares for the consolidated service herein sought to be established and the rules and regulations governing the same, in accordance with amended Exhibit "A" attached to said application and by reference made a part thereof.

Applicant proposes to charge rates for the consolidated express service herein sought to be established and the rule and regulations governing the same, in accordance with Exhibit "B" attached to said application and by reference made a part thereof.

Applicant proposes to charge rates for the consolidated freight service herein sought to be established and the rules and regulations governing the same, in accordance with Exhibit "C" attached to said application and by reference made a part thereof.

Applicant proposes to operate on time schedules between all the points proposed to be served by the consolidated service, as shown in Exhibit "D" attached to said application and by reference made a part thereof.

Applicant proposes to use in the operation of the consolidated service modern stages, trucks and trailers to adequately serve the needs of the general public.

The Western Pacific Railroad Company and the American Railway Express Company appeared at the hearing in opposition to the granting of said application.

The record shows that Mt. Lassen Transit Company is the owner and operator of the following operative rights heretofore granted by the Railroad Commission of the State of California:

1. Passenger, baggage and express between Red Bluff, Tehama County, and Westwood, Lassen County, and intermediate points, via Payne's Creek, Mineral, and Chester; granted by Decision No. 14507 in Application No. 10764, dated January 30, 1925, and Decision No. 15129 in Applications Nos. 11106 and 11069, dated July 3, 1925.

2. Passengers, baggage, freight, and express between Keddie, Crescent Mills, Greenville, Forest Camp, Canyon Dam, Prattville,

Almanor Inn, Chester, and Drakesbad, and intermediate points; and passengers, baggage and express between Keddie, Crescent Mills, Greenville, Westwood, and Susanville, granted by Decision No. 14737 in Application No. 10948, dated April 4, 1925, and Decision No. 15129 in Applications Nos. 11106 and 11069, dated July 3, 1925;

3. Passengers, baggage, and express between Nevada State Line near Doyle and Westwood and intermediate points, granted by Decision No. 7506 in Application No. 5363, dated April 30, 1920, and No. 15129 in Applications Nos. 11106 and 11069, dated July 3, 1925;

4. Passengers, baggage, and express between Westwood and Greenville, on the one hand, and Crescent Mills and Greenville, on the other hand, granted in Decision No. 15129 in Applications Nos. 11106 and 11069, dated July 3, 1925;

(Said Decision No. 15129 granted to applicant the right to operate one unified system of through service for the transportation of PASSENGERS, BAGGAGE, and EXPRESS between all the termini named in Applications Nos. 11106 and 11069 and the intermediate points; EXPRESS service being limited to the transportation of packages on passenger stages; and FREIGHT service only over and along the route between Keddie, Crescent Mills, Greenville, Forest Camp, Canyon Dam, Prattville, Almanor Inn, Chester, Drakesbad, and intermediate points.)

5. Passengers, baggage and express between Mineral and Lake Helen and intermediate points, via Supan Sulphur Works, granted in Decision No. 15099 in Application No. 11007, dated June 25, 1925, and Decision No. 15479 in Application No. 11671, dated October 1, 1925;

6. Passengers, baggage, and express between Chico and Westwood and intermediate points; between Westwood and Susanville and intermediate points, and between Chester and Juniper Lake, granted in Decision No. 15479 in Application No. 11671, dated October 1, 1925;

(All of which operative rights were consolidated and unified by order of the Commission in its said Decision No. 15479 so as to enable applicant

to render service in accordance with the foregoing rights between all termini and intermediate points served by and along the routes covered by said rights);

7. Passengers and baggage between Susanville and Doyle and intermediate points, granted and linked with other operative rights of applicant by Decision No. 15647 in Application No. 11787, dated November 20, 1925;

8. Passengers, baggage, freight, and express between Mineral and a point on the boundary line of Lassen Volcanic National Park, about 13½ miles from Manzanita Lake and intermediate points via Viola and Manzanita Lake, granted by Decision No. 16006 in Application No. 12506, dated February 15, 1926;

9. Passengers and baggage between Oroville and Swayne's Logging Camp and intermediate points; freight between Oroville and Merrimac and intermediate points; packages between Oroville and Swayne's Logging Camp; passengers, baggage and freight between Swayne's Logging Camp and Buck's Ranch, authorized by Decision No. 16555 in Application No. 12745, dated April 23, 1926;

10. Passengers, baggage, freight and express between Quincy and Buck's Ranch and intermediate points, granted by Decision No. 17215 in Application No. 13066, dated August 13, 1926;

11. Passengers, baggage, freight, and express between Keddie and Quincy and intermediate points, granted by Decision No. 18052 in Application No. 13231, dated March 14, 1927.

An examination of the foregoing operative rights discloses the fact that applicant is the operator of at least three main track-lines consisting primarily of routes from Reno to Westwood, from Westwood to Red Bluff and from Westwood to Keddie, together with an important passenger and express service between Oroville and Quincy and intermediate points.

Applicant called several witnesses in support of its proposed additional and consolidated service, including W. C. Lawrence, who is Superintendent of Transportation for said applicant. The testimony shows that the Mt. Lassen Transit Company acquired by purchase the operative rights of Pauly & Stinchfield, operating between Oroville and Buck's Ranch and intermediate points, which said operative rights included the right to transport freight between Oroville

and Merrimac and intermediate points and between Swayne's and Buck's Ranch, but it appears that Pauly & Stinch^{field} at no time operated or owned any operative rights to transport freight between Merrimac and Swayne's Camp, the distance between these two latter points being about seven miles. Swayne's Camp and Merrimac are points situated on the principal route between Oroville and Quincy.

The record shows that the applicant now owns and operates a passenger, freight and express service between Buck's Ranch and Quincy, which is also a part of the route between Oroville and Quincy. The record shows that the proposal of applicant to operate a freight service between Merrimac and Swayne's Camp will close the gap between these two points and permit applicant to meet the demand of patrons who not only ship freight to other points between Oroville and Quincy, but to the intermediate territory between Merrimac and Swayne's Camp. The testimony shows that the absence of authority to transport freight to this territory between Merrimac and Swayne's Camp presents an unsatisfactory and impracticable situation to meet the demands of shippers and patrons of the Mt. Lassen Transit Company, who frequently make requests for the transportation of freight between Swayne's Camp and Merrimac.

The record shows that applicant holds passenger and freight rights between Oroville and Buck's Ranch and herein seeks express rights between these two points in response to constant and almost daily demands from its patrons to carry express matter to various points along its stage route between Oroville and Buck's Ranch. At the present time hydro electric construction operations are in progress at and near Buck's Ranch. Oroville is the nearest town of any considerable size to Buck's Ranch and applicant has daily requests for the transportation of light parcels and packages, as well as fruit and vegetables, also auto parts and machine parts, all of which could be carried upon the stages operated for passenger and baggage service between these points and points beyond as far as Quincy.

With reference to the proposed freight service between Mineral and Chester, the testimony shows that there is a considerable volume of freight moving between these two mountain points. It appears that the Red River Lumber Company sells to the general merchandise store at Mineral practically all of the goods, wares and merchandise handled by this store. At the present time these goods are shipped to Westwood and conveyed by a truck out of Westwood to Mineral. The evidence shows that the owner of the merchandise store at Chester also sells and ships considerable merchandise to Mineral. The testimony shows that Red Bluff is also a buying center, not only for the merchants at Mineral and Chester, but at many way-points between these two mountain communities. There is considerable merchandise which goes to Drakesbad, most of which is purchased at Red Bluff, which passes through Mineral and is distributed to the campers and to the highway camps along the Red Bluff road at Dominguez Springs and other points. The testimony shows that there is almost a daily demand for the transportation of all kinds of freight between Mineral and Chester which is shipped both from Red Bluff, Westwood and Chester.

The record shows that the proposed adjustment of the rates and fares which now appear in the tariffs of applicant will consist largely of reductions, together with some increases, which are disclosed by a study of Exhibits "A", "B" and "C", attached to said application. The reductions are indicated by the letter R and increases by the letter A before each rate or fare.

The record shows that the adjustments with respect to passenger fares as shown in Exhibit "A" attached to said application are proposed between Forest Camp and Keddie, on the one hand, and Canyon Dam, on the other hand, and also between Keddie and Greenville

and between Mineral and Summit Lake. It appears that a small increase of 25 cents per hundred pounds is desired between Greenville and Keddie and between certain other points in order to eliminate certain inconsistencies and make the combination of local fares equal to the through fares, for the reason that the present tariff of applicant shows that the sum of the locals is less than the through fares. These few adjustments and rate increases are not sought for revenue purposes, but to iron out those few instances where the combination of local fares is less than the through rate.

The record shows that all the proposed changes made in the express rates are reductions.

With reference to the freight rates as proposed in Exhibit "C" attached to the application the evidence shows that there are a limited number of increases proposed between Keddie and Crescent Mills, Keddie and Prattville, Keddie and Almanor Inn and Keddie and Chester, also between Crescent Mills and the same foregoing points. The evidence shows that there is a small increase of 10 cents per 100 pounds between Keddie and Crescent Mills, a distance of 11 miles. The proposed rate between Keddie and Prattville is \$1.00 which is an increase of 30 cents per hundred, the distance between these two points being 34 miles, and the route passing over two ranges of mountains. The proposed rate from Crescent Mills to Prattville, Almanor Inn and Chester is 70 cents per hundred, being an advance of 20 cents over the existing charge. There is a proposed increase of 40 cents from Keddie to Drakesbad, a distance of 55 miles over a very rough and bad road. The record shows that all proposed freight increases are fair and reasonable for the reason that the volume of traffic is limited and hauled over steep and difficult mountain roads.

The record shows that the present transportation system of the Mt. Lassen Transit Company has been built up in a large measure by the acquirement of the operative rights of several authorized truck and stage operators and the establishment of a unified system with the approval and authority of the Railroad Commission. The evidence in this proceeding shows that the unification of the existing operative rights with those sought in this proceeding will meet the public convenience through the elimination of transfers at existing terminals and the rerouting of passenger stages and freight trucks from points along one operative right to another and will result in the more economic operation of applicant's lines through the reduction of various and sundry costs and expenses.

Mt. Lassen Transit Company now owns and operates eleven franchises and it is necessary in the accounting to the different commissions and to the different divisions of the state government on each separate line to have separate accounting for each separate service, and it also necessitates keeping mileage records, tire records and also various cost records in general on each separate line which if they were all consolidated would put one accounting over practically the eleven franchises.

There are now six divisions maintained over the system of the Mt. Lassen Transit Company and the proposed complete consolidation would effect important economies in rearranging of various schedules permitting advantageous use of drivers as well as equipment.

The Southern Pacific Company and the American Railway Express Company, as protestants, offered no testimony in support of their protests.

After a 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 proposed express service of applicant between Oroville and Buck's Ranch and the proposed freight service between Merrimac and Swayne's Logging Camp and between Chester and Mineral. Upon the record herein, we are also of the opinion that permission should be granted to the applicant for the adjustment of certain inconsistent rates now appearing in the tariffs of applicant on file with this Commission and also for an order authorizing the consolidation of all of applicant's operative rights with those herein granted for the transportation of passengers, baggage, freight and express, subject to the provisions and conditions of this opinion and order herein.

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 Mt. Lassen Transit Company, a corporation, of an automobile truck and stage line as a common carrier of express between Oroville and Buck's Ranch and intermediate points and of freight between Merrimac, Swayne's Logging Camp and intermediate points, and also of freight between Chester and Mineral, and also ~~for~~ permission for the adjustment of certain inconsistent rates now appearing in the tariffs of applicant and also for an order authorizing the consolidation of all operative rights now owned and herein sought by applicant for the transportation of passengers, baggage, freight and express, which routes are as follows:

1. Passengers, baggage and express between Red Bluff, Tehama County, and Westwood, Lassen County, and intermediate points, via Payne's Creek, Mineral and Chester; granted by Decision No. 14507 in Application No. 10764, dated January 30, 1925, and Decision No. 15129 in Applications Nos. 11106 and 11069, dated July 3, 1925.

2. Passengers, baggage, freight, and express between Keddie, Crescent Mills, Greenville, Forest Camp, Canyon Dam, Prattville, Almanor Inn, Chester, and Drakesbad, and intermediate points; and passengers, baggage and express between Keddie, Crescent Mills, Greenville, Westwood, and Susanville, granted by Decision No. 14737 in Application No. 10948, dated April 4, 1925, and Decision No. 15129 in Applications Nos. 11106 and 11069, dated July 3, 1925;

3. Passengers, baggage, and express between the Nevada State Line near Doyle and Westwood and intermediate points, granted by Decision No. 7506 in Application No. 5363, dated April 30, 1920, and No. 15129 in Applications Nos. 11106 and 11069, dated July 3, 1925;

4. Passengers, baggage, and express between Westwood and Greenville, on the one hand, and Crescent Mills and Greenville, on the other hand, granted in Decision No. 15129 in Applications Nos. 11106 and 11069, dated July 3, 1925;

(Said Decision No. 15129 granted to applicant the right to operate one unified system of through service for the transportation of PASSENGERS, BAGGAGE, and EXPRESS between all the termini named in Applications Nos. 11106 and 11069 and the intermediate points; Express service being limited to the transportation of packages on passenger stages; and FREIGHT service only over and along the route between Keddie, Crescent Mills, Greenville, Forest Camp, Canyon Dam, Prattville, Almanor Inn, Chester, Drakesbad, and intermediate points.)

5. Passengers, baggage and express between Mineral and Lake Helen and intermediate points, via Supan Sulphur Works,

granted in Decision No. 15099 in Application No. 11007, dated June 25, 1925, and Decision No. 15479 in Application No. 11671, dated October 1, 1925;

6. Passengers, baggage, and express between Chico and Westwood and intermediate points; between Westwood and Susanville and intermediate points, and between Chester and Juniper Lake, granted in Decision No. 15479 in Application No. 11671, dated October 1, 1925;

(All of which operative rights were consolidated and unified by order of the Commission in its said Decision No. 15479 so as to enable applicant to render service in accordance with the foregoing rights between all termini and intermediate points served by and along the routes covered by said rights);

7. Passengers and baggage between Susanville and Doyle and intermediate points, granted and linked with other operative rights by applicant by Decision No. 15647 in Application No. 11787, dated November 20, 1925;

8. Passengers, baggage, freight and express between Mineral and a point on the boundary line of Lassen Volcanic National Park, about 13½ miles from Manzanita Lake and intermediate points via Viola and Manzanita Lake, granted by Decision No. 16006 in Application No. 12506, dated February 15, 1926;

9. Passengers and baggage between Oroville and Swayne's Logging Camp and intermediate points; freight between Oroville and Merrimac and intermediate points; packages between Oroville and Swayne's Logging Camp; passengers, baggage and freight between Swayne's Logging Camp and Buck's Ranch, authorized by Decision No. 16555 in Application No. 12745, dated April 23, 1926;

10. Passengers, baggage, freight and express between Quincy and Buck's Ranch and intermediate points, granted by

Decision No. 17215 in Application No. 13066, dated August 13, 1926;

11. Passengers, baggage, freight and express between Keddie and Quincy and intermediate points, granted by Decision No. 18052 in Application No. 13231, dated March 14, 1927.

12. The authority herein granted permitting express operations between Oroville and Buck's Ranch and intermediate points; freight operations between Merrimac and Swayne's Logging Camp and intermediate points and also freight operations between Chester and Mineral.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and the same is hereby granted to Mt. Lassen Transit Company, a corporation, for the foregoing express service between Oroville and Buck's Ranch and freight service between Merrimac and Swayne's Logging Camp and between Chester and Mineral, and that permission and authority is hereby granted for the adjustment and increase of certain inconsistent rates now appearing in the tariffs of applicant, as proposed in Exhibits "A", "B" and "C" attached to said application.

IT IS HEREBY FURTHER ORDERED that a certificate of public convenience and necessity be, and the same is hereby granted to Mt. Lassen Transit Company, a corporation, to consolidate all operative rights now owned by said applicant and herein granted to said applicant for the transportation of passengers, baggage, freight and express.

The authority herein granted to consolidate and unify all the operative rights now owned by applicant and the operative rights as granted herein are subject to the following conditions:

1. Applicant shall file its written acceptance of the certificate herein granted within a period of not to exceed ten (10) days from date hereof.
2. Applicant 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 application 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 applicant herein unless such vehicle is owned by said applicant or is leased by it under a contract or agreement on a basis satisfactory to the Railroad Commission.

The effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 12th day of November, 1927.

[Signature]
[Signature]
Leon [Signature]
[Signature]
[Signature]
Commissioners.