

Decision No. 19447**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of  
 S. B. JOHNSON and A. A. JOHNSON, doing  
 business as partners under the name of  
 "FEATHER RIVER STAGES," for a certifi-  
 cate of public convenience and neces-  
 sity to operate a passenger and express  
 service as a common carrier between  
 Oroville, Butte County, California,  
 and Buck's Power Plant, Plumas County,  
 California.

Application No. 13073.

In the Matter of the Application of  
 MT. LASSEN TRANSIT COMPANY, a corpora-  
 tion, for a certificate of public con-  
 venience and necessity to operate as a  
 transportation company for the carriage  
 of passengers and express between Oro-  
 ville, Butte County, California, and  
 Buck's Power Plant, Plumas County,  
 California, and intermediate points.

Application No. 13545.

Douglas Brookman and Geo. F. Jones, for Johnson & Johnson,  
 Applicants.

Harry A. Excell, for Mt. Lassen Transit Company, Applicant.

George Scruggs, for Western Pacific Railroad Co., Protestant.

Scott Lawton, for Oroville Truck & Storage Co., Protestant.

BY THE COMMISSION:

O P I N I O N

S. B. Johnson and A. A. Johnson, co-partners under the  
 fictitious name of "Feather River Stages," have petitioned the  
 Railroad Commission for an order declaring that public conven-  
 ience and necessity require the operation by them of an auto-  
 mobile stage line as a common carrier of passengers and express

between Oroville, Butte County, and Buck's Power Plant, Plumas County, serving Wicks, Pentz, Yankee Hill, Pulga and all other 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".

Mt. Lassen Transit Company, a corporation, has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by it of an automobile stage line as a common carrier of passengers and express between Oroville, Butte County, and Buck's Power Plant and intermediate points, to-wit: Wicks, Pentz, Yankee Hill, Concow, Pulga, Cresta, and Merlin.

Applicant proposes to charge rates and to operate on a time schedule in accordance with Exhibits "A" and "B" attached to application and to use standard modern auto stage equipment of sufficient capacity to render to the public adequate and comfortable service.

The Western Pacific Railroad Company protested the granting of said applications and each of said applicants protested the granting of the application of the other. Scott Lawton, operator of the Oroville Truck and Storage Company, appeared as a protestant, but was eliminated by certain stipulations entered into by the respective applicants.

Public hearings on said applications were conducted by Examiner Satterwhite at Oroville, the matters were submitted and are now ready for decision. Each of said applicants propose to serve the identical territory and for this reason the applications were consolidated for the purpose of receiving evidence and for

decision.

Alfred A. Johnson, co-applicant above named, testified in his own behalf and called several witnesses consisting of farmers, resort owners and others residing along the route proposed to be served.

The territory proposed to be served is a sparsely settled mountain district located along the western side of the Feather River Canyon. The new highway which has been under construction for some time between Yankee Hill and Buck's Power Plant or Storrie, the northern terminus of the proposed stage service, is now completed.

The evidence shows that the area along the proposed route between Oroville and Yankee Hill is devoted to farming and stock raising on a rather limited scale, the main acreage consisting of olives and grain. There is some mining activity at Cherokee and in the adjacent territory. During the summer season a small number of laborers are employed on the various ranches which include two poultry farms in this section. It appears that most of the residents own their own automobiles and, as a rule, employ their farm hands at Oroville and transport them in their own machines.

It is admitted by applicants Johnson & Johnson that the prospective passenger business between Oroville and Yankee Hill will be small and will not amount to more than one-quarter of their estimated patronage. Pentz, Yankee Hill and Cherokee are small buying points or centers for the farmers, stockmen and miners living in this district. Wicks is only a junction point of the Oroville and Chico Highways in the vicinity of which are located eight or ten farms. The evidence shows that Pentz is the largest of these places with about 40 or 50 farmers living in the surrounding territory. At Yankee Hill there is a small hotel which can accommodate about 15 guests and is patronized by fishermen

and hunters in the open season. Cherokee has about 15 families at which point a general merchandise store is operated. These applicants testified that they expect to secure the bulk of their business from the laborers employed in the construction of Buck's Power Plant at Storrie. Storrie and Fulga are located on and are served by the Western Pacific Railroad and practically all the workmen now employed at the power plant are secured at Sacramento and transported over this rail line. There is a small hotel at Fulga which can accommodate about 25 people, many of whom are fishermen and hunters who frequent this section from time to time throughout the year. The record shows that the newly completed highway terminates abruptly on the mountain side about 500 feet above Buck's Power Plant, which is reached by a winding trail down into the Feather River Canyon. E.B.M. Birkinbine, resident engineer at Storrie for the Great Western Power Company, called as a witness by Johnson & Johnson, testified that the climb up the mountain trail from the construction camp is a hard one and it was doubtful whether the proposed stage line would be used to any extent by the laborers travelling in and out of the camp. This witness further testified that about 200 men would be employed at the power plant during the working season of 1928 and that thereafter only about 60 men would be employed until the construction work is finished in 1929. The labor turnover will be about ten men daily during the year 1928 and will be almost negligible in 1929.

Mt. Lassen Transit Company is the operator of a comprehensive system of auto stages and trucks for the transportation of passengers, baggage, express and freight in the counties of Tehama, Butte, Plumas and Lassen and in connection with its operations is the owner and holder of various certificates of public convenience

and necessity heretofore granted by this Commission. The evidence shows that there is at the present time in the course of construction certain state highways and county roads in the Feather River Canyon, all of which have been completed with the exception of about 35 miles, and that the County Board of Supervisors of Plumas County, in connection with the State Highway Commission, is expending large sums of money for the completion of said Feather River Highway in Plumas County.

Mt. Lassen Transit Company contended at the hearing that there is no public necessity for the proposed stage line at the present time between Oroville and Buck's Power Plant and that its application was filed for the purpose of protecting its existing auto stage operative rights between Oroville and Quincy by way of Buck's Ranch. This applicant operates an authorized stage service between Oroville and Quincy, serving Buck's Ranch and way points over the so-called "Ridge Route" in the vicinity of Feather River Canyon. The record shows that when the new highway along the north fork of the Feather River Canyon, which now ends on the mountain side at Storrie, is finally constructed it will be necessary for the Mt. Lassen Transit Company to re-route its stage service over this newly completed highway for the reason that the Ridge Route will be virtually abandoned and that the volume of public travel over the new through highway will make such an operation profitable when carried on in connection with all its operations between Oroville and the counties of Plumas and Lassen over said highway.

W. C. Lawrence, Manager of Mt. Lassen Transit Company, testified that a stage service as proposed by either of said applicants could not be operated at any profit through this sparsely settled mountain territory at the present time and under the present conditions. This witness also testified that laborers

would not climb up the trail from the construction camp at the bottom of the canyon, a distance of three-quarters of a mile, and take a stage on the road above Storrie, but would in nearly all cases prefer to take the train near the camp.

The Western Pacific Railroad Company, protestant, introduced both oral and documentary evidence in support of its protest. L. I. McKim, District Passenger Agent of the Western Pacific Railroad Company, testified that this rail carrier operates an adequate service between Oroville and Storrie and Pulga and gave in detail the amount of traffic originating at and destined to points served by the Western Pacific Railroad Company and to be served by the proposed stage line.

The record shows that this rail carrier operates two trains daily each way between Oroville and Storrie serving also the way-points of Pulga, Cresta and Merlin. Trains No. 1 and No. 2 stop at Storrie to discharge or receive laborers at the construction camp, all of whom are obtained from the labor agencies at Sacramento. This labor movement is the only business in and out of Storrie, save and except officials and representatives of the Great Western Power Company. However, any passenger may buy a ticket to or from Storrie and the train will stop to let him on or off. Pulga is also served by night trains No. 3 and No. 4 and will carry all passengers. Exhibit No. 1, introduced by this protestant, shows the entire number of passengers and revenue, both one way and round trip tickets, including cash fares for one year from July 1, 1926, to June 30, 1927. A study of this exhibit shows that the average number of passengers between Oroville and Storrie amounts to about 3-1/2 passengers daily throughout the year.

During the course of these proceedings the Mt. Lassen Transit Company took the position that the proposed stage service

sought by applicants, Johnson & Johnson, between Oroville and Storrie would be an invasion into the natural territory now served by it and that the large capital invested in its existing lines and in its present consolidated system of transportation is entitled to the protection of the regulatory authority of this Commission. In view of the conclusion reached by the Commission in these proceedings, it is unnecessary at this time to pass upon this contention by the Mt. Lassen Transit Company.

We are of the opinion, after a careful consideration of all the evidence in these proceedings, and hereby find as a fact, that the public convenience and necessity do not require the establishment of a passenger and express service between Oroville and Buck's Power Plant and intermediate points as proposed by either of said applicants and that their respective applications should be denied.

#### O R D E R

Public hearings 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 do not require the operation by S. B. Johnson and A. A. Johnson, co-partners under the fictitious name of Feather River Stages, of an automobile stage line as a common carrier of passengers and express between Oroville, Buck's Power Plant and intermediate points; nor the operation by Mt. Lassen Transit Company as a common carrier of passengers, express and freight between Oroville and Buck's Power Plant and intermediate points.

IT IS HEREBY ORDERED that said Application No. 13073 of S. B. Johnson and A. A. Johnson, co-partners, be and the same is hereby denied.

IT IS HEREBY ORDERED that Application No. 13545, of Mt. Lassen Transit Company, a corporation, be and same is hereby denied.

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

Dated at San Francisco, California, this 10th day of March, 1928.

C. Seaver  
Geo. S. Ricketts  
M. J. ...  
Commissioners.