



Smalley is now operating an automobile service for the transportation of passengers and express between Stockton and Jackson and intermediate points, one of which is Martell, a community two miles from Jackson. Sutter Creek is two miles from Martell. Smalley proposes to operate a stub service from Martell to Sutter Creek, operating two schedules a day to connect with his Stockton schedules. He so testified in this proceeding, and also testified that in his opinion public convenience and necessity required the service. He based this opinion largely on experience gained through the operation of a "trial service" conducted without authority from this Commission. He stated that there was dissatisfaction in Sutter Creek because there was no direct service between Stockton and that community; that the service between Stockton and Sutter Creek via the Calaveras Transit Company stages and the stages of the Amador Stage Lines was too round about. He also testified that his connection with the Amador Stage Lines at Martell was not satisfactory because the schedules of the latter company compelled a lay-over at Martell for traffic bound to or from Stockton and Sutter Creek. He said he had declined a proposal by Amador Stage Lines to enter into a joint rate arrangement. He said he was now transporting about one passenger every two days between Stockton and Sutter Creek and that by his "trial service" between Stockton and Sutter Creek he had materially increased his express business. Before the installation of the trial service, express for Sutter Creek was left at Martell to be picked up by consignors or carried to Jackson, and from there transported to Sutter Creek by a garage man, who was paid for the service, or held until called for by consignors. Passengers from Stockton for Sutter Creek disembarked at Martell where thirty five minutes later they were picked up by Amador Stage Lines.

Applicant Smalley's application was supported by the testimony of half a dozen shippers, mostly garage men. Their testimony was generally to the effect that the service offered by Smalley was more advantageous to them than the combination of Amador Stage Lines-Calaveras Transit Company services because the Smalley schedules were best suited to their needs. With them it was a question of time, and they wanted, they said, all the service they could get, particularly express. None had any particular complaint against the existing service. One or two testified that they had occasionally picked up passengers waiting at Martell and had transported them as an accommodation to Sutter Creek, and had also accommodated travelers by transporting them from Sutter Creek to Martell for a main line connection.

A. L. Schneider, manager of Amador Stage Lines, was the only witness presented by protestants. He testified that in connection with Calaveras Transit Company, his company operated two schedules daily each way between Sutter Creek and Stockton. Schneider said his company also operated four trips daily each way between Sutter Creek and Jackson, also serving Martell, with any one of which, Schneider said, the Smalley line may connect by a rearrangement of its schedules, thus providing the direct service to Sutter Creek proposed in this proceeding. He said he has proposed a joint rate arrangement with Smalley and after the latter's failure to accept the arrangement had published joint rates with the Calaveras Transit Company. The latter company operates between Stockton and Dorrington, via San Andreas, connecting with the Schneider line for Sutter Creek and other points at San Andreas.

Protestants filed three exhibits, - No.1 showing their service between the points affected by the instant application; No.2 showing a traffic check and No.3 the revenues and expenses of Amador Stage Lines for January, February and March of 1931. In February the company operated at a loss of \$558.69. January yielded a profit of \$72.62 and March a profit of \$41.23.

The traffic report showed that from January 1st to 10th, inclusive, Amador Stage Lines transported 18 passengers between Sutter Creek and Jackson and points intermediate, including Martell. From February 10th to 19th, both inclusive, 17 passengers were transported between the same points.

Schneider said that he paid weekly visits to the Jackson-Sutter Creek territory, carefully studied its transportation needs and was ready to increase his service whenever conditions justified it. He said the territory was now receiving all the service necessary, and that to grant the certificate sought by Smalley would impair that service without benefiting the communities involved. He said no complaints involving his service had ever been made to him.

Carefully reviewing the evidence in this proceeding and the exhibits, I conclude and hereby find as a fact that public convenience and necessity does not require the service proposed by applicant Smalley. It is apparent that the remedy for the service faults described by witnesses, if they may be termed faults, may be found in a readjustment or rearrangement of schedules and a properly co-ordinated effort to meet the territory's traffic demands. Additional service at this time is not needed.

I recommend the following form of order:

ORDER

A public hearing having been held, evidence taken and an order of submission made, and the Commission being fully advised,

IT IS HEREBY ORDERED that Application No. 17286 be and the same is hereby denied.

The effective date of this order is hereby fixed at twenty (20) days from the date hereof.

The above Opinion and Order are hereby approved and adopted as the Opinion and Order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 18<sup>th</sup> day of May, 1931.

C. J. Scammon  
Leon O'Connell  
W. J. Linn  
W. B. Harris  
Fred G. Stewart  
COMMISSIONERS.