

Decision No. 24897.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of  
RAY QUIGLEY, G. R. GREEN and R. M.  
GREEN for an order authorizing  
applicants G. R. GREEN and R. M. GREEN  
to sell and to transfer an automobile  
passenger and freight line and for a  
certificate of public convenience and  
necessity to serve the territory now  
served from Blairsden alone from both  
Blairsden and Sacramento, California.

Application No. 17406.

ORIGINAL

- D. L. Beard, for Applicants.
- H. W. Hobbs, for Southern Pacific Company and  
Nevada County Narrow Gauge Railroad Company,  
Protestants.
- L. N. Bradshaw, for Western Pacific Railroad  
Company and Sacramento Northern Railway,  
Interested Parties.
- B. Gibson, Jr., for California Nevada Stages,  
Incorporated, Protestant.
- O. St. Clair, for Pacific Greyhound Lines,  
Protestants.
- Harry See, for Brotherhood of Railway Trainmen  
and Locomotive Engineers, Protestant.
- M. P. Fisher, for Downieville Stage Line and  
Blairsden, Salmon Lake Stage Line, Protestants.
- A. Machomich, for Machomich Stage Line, Protestant;  
and for Joseph Deller.
- Edward Stern, for Railway Express Agency,  
Incorporated, Protestant.

BY THE COMMISSION:

O P I N I O N

G. R. Green and R. M. Green copartners, operating auto-  
motive stage service between Blairsden and points in Plumas  
County, have made application to transfer their operative rights

to Ray Quigley. In addition, Quigley has made application to establish automotive service for both passengers and property between Sacramento and Blairsden.

Public hearings thereon were conducted by Examiner Kennedy at Blairsden and at San Francisco, the matter was duly submitted and now is ready for decision.

Applicants Green and Green propose to transfer to Quigley their operating rights for a stage service between Blairsden and Sierra City and also from Blairsden to Graeagle, Lake Center Camp, Salmon Lakes and Graeagle Lodge for a consideration of \$2000.00 including certain equipment. The operations are of long standing and seasonal in character and are largely from the rail station at Blairsden to various points not served by rail lines. At Sierra City connection is made for Downieville on the west, and Sierraville and other points on the east. Quigley has been conducting freight operations in and about Portola and has also given service, assertedly by contract, between Sacramento, Portola and other intermediate points. His financial ability to maintain the operations as certificated appears satisfactory but the transfer is opposed by Western Pacific Railroad Company and other carriers on the ground that Quigley, by reason of his operations between Sacramento and Portola and other points, has been conducting illicit operations and is therefore unfit to receive a certificate. In connection with this matter Western Pacific Railroad Company and Railway Express Agency, Incorporated, jointly filed complaint (Case No. 3176), against Quigley, alleging illegal operation between Portola, Chilcoot and Loyalton. This complaint was filed subsequent to hearings in the application but no testimony was received thereunder and at the time of submission of the instant application this case was permitted to be continued for further hearing. The question therefore under submission

relates alone to the transfer of the operating rights and the extension of service to Sacramento.

Applicant proposes to pick up passengers particularly from the Sacramento Northern Railway at Sacramento, as well as its own station in that city and transfer them directly to points between Sierra City and Blairsden and also to receive passengers at Auburn and points north and east thereof to the same area. The theory of applicant is that the present method of reaching Blairsden and the Feather River resort country by rail is cumbersome, costly, and inconvenient; that the trains arrive at such hours at Blairsden that it requires a day and night to make the trip from San Francisco Bay region and San Joaquin or Sacramento Valley points when by service proposed to be established this could be accomplished easily in one day. Applicant proposes to leave Sacramento at 10:04 A.M. and arrive at Blairsden at 5:00 P.M. the same day, and to leave Blairsden at 9:40 A.M. and arrive at Sacramento at 4:30 P.M. The distance to be traversed is 144 miles. The schedule as proposed, while criticized severely by protestants, appears practicable with slight change. Freight transportation is to leave Sacramento at 8:00 A.M., arriving at Blairsden at 6:05 P.M., the schedule in reverse being an hour faster.

Applicant proposes a schedule of rates named in Exhibit "A", by which the trip from Sacramento to Blairsden may be made at cost of \$8.75 one way, or \$15.90 round trip. The rate from Auburn to Blairsden is \$8.00 one way and \$14.40 round trip. No service is to be given for passengers between Sacramento and Auburn, inclusive. From Sierra City, present terminus of the operations already conducted, the rate is \$4.00 to Blairsden and \$7.20 round trip with proportionate fares for

the intermediate points.

Applicant will have for use in the proposed service, one 7-passenger sedan and one 15-passenger coach which he will acquire by purchase of the rights of Green and Green, and it is his intention to add another coach for the transportation from Sacramento together with two trucks - one of 5 tons capacity, and one of 4 tons capacity.

All the operations are to be conducted only between June 1st and October 1st of each year.

Applicant contends that the public will be much better served if stage service is available at Sacramento and conducted clear through to the resort region than by using the Western Pacific service to Blairsden and there connecting with applicant's stages and being transported to the resort area. Applicant assumes that by direct stage journey from Sacramento to Blairsden, or the intermediate points, individual travelers would save \$7.00 to \$9.00 each round trip as there will be no cost for sleeping car accommodations or several meals en route. Applicant also asks permission to operate laterally for two and one-half miles on either side of the highway between Sierra City and Blairsden in order to serve certain resorts that are off the main highway, but such service is to be established only on call. Should winter attractions be developed in the lake area, applicant intends to provide out of season service.

At Blairsden, applicant produced G. R. Green in support of the application. At that time the application was in doubtful condition and uncertain as to many necessary features of the operation proposed and by consent of all parties the hearing was adjourned and applicant permitted to file amended application in proper and definite form. This was done on November 20, 1931,

and hearing was held December 23, 1931, and again on February 29, 1932 at San Francisco. At the hearing on December 23, 1931, applicant presented H. J. Schwartz, Arthur J. Stauber, Chas. L. Harris, Chas. R. Cooper, Chas. A. Robertson, Josiah A. Polhemus, A. M. Flurshutz, Peter C. Petersen and Arthur A. Jackson, all residents of San Francisco, Oakland and other Bay points in support of the necessity for the establishment of the service proposed. These witnesses stated that they believed a service as proposed by applicant was needed and would be useful to the public. Examination of this testimony, however, does not disclose very much need on the part of the witnesses. Only one or two go regularly to the Blairsden-Sierra City area and some go by private automobile. All have been visitors in the past by other means of transportation. It is apparent from their testimony that if they desire to go in the future they would probably use the same means heretofore used. No witnesses from Sacramento or other points were produced. At the final hearing on February 29, 1932, protestants Western Pacific Railroad Company, Railway Express Agency, Incorporated, A. Machomich, operator of the Cold Lake Stage Line from Blairsden; Nevada County Narrow Gauge, Southern Pacific Company, and other protestants presented considerable testimony as to the present operations, and some resort owners testified that no additional service is required. Nearly every protestant disclosed low peak business and general losses in the transportation conducted and a palpably small movement of either persons or property into the region affected at this time.

This matter has been presented fully, we believe, in the records before us, and after giving consideration to every phase presented we are unable to find just cause to do more than authorize the transfer of the operating rights of Green and Green to

Quigley, as proposed in the application. It is obvious from the testimony that Western Pacific Railroad Company is now maintaining fully adequate service to Blairsden; that from Blairsden to the various resorts there is not only the service of Green and Green but the service of other carriers under the jurisdiction of the Commission serving points, some of which are served by applicants and others that are not.

Stage services between Sacramento and Blairsden are not connected nor continuous. There is stage service to Auburn and Nevada City. There is also rail service from Auburn to Nevada City, via Colfax, where connection may be made with stage service between Downieville and Sierra City, where, over night, applicant's present service furnishes transportation between Sierra City and Blairsden and connects at Blairsden with the Western Pacific Railroad.

The authority sought by applicant would impose on all those in established transportation business, which at its peak is meager in comparison to other areas, a new service. Such service, according to the record, seems to have no proper connections or facilities at Sacramento to receive the public and would, in delivering passengers or property between Sierra City and Blairsden, deprive the existing services of sufficient revenue to justify their operations. In other words, it is not the population of Sacramento that would contribute to the support of this service, but it is a population that must, if it is to avail itself of applicant's services, first reach Sacramento by other means of transportation, and thereupon transfer to the stage line, although adequate service is maintained by two rail carriers through to Auburn and by one to Blairsden. There is insufficient proof in the record as to any necessity for the

establishment of the service. In addition there is no proof of any character, except testimony of applicant, that a freight service is required.

O R D E R

G. R. Green and R. M. Green, copartners, having made application to sell and transfer to Ray Quigley operating rights for passenger and freight transportation between Blairsden and Sierra City and other points, and Ray Quigley having made application for a certificate of public convenience and necessity to extend such operations between Sierra City and Sacramento via Auburn, for both passengers and freight, a public hearing having been held, the matter having been duly submitted, and now being ready for decision,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity do not require the establishment of any automotive service between Sierra City and Sacramento for either passengers or property, and

IT IS HEREBY ORDERED, that the application, in so far as it seeks such additional certificate, be, and the same is, denied.

IT IS FURTHER ORDERED that action on applicants' request to transfer the operating rights of Green and Green to Quigley be held in abeyance pending final disposition of Case No. 3176, Western Pacific Railroad Company vs. Ray Quigley, now pending for hearing.

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

Dated at San Francisco, California, this 18<sup>th</sup> day of April, 1932.

Leon Whitely  
W. P. C.  
W. B. C.  
Fred G. Stewart  
Commissioners.