

SR

Decision No. 10044

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of
H. R. BROWN for certificate of public
convenience and necessity to operate
auto passenger and baggage service be-
tween Sacramento and Tallac, via Auburn,
Colfax, Truckee and Tahoe City.

} Application
No. 6892.

H. R. Brown, in propria persona.
L. N. Bradshaw, for Southern Pacific Company,
protestant.
C. W. Nelson, for Lake Tahoe Railway and
Transportation Company, protestant.
W. A. Latta for Pierce Arrow Stage and Placer
Auto Stage Company, protestants.

BY THE COMMISSION

OPINION

H. R. Brown has petitioned the Railroad Commission, in accordance with his application amended at the hearing, 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 baggage between Sacramento and Pomona, via Colfax and Truckee and intermediate points.

A public hearing on this application was conducted before Examiner Satterwhite at Sacramento. The matter was submitted and is now ready for decision.

Applicant proposes to charge rates and to operate on a time schedule in accordance with Exhibits A and B attached to said amended application, using as equipment two twelve-passenger White trucks, two seven-passenger standard make of automobiles and one baggage truck.

This application was opposed at the hearing by the Southern Pacific Company, the Lake Tahoe Railway and

Transportation Company, Placer Auto Stage Company and Pierce Arrow Stage.

The applicant testified in support of his application but called no other witnesses.

Lake Tahoe is located on the California-Nevada line in the Sierra Nevada mountains and is fifteen miles by rail from Truckee, which is on the main line of the protestant Southern Pacific Company. It is twenty-three miles long and thirteen miles in breadth. There are on all sides of this lake, upon and near its shores, a large number of summer resorts. Pomins is on the west shore of the lake.

Applicant testified that it was his desire to operate this proposed service under the belief that the public, particularly tourists and vacationists, would patronize the proposed service as it would afford an additional daylight auto trip through the Sierra Nevada mountains to Pomins, and certain other resorts upon the west side of Lake Tahoe, and that the route proposed to be followed would furnish scenic views equal to if not more attractive than the scenery now enjoyed by the patrons along the route of the protestant Pierce Arrow Stage. Applicant also testified to the effect that this proposed service would obviate any inconvenience of the transfer made at Truckee over the existing railway facilities. No other evidence was presented by applicant, except written endorsements by four or five resort owners who favor this service on the basis that another attractive daylight route would be afforded to tourists and others going to Lake Tahoe resorts, and that the resorts would enjoy a larger patronage on account of this additional stage service.

No evidence was introduced by applicant as to the inadequacy of the service of the existing rail and

stage carriers or that any demand from the public generally had been made for this additional service.

The Southern Pacific Company offered in evidence a statement of its passenger service between Sacramento and Truckee, which shows that Train No. 6, leaving Sacramento daily at 11:05 p. m., carries sleeping cars during the summer months for the accommodation of passengers destined to Lake Tahoe resorts, which are set out at Truckee, where connections are made with the Lake Tahoe Railway and Transportation Company for all the resorts upon the shores of the lake.

Mr. Charles Nelson, assistant general manager of the Lake Tahoe Railway and Transportation Company, testified as to the service of this railway in connection with that of the Southern Pacific Company. It was shown that passengers arriving on the Southern Pacific at Truckee transfer at 8:05 a. m. to the Lake Tahoe Railway and Transportation Company train, arriving at Tahoe City at 9:00 a.m. and at this point board the steamer, which encircles the lake, stopping at all the resorts upon the lake. This service is maintained throughout the summer season, which lasts from about May 15 to September 15. This steamer service accommodates all the passengers who are either inbound or outbound from the lake. It was shown that no complaints have ever been made to either of the rail carriers as to the adequacy of their service and that no demand have ever been made for any further or increased service during the summer season.

The protestant Pierce Arrow Stage has operated a daily service to Lake Tahoe for many years between Sacramento and Tallac, by way of Placerville, during the summer season, and operates between Sacramento and Placerville

during the entire year. Mr. A. L. Richardson, the owner and manager of this line, testified that twenty-two Pierce Arrow automobiles of eleven and twenty passenger capacity are used in this service and that an adequate and satisfactory service is operated between Sacramento and Lake Tahoe during the entire summer season, and that this stage line last season carried over half of the passengers going to Lake Tahoe resorts, and transported them successfully and with little or no complaint or delay. It was shown that, if heavier travel should develop, ample additional cars can be procured to take care of all traffic. This stage line makes direct connections with the Southern Pacific Company and the San Francisco-Sacramento Railroad Company at Sacramento, and concurrences are on file with this Commission.

After a careful consideration of all the evidence in this proceeding, we are of the opinion and find as a fact that no evidence appears which would justify the authorization of this proposed additional service. The applicant made little or no showing as to public necessity and convenience, beyond his desire to operate this proposed service. The Commission has repeatedly held on applications for certificates of public necessity and convenience, particularly where an additional service is proposed, that an affirmative showing must be made that existing transportation facilities are inadequate and unsatisfactory, and that the desire of an applicant to enter the business as a common carrier of passengers is not sufficient justification for the granting of a certificate. We are of the opinion that applicant has failed to show that the existing transporta-

tion facilities are inadequate or unsatisfactory or that there is a public necessity for his proposed additional service, and the application shall therefore be denied.

ORDER

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity do not require the operation by H. R. Brown of an automobile stage line as a common carrier of passengers and baggage between Sacramento and Pomona, via Colfax and Truckee and intermediate points; and

IT IS HEREBY ORDERED that said application be and the same is hereby denied.

Dated at San Francisco, California, this 7th day of February, 1922.

H. D. Brundage
H. D. Loveland
During Martin
J. H. Benedict
Commissioners.