

Decision No. 10527.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of
A. W. McDONALD for certificate of
public convenience and necessity to
operate passenger, freight, express
and baggage service between Eureka.
and Burnt Ranch.

Application No. 7690.

ORIGINAL

Chas. McLaughlin for Applicant.
W. J. Cummings for Northwestern Pacific
Railroad Company.
W. H. Ogilwy for Arcata & Mad River Rail-
road Company.
H. H. Baldwin for Northern Redwood Lumber
Company.
F. F. Nellis for Nellis Bros. Stage Line.
T. E. Riley for Eureka-Korbel Stage Line.
H. H. Reed for Arcata, Hoopa & Trinity
Stage Line.
M. S. Bittencourt for Arcata-Eureka Stage
Line.

BY THE COMMISSION.

OPINION

A public hearing was held by Examiner Westover at Eureka upon the above entitled application for authority to operate passenger, freight, express and baggage service between Eureka, on the one hand, and certain points east of Korbel, to and including Burnt Ranch, on the other hand.

The only testimony presented on behalf of applicant concerning traffic related to shipments to and from Salyer and Willow Creek. There was also some testimony to the general effect that the present service of H. H. Reed is not satisfactory because his line could be operated during a longer season than it is now operated; that the equipment is inadequate in

character and that freight is sometimes refused or left.

Mr. Reed's service is that known as Reed's Arcata, Hoopa & Trinity Stage, and is operated three round trips a week (the same as that proposed by applicant) between Arcata and Pony Bar, which is about six miles westerly from Burnt Ranch. There is ample service at present between Arcata and Eureka, upon which point no testimony was offered. Mr. Reed also operates between Arcata and Hoopa, the two routes being the same for about 20 miles to a point about 10 miles northeast of Korbel. Nearly all of the operation is in the mountains, the roads being poor much of the time, especially during the winter season. In 1919 the season began May 9th and ended November 4th. The 1920 operation began May 4th, when the road was hardly passable, and continued until October 17th, during a storm, it being considered impracticable to continue regular operation further, later during the season. In 1921 operation began May 27th, the first day when it was considered practicable to operate without accident, the storms having continued later than usual. Operation ceased November 5th because of a storm which began November 1st and continued for two weeks. This year the season opened May 3rd, the first day it was considered practicable to operate, owing to road and weather conditions.

Mr. Reed's filings show that operations "begin April 15th each year, or as soon thereafter as road conditions will permit, and continue until November 1st, or as long thereafter as road conditions will permit". Applicant proposes the same seasonal operation.

There was testimony showing that other persons had made trips during the winter seasons, and that during parts of the winters the roads were fairly good. We are satisfied from the testimony, however, that continuous operation was not prac-

ticable during the winter when regular operation had ceased, it being apparent that such service could be only intermittent and uncertain, depending upon weather and road conditions.

As to the adequacy of equipment, there are now in service on the two lines four Packards, being 1910 and 1912 models, overhauled each winter, and reported to be in good condition. Two of these have 12-passenger bodies, with detachable seats, and two have 7-passenger bodies, but one of these has recently been provided with a truck body, which it is proposed to use regularly in a separate freight service. The equipment is kept at Arcata and it is customary to send out one, two or three cars, as needed, usually sending but one through to Pony Bar.

On the other hand, applicant proposes to purchase two 1914 Packards or two 1917 Cadillacs, to cost \$800.00 to \$1000.00 each, for which he proposes to borrow the entire purchase price, upon the financial backing of friends or relatives, and repay the loan out of earnings of the proposed line.

Applicant has driven three different light cars off the grades on the route in question, the three resulting wrecks being due, he says, to the mechanical condition of the cars.

As to the alleged poor service, it was complained that the Reed line transported giant powder in a passenger stage, but it appears that the five boxes of powder were transported in an empty stage from one highway road camp to another when urgently needed, as an accommodation; but that explosives have never been carried with passengers or with other freight. Complaint was made that the line failed for a week to transport an engine from Arcata to Willow Creek, and that at the end of that time it was shipped by private car; but it does not appear that the shipments were left at any point on the regular route in Arcata or that the

driver agreed to pick up at a point off the route. The rules and regulations on file with the Commission are silent as to freight pick-up and delivery, but reserves the right "to refuse freight, express or heavy excess baggage".

As to fruit shipments out of Salyer and Willow Creek, it appears that the Reed line has taken fruit, found buyers for it, made sales, and returned the proceeds, less a special rate of 25 cents a box on fruit to Arcata, Korbelt and intermediate points. On the other hand, growers complained that shipments of perishable fruits have been left at times, or that they found it would not be satisfactorily handled, and so had made no effort to ship. However, no complaint was made to the line or to the Railroad Commission concerning the matter, and it is significant that of the witnesses for applicant testifying to poor service, several signed a petition expressing satisfaction with the Reed service and requesting that it be continued. We are satisfied that the freight service can be improved through a better understanding between the carrier and shippers, or a more systematic handling of freight. The truck body above referred to has recently been provided for that purpose, and we believe will satisfactorily relieve the situation. We recommend that shippers and probable shippers along the line be adequately advised as to the improved service offered, and that any uncertainty concerning the duty to pick up and deliver in Arcata and other points be removed by preparation and filing of an adequate rule covering this point, as it appears from the testimony that there are several places on the regular route in Arcata alone where it is customary to pick up freight, although the schedule as filed with the Commission shows Hotel Arcata as the Arcata terminal, and is silent as to other pick-up and delivery points. It appears to be practicable to specify a zone within which pick-ups and deliveries would be regularly made.

We are satisfied that there is not enough traffic to justify the operation of two lines, as the points now served east of Korbek are but small mountain communities whose needs are already principally supplied by the parcel post service.

No testimony was offered concerning the traffic situation at Burnt Ranch, and it does not appear that there is need of service beyond Pony Bar, to which the Reed line now extends, nor that the proposed line is adequately financed if there were such need. It does not appear that public necessity and convenience require more or different service than that which can apparently be provided by the present carrier.

ORDER

A public hearing having been held upon the above entitled application, the matter being submitted, and now ready for decision,

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity do not require the operation by A. W. McDonald of passenger, freight, express or baggage service between Eureka and Burnt Ranch or any intermediate point.

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

Dated at San Francisco, California, this 31st day of May, 1922.

H. P. Reading

James Martin
Charles H. Keweenaw

J. J. McDonald
Commissioners.