

ORIGINAL

BEFORE THE RAILROAD COMMISSION
OF THE STATE OF CALIFORNIA

In the Matter of the Application
of A. F. BURGIN for a certificate
of public convenience and necessity
to operate an auto stage over the
highway between Sacramento and
Jackson, California.

Application No. 7542.

- E. A. Encell and James A. Miller, by James A. Miller and W. A. Latte, for Applicant.
- E. Stern, for American Railway Express.
- Ralph H. Lewis, for Talbot & Seeley Stage Line.
- T. G. Negrich, for J. J. Ratto operating stage line from Jackson to Plymouth, and J. Smalley operating stage line from Jackson to Stockton.
- Haven, Athearn, Chandler & Palmer, by F. D. Athearn, for Amador Central Railway Company.
- S. C. Clark, for Clark's Sacramento-Plymouth Stage Line.
- I. L. Kelly, for Southern Pacific Company.

BY THE COMMISSION:

O P I N I O N

A. F. BURGIN has petitioned the Railroad Commission in accordance with his amended application 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, baggage and express between the City of Sacramento and Jackson, Amador County, California, and intermediate points.

Public hearings on this application were conducted by 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 application, using as equipment two Twin-Six Packard auto stages of 12-passenger capacity, and one 7-passenger Chandler for extra service.

The Southern Pacific Company, American Railway Express, Amador Central Railway Company, Talbot & Seeley, Joseph J. Ratto and J. J. Smalley protested the granting of this application.

Applicant testified in his own behalf and called several witnesses in support of his application.

The testimony shows that the rail service between Sacramento and Jackson is very unsatisfactory, particularly between Ione and Sacramento. It now requires six and one-half hours to travel by rail from Sacramento to Jackson, and seven hours to travel from Jackson to Sacramento, involving transfers at Galt, Ione and Martell. Under the schedules of the protesting rail carriers it is impossible for passengers to go to Sacramento from either Jackson or Ione and return the same day. Ione is a town having a population of about 1200 people, near which is located the Preston Reform School. There are about 450 boys at this school, and the institution employs about 150 people. The record shows that about 30 boys are brought to this institution monthly, and that many officials connected with the work of this school have to travel to Sacramento and other points in connection with their official duties. Many visitors and relatives of the boys frequently visit the school. O. E. Close, Superintendent of the Preston School, strongly endorsed this proposed stage service for the reason that it would afford the opportunity for all those connected with the Preston School to make business and official trips to Sacramento and back the same day. Several merchants and business men at Ione, including the Supervisor of the district in which Ione is located, testified to the effect that the citizens generally at Ione and vicinity, desire

this proposed stage service on the basis that it will afford them more direct transportation facilities to Sacramento with the convenience and advantage of returning the same day.

The evidence shows, however, that Jackson is more favorably situated with reference to transportation facilities, and that its citizens are able to travel to Sacramento and return the same day by availing themselves of the stage line of J. J. Ratto, who operates from Jackson to Plymouth, where direct connections are made with the stage line of Talbot & Seeley, operating between Plymouth and Sacramento. Passengers can leave Jackson for Sacramento at 7:45 A.M. by auto stage, and return to Jackson at 3 P.M. by auto stage, thereby having four and one-half hours in Sacramento. The record shows that the citizens of Jackson patronize the stage line and the rail facilities about equally. The passenger travel, however, between Jackson and Sacramento is very limited, particularly in winter time, and in the summer time the connecting stage lines are seldom, if ever, crowded and always have ample seating capacity for all who present themselves for transportation.

The protesting stage lines offered evidence to the effect that the distance by their connecting route is only 53 miles between Sacramento and Jackson, while that of the applicant is 59 miles, and that an adequate and satisfactory service has always been rendered by these two stage lines.

In reference to the proposed express service, applicant offered very little evidence to show a necessity for this service except that on occasions there would be need for emergency deliveries between Ione and Sacramento. The American Railway Express offered in evidence a statement of the tonnage handled between Jackson and Sacramento during a part of January, 1922, and an examination of this exhibit shows that the express traffic is

small, and that as a rule packages average in weight from 5 pounds to 300 pounds.

After careful consideration of the evidence, we are of the opinion, and find as a fact, that public convenience and necessity require the operation of the proposed passenger service of applicant only between Sacramento and Ione, and that portion of the proposed operation should be authorized.

O R D E R

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

The RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by A. F. BURGIN of an automobile stage line as a common carrier of passengers and baggage between Sacramento and Ione, serving only the intermediate points of Herald, Clay and Carbondale;

Provided, however, that the operative rights and privileges hereby established may not be transferred, leased, sold, nor assigned, nor the said service abandoned unless the written consent of the Railroad Commission thereto has first been procured; and,

Provided further, that no vehicle may be operated in said service unless said vehicle is owned by the applicant herein, or is leased by said applicant under a contract or agreement satisfactory to the Railroad Commission:

IT IS HEREBY ORDERED, that applicant shall, within twenty (20) days from the date hereof, file with the Railroad Commission his schedule and tariff covering said proposed service, which shall

be in addition to proposed schedule and tariff accompanying the application, and shall set forth the date upon which the operation of the line hereby authorized will commence, which date shall be within ninety (90) days from date hereof, unless time to begin operation is extended by formal supplemental order.

Dated at San Francisco, California, this 10th day of July, 1922.

H. B. Medina

Wm. J. Martin

W. J. Martin
Commissioners.