

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of)
 W. M. SANFORD, J. M. MAURER, F. GOVERNOR)
 and WERT IRWIN, a co-partnership, to :
 operate an auto stage line for the :
 carrying of passengers as a transportation) Application No. 6891
 company between Sacramento, Sacramento :
 County, and Redding, Shasta County, and :
 certain intermediate points.)

Harry A. Encell, for Applicant.
 J. E. Lyons and C. E. Spear, for Southern
 Pacific Company, Protestant.
 Charles R. Detrick, for Sacramento Northern
 Railroad Company, Protestant.
 George J. Bradley, for Merchants' & Manu-
 facturers' Association, Protestant.

BY THE COMMISSION,

OPINION ON RE-HEARING

This is a proceeding on re-hearing in the Application filed by W. M. Sanford, J. M. Maurer, F. Governor, and Wert Irwin, co-partners, doing business under the fictitious name and style of Shasta Transit Company. The above named co-partners filed an application on December 14th, 1920, in which they petitioned the Railroad Commission for a certificate of public convenience and necessity authorizing the operation of an automobile stage line as a common carrier of passengers between Sacramento and Redding and intermediate points, over the route known as the "West Side of the Sacramento River." On March 5th, 1921, the Commission issued its Decision No. 8713, in which the above named co-partnership was granted a certificate authorizing the operation of an automobile passenger stage service between

Sacramento and Redding and intermediate points, with the exception that no local passengers were to be carried between Sacramento and Woodland and between Red Bluff and Redding.

On March 30th, 1921, the Southern Pacific Company filed a petition for re-hearing in which they alleged that they were not notified of the filing of or hearing upon the original application in this proceeding and due to such fact they were unable to appear and protest at the hearing thereon. On June 3d, 1921, the Commission issued its Order granting a re-hearing in this proceeding. This Order, however, permitted applicant, Shasta Transit Company, to continue operation pending said re-hearing.

Re-hearing was held before Examiner Satterwhite on February 9th and February 27th, 1922, at Sacramento, and on March 14th, 1922, at San Francisco, at which time the matter was submitted, and it is now ready for decision.

This being a re-hearing upon the order heretofore made, the question at issue was whether public convenience and necessity required service as proposed at the time of the filing of the application, to-wit, December 14th, 1920.

At the hearings considerable evidence was introduced as were also a number of exhibits, which included not only statistics with respect to passenger traffic in the territory hereunder consideration, but also changes in train service, time schedules and communications from various promotion boards together with petitions signed by numerous residents in the territory in question, such petitions being both for and against the continuance of service as rendered by the Shasta Transit Company. Much of the evidence referred to matters occurring after December 14th, 1920, and was filed and received subject to the final ruling

by this Commission as to its admissibility. We think that such evidence was only admissible insofar as it had a bearing upon the question of whether public necessity required the operation of this stage line at the time of filing of the original application herein, on December 14th, 1920. It is not always clear to what extent this evidence referred back to the date hereinabove mentioned and to what extent it grew out of matters occurring subsequent to that date. However, it is not necessary to make specific ruling on the admissibility of the large mass of evidence presented because we are of the opinion that even if this evidence be given the fullest consideration, public necessity still requires the service here in question. There is, however, one other subject to be considered.

The Sacramento Northern Railroad, a protestant in this proceeding, directed its principal testimony toward the operation of the Shasta Transit Company between Sacramento and Woodland. The Railroad contending that while the certificate originally issued to the stage company prohibited the transportation of passengers between Sacramento and Woodland, or intermediate points, nevertheless, the stage line frequently transported passengers between the two points named, using as a subterfuge therefor, the sale of tickets to Yolo, a point several miles north of Woodland. Witnesses for this protestant testified to the effect that when a passenger called at the Sacramento ticket office for transportation to Woodland, he was sold a ticket to Yolo and told that he could leave the stage at Woodland. Furthermore, that they openly solicited south bound traffic in such territory. The matter was taken up upon informal complaint, previous to the re-hearing, and while it appears that officials of applicant herein did not in the beginning properly supervise the actions of their employees with respect to the enforcing of restrictions contained in the certificate heretofore granted them, as soon as complaint was made that such restrictions were

pany, must realize that it is their business to see that all em-
ployees in their service comply fully with rules, regulations and
restrictions of the Commission and that the blame for violations
attaches solely to themselves.

After full consideration of all the evidence and
exhibits filed in this proceeding, we are of the opinion that
public convenience and necessity required the granting of the
certificate heretofore issued to the Shasta Transit Company under
Decision No. 8713 and that said certificate should not now be re-
voked.

ORDER ON PETITION FOR RE-HEARING

Hearings having been held on the above entitled
matter, evidence submitted and the Commission being fully advised,

IT IS HEREBY ORDERED that the petition of the Southern
Pacific Company for re-hearing and revocation of certificate
granted Shasta Transit Company under Decision No. 8713 be, and
the same hereby is denied.

Dated at San Francisco, California, this 15th
day of July, 1922.

H. B. Brundage
Wm. M. Martin
J. F. Smith
Commissioners