

Decision No. 10757

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of
F. S. FRYE and W. D. BACON for cer-
tificate of public convenience and
necessity to operate passenger serv-
ice between Bidwell Bar and Adelaide,
Butte County.

Application No. 7710.

ORIGINAL

Raymond A. Leonard for Applicant,
F. S. Frye.

BY THE COMMISSION.

O P I N I O N

F. S. Frye and W. D. Bacon, of Oroville, have petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by them of an automobile stage line as a common carrier of passengers and baggage between Adelaide Station and Bidwell Bar. At the hearing held at Oroville on June 27, 1922, by Examiner Eddy, the application was amended so as to eliminate Mr. Frye as a party to the application, and to include operation between Oroville and Palermo via Adelaide, instead of between Bidwell Bar and Adelaide. Adelaide and Palermo are, respectively, 3.5 and 5.5 miles south of Oroville, while Bidwell Bar is 7 miles north of that point. All four points are on the line of the Western Pacific Railroad Company and all but Bidwell Bar are on a branch line of the Southern Pacific Company, the terminus of which is Oroville.

The Hutchinson Lumber Company has recently commenced the operation of a mill at Adelaide and is at present employing between

200 and 250 men, the majority of whom reside either at Oroville or Palermo. Two trains a day are operated in each direction by the Western Pacific Railroad, and one train by the Southern Pacific Company; but the time of arrival and departure of these trains is not convenient to employes of the lumber company and no station is maintained on the property.

Applicant's equipment consists of one 30-passenger bus and two 7-passenger machines, and between 46 and 48 passengers have been carried to the mill daily from Oroville. The assistant treasurer of the Hutchinson Lumber Company testified that, if no public conveyance were available between Oroville, Palermo and Adelaide, it would be necessary for the lumber company to put on its own busses, which it did not desire to do.

There are three packing houses and one cannery located at Palermo, and during the season many employes of these plants will travel daily between Oroville and that point. It is also anticipated that the lumber company will shortly have about 700 employes at its mill, and the applicant is in a position to purchase the additional equipment necessary to handle that traffic when it develops.

In view of the above circumstances, we are of the opinion that the application herein applied for should be granted. An order will be entered accordingly.

ORDER

A public hearing having been held in the above entitled proceeding, evidence submitted and the Commission being fully advised,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY
DECLARES that public convenience and necessity require the operation

by W. D. Bacon of an automobile stage line as a common carrier of passengers and baggage between Oroville and Palermo, serving Adelaide as an intermediate point, and a certificate of public convenience and necessity is hereby granted, subject to the following conditions:

1. That applicant W. D. Bacon shall file within a period of not to exceed fifteen days from date hereof, his written acceptance of the certificate herein granted, and shall file within a period of not to exceed thirty (30) days from date hereof, in duplicate, tariff of rates and time schedules in accordance with the tariff of rates and time schedules attached to the application herein and marked Exhibits "A" and "B", respectively, and shall commence service within a period of not to exceed forty (40) days from date hereof. All such tariff of rates and time schedules to be filed in accordance with General Order No. 51 of the Railroad Commission.
2. The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.
3. No vehicle may be operated by W. D. Bacon unless such vehicle is owned by him or is leased by him under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 21st day
of July, 1922.

W. D. Bacon
W. D. Bacon
W. D. Bacon
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Commissioners.