

Decision No. 10853

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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ORIGINAL

In the Matter of the Application)
of SWINGLE and HALLOCK, for certificate)
of public convenience and necessity to : Application No. 8004
operate passenger, freight and baggage)
service between Blairsden and Sierra)
City, via Gold Lake.

M. C. Kerr for Applicant.
H. B. Wolfe for C. A. Lemm, Protestant.

BY THE COMMISSION,

O P I N I O N

Andrew Swingle and V. I. Hallock, co-partners, have 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, freight and baggage between Blairsden and Sierra City and intermediate points, California.

A public hearing on the above entitled application was held before Examiner Eddy on August 7, 1922, at Blairsden, California, at which time the matter was submitted and it is now ready for decision.

Through testimony of a number of witnesses applicants introduced evidence to the effect that the service rendered by the existing stage line operated by C. A. Lemm was not satisfactory, that it was not dependable due to the irregularity of operation and that on certain occasions no service had been rendered whatsoever. It was further testified that the existing stage line had on one occasion refused to accept an express shipment and also failed to transport a passenger after being notified that such pas-

senger desired transportation between Blairsden and Gold Lake.

Witnesses called by C. A. Lemm, protestant herein, testified to the effect that the passenger referred to was left through inadvertance, another passenger having boarded the stage at the general store at Blairsden which passenger the driver thought was the one for whom he was to call. A later stage offered to transport such passenger to his destination, but it was found that he had secured transportation upon another vehicle.

As regards the express shipment which it is alleged the existing operator refused to transport, it appears from the testimony that the stage was already loaded to capacity and that the shipment, namely a live turkey, could not be accommodated on that trip. When the stage called for it on the next trip, it had already been forwarded over another route. The latter incident occurred November 1917 and we do not deem such evidence as having sufficient weight to warrant a finding that the existing service is inadequate or unsatisfactory.

Data from the way bills of the existing stage line show that service has been rendered continuously in accordance with time schedules since the roads were open to traffic over the present route with the exception of several days. Mr. Lemm stated that on several days no service was rendered because there were no passengers leaving Blairsden and upon telephoning to Sierra City he was informed that no passengers desired transportation from that point to Blairsden. Since the resorts, points intermediate on this line, were not open at the time, the stage was not operated on those occasions.

Other witnesses called by protestant, one of whom was a merchant engaged in business in Sierra City testified to the effect that the service rendered by C. A. Lemm Stage Line was entirely satisfactory and met all requirements of shippers and the traveling public along the route which it served.

O R D E R

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

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity do not require the operation by Arthur Swingle and V. I. Hallock, co-partners, of an automobile stage line as a common carrier of passengers, freight and baggage between Blairsden and Sierra City and intermediate points, California, and

IT IS HEREBY ORDERED that the above entitled application be, and the same hereby is denied.

Dated at San Francisco, California, this 11th day of August, 1922.

H. B. Prudig
George W. H. H. H.
Charles H. H. H.

Commissioners