

Decision No. 11315

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of )  
 WALTER YAGER for a certificate of )  
 public convenience and necessity :  
 authorizing the operation of an ) Application No. 8423  
 automobile stage line as a common )  
 carrier of passengers, freight and :  
 express between Quincy and Meadow )  
 Valley, California. )

BY THE COMMISSION,

ORDER

Under Application No. 8063 Walter Yager, applicant herein, applied for a certificate of public convenience and necessity authorizing the operation of an automobile stage line as a common carrier of passengers, freight, baggage and express between Meadow Valley and Quincy, California, and intermediate points. A public hearing was held upon such application on August 5, 1922 at Quincy, California, and evidence introduced by both applicant and Bennett and Brunner, protestants. The evidence was to the effect that Yager, the applicant, had obtained the contract for the transportation of U. S. Mail between Quincy and Meadow Valley and in addition thereto desired also to transport passengers and freight over his mail route, offering in connection therewith a more convenient schedule than that maintained by the existing operators, Bennett and Brunner. The application was denied upon a showing that the limited amount of traffic between the points proposed to be served was being adequately handled by existing operators. The existing operators, however, could not guarantee to render service the year around, - in fact testified

that they were not sure whether or not they would discontinue service during the winter months as soon as weather conditions prohibited the operation of automobile stage equipment. Yager, in connection with his mail route proposed to render service the entire year, and the Commission's Decision In Application No. 8063 denied the application of Yager with the express provision that should the service of Bennett and Brunner be discontinued when it was still possible to render service by either wagon or sleigh as heretofore rendered by Bennett during the period that he held the mail contract, a certificate would be granted to applicant Yager.

It now appears, through affidavit and letters received by the Commission that Brunner and Bennett have discontinued service alleging that the roads are impassable and that applicant Yager is operating his mail route at the present time and that the roads are not impassable to vehicular traffic.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by Walter Yager of a stage line as a common carrier of passengers, freight, baggage and express between Meadow Valley and Quincy, and intermediate points, California, and a certificate of public convenience and necessity be, and the same hereby is granted, subject to the following conditions:

1. That applicant Yager shall file within a period of ten (10) days from date hereof, his written acceptance of the certificate herein granted; shall file within a period of not to exceed twenty (20) days from date hereof, tariff of rates and time schedules, in duplicate, such tariff of rates and time schedules to be identical with those filed as Exhibits "A" and "B" in Application No. 8063; and shall commence operation of the service herein authorized within a period of not to exceed thirty (30) days from date hereof.

2. That the rights and privileges herein granted, shall 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. That no vehicle may be operated by applicant Yager unless such vehicle is owned by said applicant or is leased by him under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 5th day of December, 1922.

*H. B. Bannister*  
*George W. Martin*  
*Hugh H. Jones*  
*J. J. Stedman*  
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Commissioners