

ORIGINAL

Decision No. 11433

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of
R. D. DORRIS for permission to carry
passengers and freight between Nevada
City and Forest, California.

} Application No. 7737.
}

J. M. Walling for Applicant.

Frank M. Nilon for Frank Davies,
operating as Citizens Auto Stage
Company, Protestant.

W. E. Wright for Henry German.

BY THE COMMISSION.

OPINION ON REHEARING

A public hearing was held by Examiner Westover at Grass Valley upon the above entitled application seeking authority to operate a passenger and freight line between Nevada City and Forest via Pike and Kate Hardy Mine, a distance of 35 miles.

The matter was heard anew because of petition for rehearing numerously signed by people along the proposed route, pointing out, among other things, that they should not be made to suffer for the mistake of applicant in failing to produce sufficient testimony to show the facts. The Commission by Decision No. 10664 of July 6, 1922, denied the application because the record previously made did not show that public convenience and necessity required the service.

The two terminals are served at present by a freight and passenger line operated by Frank Davies, via Columbia Hill and Alleghany, a distance of 43 miles.

Pike is served at present by a line operated between Pike and Camptonville, where it joins the present line operated between Nevada City and Downieville by Henry German.

It appears from the testimony of applicant Dorris that he has operated over the proposed route, via Pike, with trucks since September, 1917, and that he operated for about five years prior to that with horses and wagons. A regular schedule was not maintained, but there was operation each week, with special trips when requested. Applicant disclaims any statutory right to operate because of his prior operation. He testified that he was ignorant of the law regulating transportation of passengers and property, as adopted by the Legislature in 1917 and 1919, until shortly prior to the filing of his application.

Present carriers do not object to local operation between Nevada City, Snellmans, Clerkins, Plum Valley, Pike, Oregon Creek Mine, Kate Hardy Mine, Aclare Mine, and Lucky Dog Mine; nor such local service between Forest and the above named points and North San Juan, but vigorously object to through service between Nevada City and Forest.

The petition recites that there is a population of 45 in the vicinity of Kate Hardy Mine, 10 more in the vicinity of mines three miles to the west, and 53 in the vicinity of Pike, which, as shown above, is now served via Camptonville. The testimony shows that there are but few people directly on the route west of the Kate Hardy Mine, which is 3.7 miles west of Forest. There is no showing that any considerable amount of traffic moves to or from other points along the proposed line than Forest and Kate Hardy Mine.

All of the testimony indicates that the present service over the Davies line between Nevada City and Forest is entirely satisfactory, that this line can handle more business, and that there is not enough through business for two lines.

As the communities along the proposed route have no other means of public service, the local operation may properly be legalized; but the present duly authorized line should be protected in the matter of through service between terminals.

Pursuant to stipulation at the hearing, local service will not be authorized between Nevada City and North San Juan or intermediate points, because of the fact that Mr. German's line operating between Nevada City and Downieville serves that territory.

ORDER ON REHEARING

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

THE RAILROAD COMMISSION HEREBY CERTIFIES that public convenience and necessity require the operation by R. D. Dorris of a local passenger and freight service between Nevada City, Snellmans, Clerkins, Plum Valley, Pike, Oregon Creek Mine, Kate Hardy Mine, Aclare Mine, and Lucky Dog Mine; and also such local service between Forest and the above named points and North San Juan.

Nothing herein contained shall be construed as authorizing said R. D. Dorris to operate through service between Nevada City and Forest, or between Nevada City and North San Juan.

1. 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.
2. 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.
3. IT IS HEREBY ORDERED that applicant shall, within fifteen days from the date hereof, file with the

Railroad Commission schedules and tariffs covering said proposed service, which shall be in addition to proposed schedules and tariffs accompanying the application; shall show each point proposed to be served and quote rates to and from each such point; and shall set forth the date upon which the operation of the line hereby authorized will commence, which date shall be within thirty days from date hereof, unless time to begin operation is extended by formal supplemental order herein.

4. The authority herein contained shall not become effective until and unless the above mentioned schedules and tariffs are filed within the time herein limited.

Dated at San Francisco, California, this 29th day

of December 1922.

H. H. Brundage

Irving Martin

J. F. Brundage

Commissioners.