

Decision No. _____ :

ORIGINAL

Decision No. 1892

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the matter of the application of OVERLAND STAGE COMPANY for certificate of public convenience and necessity to operate auto stage service between Marysville and Hamonton, California.

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) Application No. 3308.
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In the matter of the application of OVERLAND STAGE COMPANY for certificate of public convenience and necessity to operate auto stage service between Marysville and Biggs, California.

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) Application No. 3309.
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Ray Maxwell for applicant.
Richard Belcher for Smith Bros. (Kewpie Stage Company).
Protestant in Application No. 3308.
J. R. Wilson and J. B. Lowray for Northern Electric Railway, protestant in Application No. 3309.
J. L. Kelly and R. F. Watson for Southern Pacific Company, protestant in Application No. 3309.

BY THE COMMISSION:

O P I N I O N

In Application No. 3308, applicants ask that the Railroad Commission make its order declaring that public convenience and necessity require the operation by it of auto stage service for the transportation of passengers between Marysville and Hamonton via Marigold, a distance of twelve miles, both in Yuba County.

In Application No. 3309 applicants ask for a similar order to operate auto stage service between Marysville, Yuba County, and Biggs, Butte County, a distance of approximately twenty-four miles.

Public hearings were held by Examiner Westover at Marysville upon both applications.

Applicants have not in either instance secured permits from the city and county authorities, as is required by Section 3, Chapter 213, Laws of 1917.

In Application No. 3308 applicants propose to operate one seven-passenger, 40 H.P. Buick automobile, making three round trips per day on following schedule:

P.M.	P.M.	A.M.	Stations	A.M.	P.M.	P.M.
6:00	12:45	7:45	Lv. Hammonton	Ar. 11:30	5:30	11:20
6:15	1:00	8:00	Lv. Marigold	Lv. 11:00	5:00	10:50
6:45	1:30	8:30	Ar. Marysville	Lv. 10:45	4:45	10:35

Terminus - Marysville - Stucks Drug Store
 " - Hammonton - Hammonton Hotel.

Applicants propose to charge the following fares for the service:

Between	Marysville	Marigold
Marysville	-	-
Marigold	.50	-
Round Trip	1.00	-
Hammonton	.75	.25
Round Trip	1.00	.50

It appears that there are now two other stage lines operating between Marysville and Hammonton over the same route and according to time schedules filed with the Commission on the following schedule:

W. R. Conlin, Marysville-Nevada City Auto Service.

P.M.	A.M.			A.M.	P.M.
1:00	9:30	Lv. Marysville	Ar.	11:30	1:00
1:40	10:10	Ar. Hammonton	Lv.	10:50	12:20
P.M.	A.M.			A.M.	P.M.

Above schedule operated by W. R. Conlin between Marysville and Smartsville or Nevada City via Hammonton.

Smith Bros. (Kewpie Stage Co.) Daily.

P.M.	P.M.	A.M.			A.M.	P.M.	P.M.
6:30	1:00	8:00	Lv. Hammonton	Ar.	11:40	5:40	11:40
7:10	1:40	8:40	Ar. Marysville	Lv.	11:00	5:00	11:00

Overland Stage Company is a fictitious name under which J. E. Cook and George Demmer, equal partners, wish to operate.

At the hearing applicants presented a petition signed by 83 residents of Hammonton to the effect that the signers of said petition were personally acquainted with Mr. George Demmer, that they had traveled frequently with him, that they knew him to be a good, careful driver, and that they believed it would be for the good of all that a competing line be in operation. This petition asks that the Railroad Commission issue to applicant the certificate of public convenience and necessity applied for.

Mr. Demmer drove a car for eight weeks during June, July and August, 1917, for Smith Bros. protestants. During a period of one month and five days the car he drove earned a gross revenue of \$440 at a fare of 50¢ one way and \$1.00 round trip, indicating an average of approximately twelve round trip passengers per day.

Mr. Demmer testified that on Saturdays, Sundays,

holidays and special occasions his car was overcrowded, but that then and now the cars operated by Smith Bros. are sufficient to care for all traffic during five days in the week. Smith Bros. have arranged for five other cars that they hire with drivers to put in the service when traffic requires it.

Smith Bros. presented testimony showing that two or three cars take care of all business except Saturdays, Sundays, holidays and special occasions, at which times their extra hired equipment is sufficient to furnish adequate service.

Applicants not having shown that public convenience and necessity require the proposed service, Application No. 3308 will be denied.

In Application No. 3309 wherein applicant seeks certificate to operate between Marysville and Biggs, the following fares are proposed:

Between	Marysville	Yuba City	Live Oak	Gridley
Marysville	-			
Yuba City	.05	-		
Live Oak	.50	.50	-	
Gridley	.75	.75	.25	-
Biggs	1.00	1.00	.50	.25

For this service applicants propose to purchase a high class seven-passenger car and operate same on following daily time schedule.

P.M.	P.M.	A.M.	Stations		A.M.	P.M.	P.M.
5.30	2.30	11.15	Lv. Marysville	Ar.	8.55	2.25	5.25
5.40	2.40	11.25	Lv. Yuba City	Lv.	8.45	2.15	5.15
6.15	3.15	12.00	Lv. Live Oak	Lv.	8.10	1.40	4.40
6.40	3.40	12.25	Lv. Gridley	Lv.	7.45	1.15	4.15
6.55	3.55	12.40	Ar. Biggs	Lv.	7.30	1.00	4.00
P.M.	P.M.	P.M.			A.M.	P.M.	P.M.

Other common carriers now operating in this same territory, serving same points as applicants propose to serve are the Northern Electric Railway and Southern Pacific Company, protestants in this proceeding.

The combined schedule of the two companies on file with the Commission show the following train service in effect between Marysville, Live Oak, Biggs and intermediate points.

	NORTH BOUND											
	N.E.	N.E.	N.E.	N.E. N.E.			N.E.	N.E.	S.P.	S.P.	S.P.	
	Ry.	S.P.	Ry.	Ry.	S.P.	Ry.	Ry.	S.P.				Ry.
A.M.	A.M.	A.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	A.M.
Lv. Marysville	7.17	8.40	9.33	12.03	12.25	1.48	4.23	5.00	6.01	9.22	9.50	1.30
Lv. Live Oak	7.47	9.03	10.05	12.29	12.50	2.19	4.56	5.28	6.31	9.53	10.08	1.57
Lv. *Gridley	7.58	9.16	10.16	12.38	1.07	2.29	5.07	5.43	6.42	10.03	10.18	2.11
Ar. *Biggs	8.06	9.23	10.26	12.44	1.14	2.36	5.16	5.51	6.49	10.09	10.24	2.20
	A.M.	A.M.	A.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	A.M.

	SOUTH BOUND											
	S.P.	N.E.	N.E.	N.E.	S.P.	N.E.	N.E.	S.P.	N.E.	N.E.	S.P.	
	A.M.	A.M.	A.M.	A.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	A.M.	
Lv. Biggs	6.05	7.00	7.49	10.16	12.32	12.35	2.26	3.35	4.07	7.47	12.55	
Lv. Gridley	6.11	7.06	7.58	10.24	12.39	12.43	2.34	3.42	4.14	7.53	1.03	
Lv. Live Oak	6.20	7.14	8.08	10.35	12.50	12.55	2.43	3.55	4.24	8.03	1.20	
Ar. Marysville	6.40	7.42	8.39	11.05	1.15	1.26	3.10	4.25	4.54	8.33	1.50	
	A.M.	A.M.	A.M.	A.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	A.M.	

Note* Northern Electric trains stop at East Gridley, 1 1/2 miles from Gridley and East Biggs, 2 miles from Biggs, and not at Biggs or Gridley.

From the above schedules it will be noted that there are twelve trains per day between the points in question north bound and eleven south bound.

Applicants testified that they had consulted the hotel men of Biggs and Marysville and that they favored a new stage line. Practically no other test was presented by applicants.

bearing directly on the need of the public for the proposed service.

The Mayor of the City of Marysville and the principal of Marysville High School, also a number of merchants, testified that Marysville and contiguous territory enjoys excellent transportation service at present and that in their opinion the proposed automobile service is not needed.

The Commission being of the opinion that applicants have failed to show that public convenience and necessity require the operation of the proposed service the application will be denied.

O R D E R

J. H. COOK and GEORGE DEMMER, partners in business under the fictitious name of Overland Stage Company, having applied to the Railroad Commission for an order declaring that public convenience and necessity require the operation by applicants of automobile stage service for the transportation of passengers between Marysville, Marigold and Hamonton, and between Marysville, Live Oak, Gridley and Biggs, and intermediate points, public hearings having been held, the matters having been submitted, and being now ready for decision,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity do not require the operation by applicants of automobile stage service as requested in the above applications, therefore,

IT IS HEREBY ORDERED that said applications
Nos. 3308 and 3309, be, and they are, hereby dismissed.

Dated at San Francisco, California, this 27th
day of November, 1917.

Max Thelen
H. H. Hayward
W. G. ...
Edwin O. Edgerton

Commissioners.