

Decision No. _____

ORIGINAL

Decision No. 5176

BEFORE THE RAILROAD COMMISSION
OF THE STATE OF CALIFORNIA.

In the Matter of the Application of)
H. D. BARTON for certificate of pub-)
lic convenience and necessity to) Application No. 3305
operate automobile stage service be-)
tween Auburn, Grass Valley and Nevada)
City and intermediate points.)

- E. H. Armstrong for applicant.
- Jesse H. Steinhart for Nevada County Narrow Gauge Railroad Company and Nevada County Traction Company, protestants.
- H. W. Wenzell for Southern Pacific Company, protestant.
- J. C. Tyrrell for Grass Valley Chamber of Commerce.

BY THE COMMISSION.

O P I N I O N .

Applicant herein requests that the Railroad Commission make its order declaring that public convenience and necessity require the operation by applicant of automobile stage service as common carrier of passengers between Auburn, Placer County, and Grass Valley and Nevada City in Nevada County, a distance between Auburn and Grass Valley of about 24 miles, and between Grass Valley and Nevada City about 4 miles. The distance by rail is 18 miles to Colfax and 20.5 miles from there to Nevada City.

A public hearing in the matter was conducted by Examiner Westover at Auburn. At the beginning of the hearing applicant's attorney stated that applicant did not desire to carry passengers locally between Grass Valley and Nevada City but only through passengers between those points and Auburn.

No other stage lines now serve any of the territory in question. During the past summer there were two stage lines operating between Sacramento and Auburn, one of which extended also to Nevada City through Grass Valley. These two lines operated two cars each. The line which operated through to Nevada City ceased operation about October 15th last.

The Nevada County Traction Company operates an electric railway between Grass Valley and Nevada City. It announced that since applicant did not seek to carry local passengers between those points it would not oppose the application.

Southern Pacific Company and Nevada County Narrow Gauge Railroad have joint service between Nevada City, Grass Valley and Auburn through their connection at Colfax. The schedule of Nevada County Narrow Gauge was formerly arranged to connect with the Southern Pacific through trains at Colfax. As the trans-continental trains were frequently late, it caused considerable inconvenience to the traveling public. The present connection is with local trains, which are usually on time.

We show below comparative schedules of joint railroad service between Nevada City and Sacramento via Colfax and Auburn, proposed schedules of applicant, and present schedules of Star Auto Stage Line, between Auburn and Sacramento which afford closest connection with applicant's schedules:

North Bound Schedule

| | <u>*By Rail</u> | | | <u>**By Auto</u> | |
|------------------|-----------------|------------|-----------|------------------|-----------|
| Lv. Sacramento | 7:30 A.M. | 11:15 A.M. | 4:55 P.M. | 8:00 A.M. | 12:00 M. |
| Ar. Auburn | 8:55 A.M. | 12:47 P.M. | 6:20 P.M. | 9:40 A.M. | 1:45 P.M. |
| Lv. Auburn | 8:55 A.M. | 12:47 P.M. | 6:20 P.M. | 10:15 A.M. | 4:00 P.M. |
| Lv. Grass Valley | | | | 12:00 M. | 5:45 P.M. |
| Ar. Colfax | 9:50 A.M. | 1:55 P.M. | | | |
| Lv. Colfax | 9:55 A.M. | 4:00 P.M. | 7:10 P.M. | | |
| Ar. Nevada City | 11:20 A.M. | 5:20 P.M. | 8:30 P.M. | 12:15 P.M. | |

South Bound Schedule

| | | | | | |
|------------------|-----------|-----------|--|------------|-----------|
| Lv. Nevada City | 5:40 A.M. | 1:50 P.M. | | | |
| Lv. Grass Valley | | | | 7:45 A.M. | 1:45 P.M. |
| Ar. Colfax | 6:55 A.M. | 3:10 P.M. | | | |
| Lv. Colfax | 7:10 A.M. | 3:50 P.M. | | | |
| Ar. Auburn | 7:52 A.M. | 4:30 P.M. | | 9:20 A.M. | 3:20 P.M. |
| Lv. Auburn | 7:52 A.M. | 4:30 P.M. | | 9:30 A.M. | 7:00 P.M. |
| Ar. Sacramento | 9:15 A.M. | 6:10 P.M. | | 11:15 A.M. | 8:40 P.M. |

* Present schedule of Southern Pacific Company in connection with Nevada County Narrow Gauge via Colfax.

** Present schedule of Star Auto Stages between Sacramento and Auburn in connection with the proposed schedule of applicant.

Applicant testified that arrangement had been made so that the schedule of the stage line operating between Auburn and Sacramento will be modified so that closer connection will be made with his stages operated on above schedule, if certificate is granted to him by the Commission as prayed for. This would probably result in a connection with the Star Stage leaving Sacramento at 3 P.M. and arriving at Auburn at 4:45 P.M.

Applicant's proposed tariff is as follows:

Passenger Rate

| <u>Miles</u> | <u>Stations</u> | <u>One Way Fare</u> | <u>Round Trip</u> |
|--------------|-----------------|---------------------|-------------------|
| .0 | Auburn | \$.00 | *.00 |
| 24 | Grass Valley | 2.00 | 3.35 |
| 28 | Nevada City | 2.15 | 3.55 |

Express Rate

Parcels or express matter \$.01 per lb.
or minimum charge of \$.25.
Weight limit 100 lbs.

The railroad fare one way, via Colfax, between Auburn and Grass Valley is \$2.15 and between Auburn and Nevada City is \$2.30.

The population of Auburn is about 2500, that of Grass Valley about 5500, and that of Nevada City about 2750. The population along applicant's proposed route between Auburn and Grass Valley within a mile of the road on either side is estimated at from 50 to 100. The road in question is usually impassable because of deep mud at several points during the wet season in the winter. The worst of these places, however, has been greatly improved by the deposit of a quantity of crushed rock. Proceedings have been commenced looking to the improvement of the road. It was stated that the supervisors had given assurance that the road would be kept open during the present winter. It does not appear, however, when the contemplated improvement will be completed, nor just what the condition of the road will be in the meantime. Several witnesses testified to seeing the stage which formerly operated between Auburn and Grass Valley disabled along the route on several occasions, apparently from the bad condition of the road.

There was also testimony to the effect that the stages were well filled on certain occasions described, but whether the patrons so carried originated at, or were destined to, points west of Auburn, or were local passengers does not appear, nor was any showing made as to the number of passengers carried by the former stage lines, or between what points, or the number who could be expected to patronize applicant's service.

Several witnesses expressed their opinion as to the need, or lack of need, of additional service. Applicant also presented a petition, signed by 65 residents of Grass Valley and Nevada City, requesting the establishment of this service; and the protestants filed a communication from two of the supervisors of Nevada County, copy of resolution of the Chamber of Commerce of Grass Valley and a letter from the Clinch Mercantile Company, one of the large commercial enterprises of Grass Valley, all opposing the granting of the application.

Nevada County Narrow Gauge Railroad presented a comparative statement of its revenues and expenses for the nine months ending September 30, for the years 1916 and 1917, respectively, showing \$3751.10 decrease in gross revenue from transportation. The decrease in freight receipts was \$867.35 although freight revenue was \$51,742.61 of the \$97,689.47 total for the 1916 period; and \$50,875.26 of the \$93,938.37 total for the 1917 period. The statement also shows an increase of \$3,513.83 in operating expenses, but this is not segregated between freight

and passenger operation. Ticket sales at Nevada City for the 10 months ending October 31, 1917 were 55 single trips to Auburn and no round trips, and for the same period ticket sales at Grass Valley for Auburn were 163 single trips and 15 round trips. Passenger movement from Auburn to Grass Valley and Nevada City was not shown. The Auburn tickets sold for the period at Nevada City average 5 per day on an average of 1 2/3 per train. Ticket sales for Auburn at Grass Valley average for the period 11 per day or 3 per train.

As the proposed stage schedule will afford additional service at different hours, and may result in building up territory not now enjoying direct passenger service, the application will be granted.

O R D E R .

H. D. BARTON having filed herein an application requesting that the Railroad Commission make its order declaring that public convenience and necessity require the operation by applicant of automobile stage service as common carrier of passengers between Auburn, Placer County and Nevada City and Grass Valley in Nevada County, a public hearing having been held, the matter having been submitted and being now ready for decision,

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by E. D. Barton of automobile stage service as a common carrier of passengers between Auburn, Placer County, and Grass Valley and Nevada City in Nevada County;

PROVIDED that this declaration shall not become effective until said E. D. Barton has procured from the Railroad Commission a supplemental order herein reciting that applicant has filed herein certified copies of permits from the Counties of Placer and Nevada and the governing board or body of each incorporated city or town through which applicant intends to operate, as provided by Section 3 of Chapter 213, Laws of 1917; and

PROVIDED FURTHER that the rights and privileges herein granted shall not be assigned or transferred unless the written consent of the Railroad Commission to such assignment or transfer has first been procured.

IT IS HEREBY ORDERED that no vehicle may be operated under this certificate unless such vehicle is owned by the applicant herein or is leased by such applicant under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this *4th* day of March, 1918.

Max Thelen

Alfred Gordon

Edwin O. Edgerton

Frank R. Wiley

Commissioners.