

Decision No. 5715

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the matter of the application)
of J. D. WEAST for certificate of)
public convenience and necessity) Application No. 3895.
to operate stage or truck service)
between Redding and Fall River Mills.)

L. C. Smith for applicant.
Roscoe Anderson of Carter & Anderson
for G. F. Fowler and Ben Stevens,
protestants.

BY THE COMMISSION:

O P I N I O N

J. D. WEAST applies for authority to operate an automobile passenger, express and freight service between Redding and Fall River Mills via Montgomery Creek and other intermediate points, all in Shasta County.

A public hearing was held by Examiner Westover at Redding, August 20th.

Applicant has operated over the route in question since July 1, 1918 when he began carrying mail under contract for four years from that date. He operates regularly two 1-ton trucks with delivery bodies equipped with extra spring seats, each truck thus accom-

modating four passengers besides the driver. He has a 1½-ton truck and a 7-passenger touring car to be used when needed. He also has horses and wagons for use when the roads are not passable for automobiles.

His schedule provides for one trip in each direction each day except Sunday, a distance of about 78 miles over mountainous roads. So far the average number of passengers carried per day is less than two.

Bon Stevens, one of the protestants, who formerly had a contract to carry the mail between Montgomery Creek and Fall River Mills, operated daily from May 1, 1916 to July 10, 1918, when he ceased operation, principally because he no longer had the mail contract and he feared that operating passenger stage alone would not pay him.

C. F. Fowler, protestant, began operating stage line between Redding and Fall River Mills some six or seven years ago in partnership with his brother, but sold his interest to his brother in the spring of 1915 and thereafter operated from time to time as he had passengers between Redding, Montgomery Creek and Big Bend, about 20 miles north of Montgomery Creek, until May 1, 1918, when he began operating over the same route regularly on schedule filed with the Commission in April, 1918, which he has adhered to ever since. His schedule and that of Mr. Stevens were so arranged that stages would connect at Montgomery Creek, enabling passengers to go direct between Redding and Fall River Mills with one change. Mr. Fowler did not seek authority of the Commission for his operation believing that as he had operated a stage prior

to May 1, 1917 he was not required under Chapter 213, Laws of 1917 to procure authority therefor from the Railroad Commission or the municipalities. It appears from his testimony, however, that he was not operating a transportation line within the meaning of the law between the spring of 1915 and May 1, 1916, and that his present operation is without legal authority. His records show regular daily operation, except Sundays since May 1, 1916 and except on July 4th, when he states that connecting stages ceased operation and he did not run as there appeared to be no travel.

O R D E R

J. D. WEAST having applied to the Railroad Commission for declaration of public convenience and necessity described below, public hearing having been held thereon and the matter being now ready for decision,

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by J. D. Weast of an automobile stage line as a common carrier of passengers, baggage, express and freight between Rodding, Montgomery Creek and Fall River Mills, all in Shasta County;

PROVIDED, HOWEVER, that this declaration shall not become effective until applicant herein shall have received a supplemental order from the Railroad Commission reciting that there have been filed herein certified copies of permits issued by the legislative or other governing board or body of each incorporated city or town or

county within or through which applicant intends to operate, as required 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 to such assignment 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 contract or agreement in form satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 26th
day of August, 1916.

Edwin O. Edgerton
A. D. Loveland
Alex Gordon
Commissioners