

ORIGINAL

Decision No. 5414

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BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application)
of W. B. SHIVELY to operate stage) Application No. 3932.
line between Eureka and Bridgeville)

E. M. Frost, for Applicant

J. J. Cairns for W. G. Boyd, Protestant

F. L. Platt, for Humboldt Auto Stage
Association, Protestant

LOVELAND, Commissioner.

O P I N I O N

W. B. Shively has petitioned the Railroad Commission for an order declaring that public necessity and convenience require the operation by him of an automobile stage line as a common carrier of passengers and express packages between Eureka and Bridgeville and intermediate points.

A public hearing was held at Eureka on August 13, 1918, the matter was duly submitted and is now ready for decision.

Applicant proposes to charge rates in accordance with schedules marked exhibits "B" and "C" and filed with the application in this proceeding, and to operate on a schedule leaving Eureka on Monday and Thursday of each week and leaving Bridgeville on Tuesday and Friday of each week, serving the intermediate communities of Kneeland, Lawrence Creek, Iqua and Yager.

The equipment proposed to be used consists of one Dodge Automobile, 30/35 H. P., five-passenger capacity licensed by State Motor Vehicle Department under License No. 285658.

Applicant holds a contract for the carriage of United States mail over the proposed route and desires a certificate of public convenience and necessity to enable him to engage in the business of carrying passengers and express packages as a common carrier in connection with the carriage of United States mail.

The granting of the desired certificate was opposed by W. G. Boyd who has operated a stage between Eureka and Bridgeville for the past fourteen years, operating an automobile during the portion of the year when such operation is possible and using horse-drawn vehicles during the winter months and when the condition of the roads due to snow render the use of automobiles impracticable. During the period when the use of automobiles is possible protestant uses a car of eight-passenger capacity. Protestant is regularly operating under the jurisdiction of the Railroad Commission and has tariffs and schedules filed as required by the Railroad Commission's regulations, and has satisfactorily performed the duties of a common carrier and is financially able to care for any increase in traffic requiring the use of additional equipment on his route. Several witnesses for protestant testified that the character of service as rendered by the protestant, Boyd, was entirely satisfactory and that the needs of the traveling public were amply served by the stage service at present operated over the proposed route.

After careful consideration of the evidence in this proceeding I find as a fact that the public convenience and necessity do not require additional stage service between Eureka and Bridgeville as prayed for by applicant, and I recommend that the application be denied.

Herewith the following form of order.

O R D E R

W. B. Shively having applied to the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of an automobile stage line as a common carrier of passengers and express packages between Eureka and Bridgeville and intermediate points, a public hearing having been held, the matter having been duly submitted and the Commission being fully advised and basing its order on the finding of fact as set forth in the proceeding opinion,

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity do not require the operation by W. B. Shively of an automobile stage line as a common carrier of passengers and express packages between Eureka and Bridgeville and intermediate points, and

IT IS HEREBY ORDERED that this application be and the same hereby is denied.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 18th day of September, 1918.

Edwin C. Edgerton
W. J. ...
Alex ...
Frank ...

Commissioners.