

ORIGINAL

Decision No. 7223

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of)	
CHARLES L. JACKSON for certificate)	
of public convenience and necessity)	Application No. 5310.
to operate passenger service between)	
Elk Grove and Sacramento.)	

Charles L. Jackson in propria persona.
H. H. Gogarty for Southern Pacific Company,
Protestant.

BY THE COMMISSION.

O R D E R

CHARLES L. JACKSON has petitioned 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 between Elk Grove and Sacramento.

A public hearing on this application was conducted by Examiner Handford at Sacramento on March 3, 1920, the matter was duly submitted and is now ready for decision.

Applicant proposes to charge rates in accordance with a schedule marked Exhibit "A" and attached to the application in this proceeding; to operate on a schedule of 2-round trips daily, except Sundays, using as equipment one Cadillac automobile with

seating capacity of 9 passengers.

Applicant relies as justification for the granting of the desired certificate upon the alleged fact that the train service of the Southern Pacific Company between Elk Grove and Sacramento is inadequate in that no service is available from Elk Grove to Sacramento at convenient morning hours.

The only testimony in behalf of the application was that of applicant who gave the result of his investigation into the traffic conditions between Elk Grove and Sacramento and as to the demand for transportation during the morning hours.

The granting of this application was opposed by the Southern Pacific Company and witnesses for such protestant testified as to the rates and service offered by such company between the points proposed to be covered by the route herein sought by applicant. The Southern Pacific Company is at present operating 5 trains between Elk Grove and Sacramento and 3 trains between Sacramento and Elk Grove. Between 6:15 A. M. and 11:56 A. M. there is no train scheduled from Elk Grove to Sacramento.

It was testified that a new schedule is in preparation by the Southern Pacific Company and that such schedule will afford additional service from Elk Grove to Sacramento during the morning hours.

There is no evidence before the Commission in this proceeding which would justify the granting of the desired certificate and no showing has been made by applicant other than that during the morning hours there is an interval between the hours of 6:15 A.M. and 11:56 A. M. in which no train is available for passengers from Elk Grove to Sacramento. At other hours of the day the train service of the Southern Pacific Company from Elk Grove to Sacramento and from Sacramento to Elk Grove is spaced at hours which appear to be

reasonably convenient for the traveling public and no complaint exists or was made by applicant as to such trains not meeting the demands of traffic in a satisfactory manner.

It is quite evident that applicant cannot establish a profitable business on the basis of serving the public by a scheduled trip from Elk Grove to Sacramento within the interval in which the train service of the Southern Pacific Company is not available during the morning hours and as there is no evidence before the Commission in this proceeding other than that of the applicant who desires a certificate over the proposed route, the Commission must again refer to the statement as contained in many of its decisions on applications for certificates of public convenience and necessity, that the desire of an applicant to enter the business of a common carrier of passengers by automobile stage is not a measure of public convenience and necessity and that an affirmative showing must be made as to the public convenience and necessity which will be served by the granting of an application. In this proceeding there is no evidence before the Commission other than that of the applicant and such evidence does not indicate that the granting of the desired certificate would make it possible for applicant to operate the proposed enterprise at a reasonable profit.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity do not require the operation by Charles L. Jackson of an automobile stage line as a common carrier of passengers between Elk Grove and Sacramento; and

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

Dated at San Francisco, California, this 8th day of March, 1920.

Edwin O. Edgerton
H. D. Howard
Frank R. Miller
H. A. Brundage
Dwight Martin

Commissioners.