

Decision No. 7503

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application)
of E. D. Brizard for permission)
to operate a stage line between) Application No. 5000
the towns of Eureka, Field's Landing,)
Loleta, Beatrice, Fortuna and)
Rohnerville.)

T. E. Selvage and F. L. Platt
for applicant
W. A. Cummings for Northwestern Pacific R.R. Co.
F. L. Platt for Humboldt Auto Stage Ass'n.

LOVELAND, Commissioner:

O P I N I O N

Hearing upon the above application was held at Eureka, California, April 21, 1920.

This business was started about 1916 or 1917 by a Mr. Julian, who sold to Mr. B. Carlson who in turn transferred it to Mr. T. Riley from whom applicant purchased it December 24, 1918. Shortly after having purchased the route he became aware of the necessity of obtaining a certificate of public convenience and necessity and filed his application with this Commission, hearing upon which was delayed for various reasons until the date mentioned above.

The fact was clearly established by the testimony that there was a real necessity for the operation of this stage line and that the people were greatly inconvenienced thereby. Numerous witnesses testified to this effect and to the excellence of the service rendered. Written statements supporting this fact were filed by many of the residents of the following cities and towns, who patronize the line: Eureka, Fortuna, Rohnerville, Loleta and Field's Landing.

Applicant operates one 12 passenger and one 8 passenger automobile in addition to which he is frequently compelled to rent cars to take care of the traffic. He is willing and able to furnish ample equipment for the business offered.

The application was protested by the Northwestern Pacific Railroad Company, which company, however, offered no affirmative testimony but confined its protest to cross-examination of applicant and witnesses for applicant. It was shown that the service furnished by the Northwestern Pacific, while a convenience to people desiring to reach and arrive at Eureka on Northwestern trains, was not adequate in that many people desired to travel between the towns mentioned at different hours of the day and that the stages landed them at towns whereas in some instances the depots of the railroad were some distance away. There is no question as to the testimony clearly establishing that public convenience and necessity require the operation of this line and the Commission hereby finds as a fact that the application should be granted.

I submit the following order:

O R D E R

A public hearing having been held upon the above entitled application, the matter having been submitted and being now ready for decision,

IT IS HEREBY ORDERED that applicant, E. D. Brizard, be and he hereby is granted permission to operate a stage line between the towns first above mentioned,

PROVIDED, however, that the rights and privileges hereby granted may not be transferred nor assigned unless the written consent of the Railroad Commission to such transfer or assignment has first been secured.

IT IS HEREBY FURTHER 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.

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 30th day of April, 1920.

Edwin C. Edgerton
A. D. Clark
Frank P. Leelan
H. R. Brundage
Dwight Martin
Commissioners.