

ORIGINAL

Decision No. 7747

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of THOMAS SHAVES for a permit to operate auto passenger service between Sacramento and Nevada City.

) Application No. 4420.

In the matter of the application of INTERURBAN TRANSPORTATION COMPANY for certificate of public convenience and necessity to operate passenger automobile service between Nevada City and Sacramento.

) Application No. 4759.

In the matter of the application of INTERURBAN TRANSPORTATION COMPANY for order authorizing issue of capital stock.

) Application No. 4760

In the matter of the application of RAYMOND A. DAVIS for a certificate of public convenience and necessity to operate passenger auto stage service between Nevada City and Sacramento.

) Application No. 5296.

In the matter of the application of JOHN CHAMPION for certificate of public convenience and necessity to operate passenger automobile service between Nevada City and Sacramento.

) Application No. 5301

In the matter of the application of TRAVELER'S STAGE for an order and permit to operate an automobile stage line over and upon the public roads and thoroughfares of the counties of Sacramento, Placer and Nevada, State of California, in connection with an automobile stage line between Sacramento and Nevada City and intermediate points, all in the State of California, and along and upon the State Highway.

) Application No. 5364

In the matter of the application
of ARTHUR O. SMITH for certificate
of public convenience and necessity
to operate a passenger service be-
tween Auburn and Nevada City.

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) Application No. 5134.

In the matter of the application
of THOMAS SHAVES and C. J. McFALL
for a certificate of public con-
venience and necessity to operate
auto stage between Auburn and Nevada
City over and along the public highway
leading between said points and the
streets of Auburn, Grass Valley and
Nevada City.

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) Application No. 5298.
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K. D. Robinson for Thos. Shaves and C. J.
McFall.

F. M. McAuliffe for Interurban Transports-
tion Company.

Nilon & Nilon for Raymond A. Davis.

W. E. Wright for John Champion.

R. P. Talbot for Traveler's Stage, Thos. A.
Stuart, owner.

L. P. Larue for Nevada County Narrow Gauge
Railroad Company and Nevada County Traction,
protestants.

F. B. Austin for U. S. Railroad Administration,
Southern Pacific lines, protestant.

W. B. White for Nevada County Narrow Gauge
Railroad Company and City of Grass Valley,
protestants.

W. A. Latta for Star Auto Stage Association,
protestant.

BY THE COMMISSION:

O P I N I O N

The above named applicants, Thos. Shaves,
Interurban Transportation Company, Raymond A. Davis and
John Champion, and Thos. A. Stuart, owner of Traveler's
Stage, each apply for certificate of public convenience and
necessity to operate automobile passenger stage service be-
tween Sacramento and Nevada City.

Messrs. Arthur O. Smith and Thos. Shaves and C. J. McFall, by their respective applications numbered 5134 and 5298, last above described, apply for certificate to operate over that portion of said route between Sacramento and Nevada City, which lies between Nevada City and Auburn.

Public hearings in the above matters were held by Examiner Westover at Nevada City upon all of the above applications, except that of Arthur O. Smith; and at San Francisco upon the latter application. By stipulation the several applications were consolidated for hearing and decision.

At the hearings all applicants by leave/^{so} amended their applications as to eliminate the handling of local business between Nevada City and Grass Valley and also between points intermediate to Auburn and Sacramento. This limits the proposed service to through business between Sacramento and Auburn and between Auburn and points north and northeast of Auburn.

The proposed route between Auburn and Sacramento and intermediate points is the improved State Highway. The proposed route between Auburn and Nevada City is via the paved highway connecting Nevada City and Grass Valley and via the County Road between Grass Valley and Auburn. The latter is a graded dirt road used about one year, extending southerly from Grass Valley to Bear River, a distance of 18.3 miles, about 3 miles of which has been improved with rock and gravel; and from Bear River to Auburn, an ungraded dirt road, a distance of 6.6 miles, a part of which has received a dressing of crushed rock. Of the total distance of about 25 miles, the road from Auburn northeasterly for a distance of four or five miles parallels the Southern Pacific Railroad. Extending southerly from Nevada City to Grass Valley, about five miles, the road

parallels and is close to the lines of the Nevada County Narrow Gauge Railroad and Nevada County Traction Company. For most of the remaining 15 miles the highway and the railroad are substantially parallel but about five or six miles apart. No stage line now serves between Auburn and Nevada City. The proposed stage line will serve considerable territory not now served by stage or railroad.

The distance via Nevada County Narrow Gauge Railroad between Nevada City and Colfax is 22 miles. The distance via Southern Pacific lines between Colfax and Auburn is about 19 miles. The Nevada County Traction Company operates electric cars on an hourly schedule between Nevada City and Grass Valley, substantially parallel to and near the line of Nevada County Narrow Gauge Railroad.

The evidence shows that there are several stage lines operating to and from Nevada City serving Forest, Alleghany, Graniteville, Bloomfield, North San Juan, Washington, Camptownville and other mountain communities, and that a line is soon to be in operation connecting Downieville and Sierra City with Nevada City. The stage lines already established under the present schedules bring their passengers into Nevada City between 11 A.M. and 2 P.M. too late in the day to make connections via Nevada County Narrow Gauge Railroad for points on the Southern Pacific lines west of Colfax under the schedules of the railroads. The last train westbound through Colfax is scheduled to leave Colfax at 12:13 P.M. daily.

The testimony shows need for service along the highway in territory not now served by stage or railroads, to establish connection with stage or rail lines through Auburn

and to give means of access to county seats and high school facilities at both Auburn and Nevada City. A survey of the territory lying one and one-half miles on each side of the highway between Auburn and Grass Valley not served by rail shows 102 families with 295 members. Of these 43 families with 152 members own automobiles.

The position of the Nevada County Narrow Gauge Railroad is that it should be protected in its passenger business to enable it to better handle its freight service. At the final hearing it announced its willingness to put on additional trains, to change its schedules to connect with the Southern Pacific schedules when the latter are changed, to follow any other suggestion or order of the Commission or to operate stage line over the new territory referred to in connection with its rail service. It has filed no application for authority to operate stage service. It presented an exhibit showing tickets sold, single and round trips by Nevada City and Grass Valley agencies, for the first ten months of 1917 and 1919 respectively to Auburn, Sacramento, Oakland and San Francisco, which we summarize as follows:

NEVADA COUNTY NARROW GAUGE RAILROAD.

Tickets sold for ten months
ending October 31, 1917, and 1919

From	To San Francisco		To Oakland		To Sacramento		To Auburn		Total	Av. per day	per train
	S.T.	R.T.	S.T.	R.T.	S.T.	R.T.	S.T.	R.T.			
Graes Valley	927.	422	266	8	1233	380	133	16	3284	11	3
	967	194	360	38	1677	89	190	0	3515	11 2/3	3 2/3
Nevada City	666	60	10	0	622	75	5	0	1488	5	1 2/3
	580	52	185	7	789	24	69	0	1706	6	2

Note! The lower figures in each instance are for ten months in 1919.

The proposed stage route between Auburn and Nevada City is 15 miles shorter than the rail route, serves a different territory not already served and furnishes a different means of transportation which some travelers may prefer. It is apparent that authority for stage operation over this route should be granted.

It appears that intermediate points between Sacramento and Auburn are well served by present lines. This was the reason for the amendments proposed by applicants limiting the authority sought to transportation of through passengers.

Star Auto Stage Association has long operated automobile passenger stages between Sacramento and Auburn. No complaint is made of its service or facilities or ability to furnish whatever equipment or facilities may be needed for taking care of increased service. It appears from the testimony that their stages are satisfactorily operated upon schedule and that upon occasions when overloads appeared unexpectedly passengers were dispatched in auxiliary cars with but a few minutes delay. The cars upon this run are operated by Thos. Shaves and C. J. McFall.

Messrs. Shaves and McFall now have two Studebaker 7-passenger cars, one 11-passenger Studebaker bus and one 15-passenger White bus. They are about to purchase two new 20-passenger White buses to cost about \$12,000. They have tentatively arranged to use the Sacramento and Auburn terminals of the Star Auto Stage Association under lease.

Interurban Transportation Company is a corporation organized for the express purpose of operating between Sacramento and Nevada City. In connection with its application to issue \$20,000 of capital stock for the purchase of equipment,

etc. it requests that its application be dismissed if it should not be granted authority to operate the line.

Under all of the circumstances, after carefully analyzing all of the evidence, we conclude that the public will be best served by granting Application No. 5298 of Thos. Shaves and C. J. McFall for authority to operate between Auburn and Nevada City upon schedules designed to connect with those of Star Auto Stage Association between Sacramento and Auburn.

O R D E R

Public hearings having been held upon the above entitled applications and each having been submitted and being now ready for decision,

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by Thos. Shaves and C. J. McFall of an automobile stage line as a common carrier of passengers between Auburn and Nevada City, serving intermediate points between Grass Valley and Auburn but not serving Grass Valley or points between Grass Valley and Nevada City locally.

Present public convenience and necessity does not require any other operation of passenger stage lines between Sacramento and Auburn or between Auburn and Nevada City.

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 procured.

IT IS HEREBY ORDERED that the said applicants shall within 20 days from the date hereof file with the Railroad

Commission their schedule and tariffs covering said proposed service, which shall be in addition to proposed schedule and tariff accompanying the application, and shall set forth the date upon which the operation of the line hereby authorized will commence, which date shall be within 90 days from date hereof, unless time to begin operation is extended by formal supplemental order.

The authority herein contained shall not become effective until and unless the above condition is complied with.

IT IS HEREBY FURTHER ORDERED that said applicants shall not carry local passengers between Nevada City and Grass Valley or intermediate points lying between said cities.

IT IS HEREBY FURTHER ORDERED that no vehicle may be operated in said service unless said vehicle is owned by the applicants herein or is leased by said applicants under a contract or agreement satisfactory to the Railroad Commission.

IT IS HEREBY FURTHER ORDERED that the above entitled applications of Thos. Shaves, No. 4420; of Interurban Transportation Company, No. 4759; of Interurban Transportation Company, No. 4760; of Raymond A. Davis, No. 5296; John Champion, No. 5301; Traveler's Stage, No. 5364; ^{and} Arthur O. Smith, No. 5134, be and they are hereby denied.

Dated at San Francisco, California, this 19th day of June, 1920.

Edwin C. Engert
W. H. ...
Frank ...
H. K. ...
James ...
Commissioners.