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Decision No. 8017

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of )	
CARL C. ALLEN and D. MOYER to operate )	
an automobile stage line between )	
the City of Fresno and Firebaugh. )	Application No. 4673

In the Matter of the Application of )	
CARL C. ALLEN and D. MOYER to operate )	
an automobile stage line between the )	
City of Firebaugh, in the County of )	Application No. 4571
Fresno, State of California, and the )	
Town of North Dos Palos in the County )	
of Merced, State of California. )	

Gallaher & Simpson by W.E.Simpson  
for Applicant.

E. E. Wade and C. H. Redington for  
Southern Pacific Co. Protestant.

BY THE COMMISSION.

ORDER

Carl C. Allen and D. Moyer have petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by them of an automobile stage line as a common carrier of passengers, baggage and packages between the City of Fresno and the City of Firebaugh, County of Fresno and intermediate points and between the City of Firebaugh and the Town of North Dos Palos, Merced County.

Applicants propose to charge rates in accordance with a schedule marked Exhibit "A" filed with each application in these proceedings and to operate on a schedule of two round trips daily. The equipment proposed to be used consists of two eight cylinder 7-passenger Cadillac automobiles and one White automobile.

A public hearing on the above named applications was conducted by Examiner Satterwhite on June 1st, 1920, the applications were consolidated for the purpose of receiving evidence and for the reason that said applicants stated that the evidence in support of said applications would be identical; said applications were duly submitted and are now ready for decision.

The Southern Pacific Company appeared in opposition to the applications.

Applicants testified in support of the applications and several other witnesses testified to the public necessity for the proposed lines. The evidence shows that various classes of passengers consisting of residents of the several towns traversed, merchants, traveling salesmen and working men desire and will patronize this service. It was shown that farm hands and seasonal laborers travel through this territory seeking work upon the ranches and in the rice and grain fields. The evidence shows that an average of 35 passengers have been carried each trip.

The proposed line will connect with the stage now operated by the said applicants between the Town of Dos Palos and the City of Los Banos in the County of Merced. The proposed line does not parallel the line of the Southern Pacific Company with the exception of about ten or fifteen miles, but traverses territory some distance away. The Southern Pacific Company maintains a train service of one train a day each way and there was testimony given indicating that this service is inadequate to comply with the requirements of the residents for transportation between Fresno and North Dos Palos. Under the proposed stage service of the applicants, a resident of North Dos Palos will be able to go to Fresno or any intermediate point, transact business and return on the same day or a resident of Fresno will be able to go to North Dos Palos or to any intermediate point and return on the same day. This cannot be done under the

present transportation facilities of the Southern Pacific train service. The Southern Pacific Company introduced in evidence their rate and time schedules and gave testimony indicating that the volume of business done did not justify any additional train service and that an additional service of one train may be put on in the latter part of this year.

After a careful consideration of the evidence, we are of the opinion and find as a fact that the public convenience and necessity will be served by the granting of the above named applications.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by CARL A. ALLEN and D. MOYER of an automobile stage line as a common carrier of passengers, baggage and packages between the City of Fresno and the City of Firebaugh, County of Fresno and intermediate points and between the City of Firebaugh and the Town of North Dos Palos, Merced County.

Provided, however, that the rights and privileges hereby authorized 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 no vehicle may be operated under this certificate unless such vehicle is owned by applicants herein or is leased by such applicants under a contract or agreement on a basis satisfactory to the RAILROAD COMMISSION.

Dated at San Francisco, California, this 27<sup>th</sup> day of August, 1920.

*Edwin D. Edgerton*  
*H. D. Loveland*  
*Frederick R. Brown*  
*H. R. Sandberg*

Commissioners