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Decision No. 8782

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of
JOHN A. DUGAN for certificate of public
convenience and necessity to operate
passenger and baggage service between
Camino and Placerville, California.

)
:
Application No. 6379
)
:

E. Fitzgerald for Applicant
W. A. Latta for A. L. Richardson, Protestant.

BY THE COMMISSION.

O P I N I O N

John A. Dugan 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 and baggage between Camino and Placerville and intermediate points.

A public hearing on this application was conducted before Examiner Satterwhite on March 10, 1921, at Placerville, at which time the matter was submitted and is now ready for decision.

Applicant proposes to charge rates and to operate on a time schedule in accordance with Exhibits "A and B", attached to said application, using as equipment one seven passenger Studebaker and one five passenger Ford.

A. L. Richardson, protested the granting of this application.

The applicant and a large number of witnesses testified to the public necessity of this proposed service.

The town of Camino is located seven miles up in the mountains from Placerville and owes its existence chiefly to the fact that the Michigan California Lumber Company operates a mill near the town and employes about four hundred men in summer and one hundred in winter. The great majority of these employes reside in Camino and others at Placerville.

The testimony shows that applicant early in the year 1917, operated for hire a Ford automobile between Camino and Placerville, occasionally carrying passengers as far as Sacramento. In response to a demand from the workmen at the mill and other citizens of Camino and Placerville, the applicant has continued to operate this service. For the last two years on account of increased tollage he has been compelled to operate at least two cars, making about four round trips daily. The evidence shows that applicant has always maintained a very satisfactory service throughout the entire year, and in winter time, in order to maintain a continuous service he has, at his own expense, made repairs upon the mountain road to make it passable and safe.

On account of ignorance of the law and a misapprehension as to the regulations of this Commission, applicant did not apply for the authority of this Commission to operate this service until the filing of this application. It appears, however, that he did not wilfully violate the law and has acted entirely in good faith in the operation of this service.

A. L. Richardson, the protestant has for several years and prior to May 1st, 1917, operated satisfactory passenger auto service between Sacramento and Lake Tahoe by way of Placerville and Camino. This service of protestant was first operated under the name of the Star Auto Stage Association, but for the last six months has been operated under the name of the Pierce Arrow Auto Stage. Protestant has never operated a through service to Lake Tahoe throughout the year, operating only to Placerville between October 15 and

May 1st of each year. The through service is maintained during that part of the year when the travel of tourists and vacationists is heavy.

A. L. Richardson operates a mail service to Camino under a contract with the United States Government and in order to comply with this contract, makes one trip daily to Camino either with an automobile or with horses and wagon during the winter months.

It appears that the protestant has never paid any particular attention to the local service between Placerville and Camino. The testimony of applicant shows that in the summer time residents of Camino and vicinity have difficulty in securing passage on protestant's stages on account of their being fully loaded; and in winter time the service of this applicant has been relied upon and patronized because it is maintained daily without interruption and in a satisfactory manner. It appears that a majority of those residing in Camino and many residents of Placerville desire this service because it has always been regular and adequate.

O R D E R

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

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by John A. Dugan of an automobile stage line as a common carrier of passengers and baggage between Camino and Placerville and intermediate points,

Provided, however, that the rights and privileges herein 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 ORDERED that no vehicle may be operated by applicant herein unless such vehicle is owned by him or is leased by him under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 22nd day of March, 1921.

Frank R. Wilson
H. D. Loveland
J. W. Matthews
Charles H. Thompson

Commissioners