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Decision No. 9648

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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ORIGINAL

In the Matter of the Application of )  
 W. S. BRUNNER, for certificate of )  
 public convenience and necessity to :  
 operate automobile passenger stage :  
 service between Quincy and Portola. ) Application No. 6944

In the Matter of the Application of )  
 W. S. BRUNNER for certificate of )  
 public convenience and necessity to :  
 operate passenger automobile service :  
 between Quincy and Crescent Mills, )  
 California. ) Application No. 6918

- I. H. Hughes for Applicant
- H. B. Wolfe for Western Pacific Railroad Co., Protestant
- H. G. Hoffman for Quincy Railroad Company, Protestant
- C. L. Eaton for Indian Valley Railroad Co. Protestant

BY THE COMMISSION,

O P I N I O N

In the two proceedings entitled as above which were by stipulation of counsel consolidated for hearing and decision, applicant W. S. Brunner petitions the Railroad Commission for certificates of public convenience and necessity authorizing the operation of an automobile stage line as a common carrier of passengers between Quincy and Portola and intermediate points and between Quincy and Crescent Mills and intermediate points, all in the County of Plumas, State of California.

A hearing in the above entitled matters was held before Examiner Satterwhite on Friday, September 16th, 1921, at Quincy, California, at which time they were submitted and are now ready for decision.

Applicant testifying in his own behalf stated that at the present time the only means of reaching Quincy from the various points

which he proposes to serve is by way of the Quincy Railroad Company, the Western Pacific Railroad Company and the Indian Valley Railroad. That the Western Pacific Railroad Company operates at the present time two trains each way per day serving points Portola to Quincy Junction and intermediate thereto; that such trains arrive and leave, one in the early morning hours, approximating 7 A. M. and the other in the early evening, approximating 7 P. M.; that the public desiring transportation between Portola and Quincy are obliged to leave Portola at either 5:45 A. M. or 6:30 P. M. change cars at Quincy Junction and take the Quincy Railroad Company train to Quincy; the public residing in the Indian Valley, which includes Crescent Mills and Indian Falls, who desire transportation to Quincy or return, are obliged to take the Indian Valley Railroad which makes one round trip per day between Crescent Mills and Paxton, transfer to the Western Pacific Railroad Company and again transfer to the Quincy Railroad Company at Quincy Junction; that the time of operation of such trains and the transfers required are inconvenient and necessitates remaining over night in most instances; that particularly during the summer months there is a considerable number of men employed at various lumber mills intermediate to Portola and Quincy and that due to the fact that the trains are operated at such inconvenient hours, applicant has received numerous requests to establish service which he proposes, so as to enable people desiring to reach Quincy during the morning hours, to transact their business and return the same day. A number of residents of Quincy and other points proposed to be served also testified in support of the proposed service which was opposed by the Quincy Railroad Company, the Western Pacific Railroad Company and the Indian Valley Railroad Company.

Applicant herein operated between Quincy and Portola for a short time during the summer of 1921, but discontinued such service when notified by the Railroad Commission that his operation was illegal. The Quincy Railroad Company showed that during the period

of such operation, its passenger revenues were materially reduced and that if such service was authorized, it would be doubtful whether or not this Railroad Company would be in a position to continue operation of its passenger service. The Quincy Railroad Company operates a railroad some six miles in length between Quincy and Quincy Junction on the line of the Western Pacific Railroad and its revenues at no time have been in excess of the cost of operation. Their service is, however, at inconvenient hours, the railroad operating one gasoline motor car, leaving Quincy at 6:25 A. M. and 7:15 P. M. connecting at Quincy Junction with the Western Pacific Railroad Company's trains, both east and west bound. The superintendent of the Quincy Railroad Company, testifying in opposition to the granting of the application herein, stated that it was his opinion that the Quincy Railroad would eventually petition the Railroad Commission to authorize the abandonment of passenger service should said road be forced to meet automobile competition. This protestant, however, submitted no additional testimony or produced any further witnesses as to the convenience or sufficiency of the present railroad service.

From the testimony submitted in connection with the two applications herein under consideration, it would appear, that not only the residents of the Town of Quincy, but also residents along the route proposed to be served are in favor of the establishment of a stage line as herein proposed.

It appears that the establishment of this service is desired by the businessmen and residents of the points proposed to be served, and moreover the Board of Supervisors of the County of Plumas, passed a resolution, Applicant's Exhibit "B", petitioning the Commission to grant the application as applied for. Other county officials also testified as to the desirability and necessity of the service as proposed. The Chamber of Commerce of Quincy, however, adopted a resolution in which they requested that such application be denied.

As the people residing in the communities proposed to be served by applicant herein appear to desire the establishment of an auto stage line in preference to the present railroad transportation we are of the opinion that the application should be granted.

ORDER

The above applications having come on regularly for hearing, the matters being submitted and now ready for decision,

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the establishment by W. S. Bruner of an automobile stage line for the transportation of passengers as a common carrier between Quincy and Portola and intermediate points and between Quincy and Crescent Mills and intermediate points and a certificate of public convenience and necessity be, and the same hereby is granted subject to the following conditions:

1. That applicant W. S. Bruner shall file with the Railroad Commission his written acceptance of the certificate herein granted within twenty (20) days from date hereof; shall file tariff of rates and time schedules, in duplicate, in accordance with the provisions of General Order No. 51, within thirty (30) days from date hereof; and shall commence operation of the service herein authorized within a period of not to exceed sixty (60) days from date hereof.

2. That the rights and privileges hereby authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured, with the exception that service may be discontinued only during such period of the winter months that roads between the points served are impassable.

3. That no vehicle may be operated by the applicant, W. S. Bruner, unless such vehicle is owned by said applicant or is leased by him under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 16<sup>th</sup> day of October, 1921.

W. S. Bruner  
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COMMISSIONERS