

SR

Decision No. 9970

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the matter of the application of D. MOYERS for certificate of public convenience and necessity authorizing the operation of an automobile stage line for the transportation of passengers and baggage between the City of Los Banos and the City of Merced, and way stations, in the County of Merced, State of California.

Application No. 7216.

Callahan, Simpson & Hays,  
by W. E. Simpson, for Applicant.

BY THE COMMISSION:

O P I N I O N

D. Moyers 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, parcels and packages, between the City of Los Banos and the City of Merced, and intermediate points, in the County of Merced, State of California.

A public hearing on this application was conducted before Examiner Satterwhite at Merced on November 29, 1921, 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, and to use two 2-cylinder, 7-passenger Cadillac automobiles.

No one protested the granting of said application. Applicant called several witnesses in support of his application. The testimony shows that there are no transportation companies of any kind or character operating between the points proposed to be served. Applicant, under the authority of this Commission, is now operating an automobile stage line for the transportation of passengers between Fresno and Tracy, serving the intermediate points of Firebaugh, Dos Palos, Los Banos, Newman, Patterson and other way points. This service is operated entirely on the west side of the San Joaquin valley. This proposed service will afford a direct route between the west side and the east side of the San Joaquin valley. It was shown that persons residing on the west side of the San Joaquin valley who desire to travel to the east side are compelled to go either by stage or rail from Los Banos north to Tracy and thence south from Tracy by rail or stage to Merced, or to go south to Fresno and thence north on the east side of the valley to the City of Merced. It appears from the testimony that there are many residents and business men of Los Banos and other towns on the west side, who desire to transact business at Merced and return the same day, which this proposed direct service will permit.

After careful consideration of the evidence, we are of the opinion that the proposed service should be authorized.

#### ORDER

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

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by D. Moyers of an automobile stage line as a common carrier of passengers and baggage, parcels and packages, between the City of Los Banos and the City of Merced, serving as intermediate points Chowchilla Ranch and Santa Rita,

Provided, however, that the operative rights and privileges hereby established may not be transferred, leased, sold nor assigned, nor the said service abandoned unless the written consent of the Railroad Commission thereto has first been procured, and

Provided further, that no vehicle may be operated in said service unless said vehicle is owned by the applicant herein or is leased by said applicant under a contract or agreement satisfactory to the Railroad Commission.

IT IS HEREBY ORDERED that applicant shall within twenty (20) days from the date hereof file with the Railroad Commission his schedule and tariff 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 ninety (90) days from date hereof, unless time to begin operation is extended by formal supplemental order.

Dated at San Francisco, California, this 16<sup>th</sup> day of January, 1922.

H. B. ...  
H. D. ...  
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Commissioners.