

Decision No. 28766

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of SACRAMENTO NORTHERN RAILWAY for certificate of public convenience and necessity to operate an auto-stage line for the transportation of passengers, baggage, mail and express, as a common carrier, for compensation, between Oroville and the California-Nevada State Line near Peavine in the County of Sierra, State of California, and intermediate points.

Application No. 19968.

In the matter of the application of Feather River Stage Company, a corporation, (a) for a certificate of public convenience and necessity to operate an automobile passenger stage service for the transportation of passengers, baggage and express for compensation as a common carrier, between Oroville and Quincy, Calif., and all intermediate points, (b) to consolidate such operative right with its present operative right, and (c) to operate said consolidated and unified operative right as a consolidated and unified automobile stage service.

Application No. 20059.

**ORIGINAL**

L. N. Bradshaw, for Applicant in Application 19968 and for the Western Pacific Railroad Co. appearing in support of said application; also for Sacramento Northern Railway and the Western Pacific Railroad Co., protesting Application 20059.

Orla St. Clair, for applicant in Application 20059, and for Feather River Stage Company, protesting Application 19968.

Edward Stern for Railway Express Agency, Inc., in support of Application 19968, and protesting Application 20059.

Harry See for Brotherhood of Railroad Trainmen, interested party.

BY THE COMMISSION:

O P I N I O N

Sacramento Northern Railway, a corporation, in the instant application seeks a certificate of public convenience and necessity to operate stage service for the transportation of passengers, baggage, mail and express (express carriage exclusively for Railway Express Agency) as a common carrier for compensation, between Oroville and the California and Nevada State Line near Peavine, and all intermediate points.

Feather River Stage Company, a corporation, seeks a certificate of public convenience and necessity for the transportation of passengers, baggage and express for compensation as a common carrier between Oroville and Quincy and all intermediate points, and for the consolidation of such operative rights with its operative rights between Keddie, Quincy and the California-Nevada State Line near Peavine. (1)

Public hearings thereon were conducted by Examiner Williams at Quincy at which time the matters were submitted on briefs, which have been filed, and the matter is now ready for decision.

Sacramento Northern Railway proposes to operate parlor car type, 33-passenger vehicles with suitable compartments for the transportation of limited quantities of mail, express

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(1) Decisions Nos. 24921 and 24984 on Application No. 18082.

and baggage, between Oroville and the Nevada State Line over the new Feather River Highway route, the construction of which is expected to be completed early in 1937. The service proposed is practically in lieu of the re-establishment of train service of Western Pacific Railroad Co., which operates by nearly the same route as the highway through Feather River canyon. The railroad now has no daylight train service through this area, <sup>(1)</sup> such daylight service having been suspended during the period of depression. One of the well known and well advertised features of the Western Pacific Railroad is its journey through the Feather River canyon and the purpose of the application of the present proceeding, in part, is to provide a daylight scenic trip for its transcontinental passengers or other tourists in an economical and comfortable manner. In part also this service is intended to connect with the operations of the Sacramento Northern ~~Electric~~ Railway between San Francisco and Oroville and Chico or by consolidation sought with the stage line which applicant proposes to operate from Sacramento and Oroville to Chico as proposed in Application No. 19882 now pending before the Commission. The operation, therefore, between Oroville and the state line should be considered as extending a through service to passengers who may originate south and west of Oroville or passengers originating east of the Nevada state line, termini of the instant application. Whether the passengers of the present operation are received by the electric railway or by through stage at Oroville, the instant proposal will make available

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(1) The highway route will be approximately 140 miles.  
The distance by rail is 146.8 miles.

a practically through service between points in California, including San Francisco Bay points, into the Feather River playground region east of Quincy and included in the high mountain areas in and about Blairsden as well as affording a scenic daylight trip for Western Pacific Railroad's passengers. Service to these areas now is given by Western Pacific trains with only night-time schedules between the termini indicated.

Feather River Stage Company possesses operating rights from Keddie, a station on the Western Pacific Railroad and Quincy<sup>(1)</sup> and through by the State Highway to all intermediate points to the Nevada-California State Line and is a part of an interstate operation between Quincy and Reno. However, applicant has local schedules between Quincy and Portola. The operation is an old one having been established many years ago as a part of the Mt. Lassen Transit Company. It now has connections with Mt. Lassen Transit Company at Keddie for transportation of passengers to Greenville, Westwood, Susanville and Red Bluff. Its equipment seems adequate for its purposes.

In the present application Feather River Stage Company seeks only a certificate between Oroville and Quincy, a distance of 67 miles. The intermediate points involved are not numerous, the most important being Bidwell Bar, Merrimac and Buck's Lodge. It is not the route that is to be traversed by the stages of Sacramento Northern. Between Oro-

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(1) The Western Pacific Railroad indirectly serves Quincy via Quincy Junction in connection with the Quincy Railroad.

ville and Quincy the carriers would not serve the same intermediate points except possibly Bidwell's Bar, east of which the routes are from 5 to 15 miles distant from each other and mainly on opposite sides of the Feather River. The route to be traversed by Feather River Company is an unimproved mountain road and usable only between May and November of each year. The route to be used by applicant, Sacramento Northern Railway, is over the new paved state highway through the Feather River canyon and the service proposed is all-year service. As Feather River Stage Company asks the consolidation of the right herein sought with its rights between Quincy and the state line, it is apparent both matters should be considered as through services between Oroville and the state line.

The testimony at the hearing was submitted in behalf of applicants and hence was affirmative of the need of an operation in public interest for the benefit of practically the same class of passengers and property. It is unnecessary to go into this testimony for the reasons stated except to note that many of the affirmative witnesses expressed preference for one or the other of the carriers. Preponderance of expression was in favor of a service that would provide continuous transportation from the Bay Region Cities and Sacramento Valley into the Feather River playgrounds, which service Feather River Stage Company does not offer. At best, Feather River Stage Company service would depend on connection at Oroville with electric service of the Sacramento Northern Railway. In addi-

tion, its service would be seasonal while the other service will be annual. It should also be noted that operating conditions over the new state paved highway will be far improved over the seasonal unimproved highway. Further, Sacramento Northern Railway service is not available to the public until the new highway has been completed, which may be in the spring of 1937, according to the best estimates of the State Engineering Department placed in the record. Therefore, until the highway is completed, the public must depend upon the service of Feather River Stage Company between Oroville and Quincy and this Company's service between Quincy and the state line in order to reach the resort area during the season of 1936.

Full consideration of the record before us results in the following conclusions:

(a) Feather River Stage Company should be granted a certificate between Oroville and Quincy and intermediate points via Bidwell Bar, Merrimac and Buck's Lodge; that this right should be consolidated with the rights of the Feather River Stage Company between Quincy and the state line.

(b) The application of Sacramento Northern Railway should be granted between Oroville and the state line, subject only to a restriction that no local service may be ren-

dered between Quincy and the state line or between intermediate points and with the further condition that should such service not be established by June 1, 1937, the rights herein granted shall lapse and become void, unless extended by further order of this Commission.

Such conclusions, we believe, meet equitably the problem presented by the two applicants. Such orders would permit through service by the only road available during the 1936 season, beginning at Oroville and serving all points to and including the state line. For the 1937 season, the Sacramento Northern Railway would establish its service, in connection with its coordinated rail or bus services, and be able under it to transport any persons west of Quincy over the route between Quincy and the state line with practically through transportation. The essential premium upon this operation is its all-year character. There is much to be found in the record to support the winter operation of this applicant as many winter sports are being established in the Feather River Region, particularly in and about Blairsdon. Tourist traffic in winter is also heavy.

#### O R D E R

Sacramento Northern Railway, a corporation, having made application for a certificate to establish automotive transportation for passengers, mail and express, as a common carrier between Oroville and the California-Nevada State Line, Near Peavine, a public hearing having been held and the Commission being fully advised in the premises;

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA  
HEREBY DECLARES that public convenience and necessity require  
the establishment and operation of automotive transportation  
service for the transportation of passengers, baggage, mail  
and express between Oroville and the California-Nevada State  
Line near Peavine over and along the following route:

Via the Feather River Highway between termini.

AND IT IS HEREBY ORDERED that a certificate of public  
convenience and necessity therefor be and the same hereby  
is granted Sacramento Northern Railway, a corporation, subject  
to the following conditions:

1. The certificate herein granted applicant shall be accepted in writing by applicant within fifteen (15) days from date hereof, applicant stipulating in said acceptance that the service to be provided herein shall be established not later than June 1, 1937, and that said service shall be maintained during the entire year thereafter except as such condition may be modified or altered by a supplemental order of this Commission.
2. The authority herein granted to establish such service is subject to the particular restriction that applicant shall perform no local service between Quincy and the State Line inclusive nor between intermediate points between Quincy and the State Line; also, that transportation of express shall be limited to property transported under contract with Railway Express Agency, Inc., without limitation as to weight or kind of automotive vehicle used.
3. Applicant shall begin the service herein authorized on or before June 1, 1937, and shall file in triplicate and concurrently make effective on not less than ten days' notice to the Commission and the public a tariff or tariffs constructed in accordance with the requirements of the Commission's General Orders and containing rates and rules which, in volume and effect, shall be identical with the rates and rules shown in the exhibit attached to the application in so far as they conform to the certificate herein granted, or rates satisfactory to the Railroad Commission.



4. Applicant shall file, in duplicate, and make effective on or before June 1, 1937, on not less than five days' notice to the Commission and the public, time schedules covering the service herein authorized in a form satisfactory to the Railroad Commission.
5. The rights and privileges herein 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.
6. No vehicle may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by it under a contract or agreement on a basis satisfactory to the Railroad Commission.

Feather River Stage Company, a corporation, having made application for a certificate of public convenience and necessity to establish and operate automotive passenger stage service for the transportation of passengers, baggage and express for compensation as a common carrier between Oroville and Quincy, and all intermediate points, a public hearing having been held and the Commission being fully advised in the premises;

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA  
HEREBY DECLARES that public convenience and necessity require the establishment and operation of an automotive stage service for the transportation of passengers, baggage and express, between Oroville and Quincy and intermediate points via Bidwell Bar, Merrimac and Buck's Lodge, over and along the following route:

Via County Highway between termini and intermediates;

AND IT IS HEREBY ORDERED that a certificate of public convenience and necessity therefor be granted Feather River

Stage Company, subject to the following conditions:

1. Applicant shall file its written acceptance of the certificate herein granted within a period of not to exceed fifteen (15) days from date hereof, stipulating in said acceptance that the certificate herein granted is accepted as an extension and enlargement of its operations now authorized by Decisions Nos. 24921 and 24984 on Application No. 18082 and consolidated therewith and not as a new or a separate operating right; and, also that property (express) transported by the authority herein granted shall be limited to shipments not in excess of five hundred (500) pounds transported only on vehicles used in the transportation of passengers.
2. Applicant shall begin the service herein authorized within a period of not to exceed thirty (30) days from the effective date hereof, and shall file in triplicate and concurrently make effective on not less than ten days' notice to the Commission and the public a tariff or tariffs constructed in accordance with the requirements of the Commission's General Orders and containing rates and rules which, in volume and effect, shall be identical with the rates and rules shown in the exhibit attached to the application in so far as they conform to the certificate herein granted, or rates satisfactory to the Railroad Commission.
3. Applicant shall file, in duplicate, and make effective within a period of not to exceed thirty (30) days after the effective date of this order, on not less than five days' notice to the Commission and the public, time schedules covering the service herein authorized in a form satisfactory to the Railroad Commission.
4. The rights and privileges herein 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.

5. No vehicle may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by it under a contract or agreement on a basis satisfactory to the Railroad Commission.

For all other purposes the effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 27<sup>th</sup>  
day of April, 1936.

W. B. Lewis  
Leon Anthony  
W. A. Cunn  
W. H. Cunn  
Frank D. Lewis  
Commissioners.