

ORIGINAL

Decision No. 34707

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
PACIFIC MOTOR TRUCKING COMPANY, a
corporation, to abandon its operating
rights and discontinue its service in
the transportation of passengers and
baggage, between Ferndale and Fern-
bridge, California.

Second Supplemental
Application No. 23795

In the Matter of the Application of
ANDREW SHARKEY, an individual, for
certificate of public convenience and
necessity to operate passenger stage
service for the transportation of pas-
sengers, baggage and shipments moving
on the billing of Railway Express
Agency, Inc., between Ferndale and
Fernbridge, California.

Application No. 24467

BY THE COMMISSION:

O P I N I O N

Under the authority of the Commission's Decision No. 34517 Pacific Motor Trucking Company acquired an operative right for the transportation of passengers and property between Fernbridge and Ferndale. In Supplemental Application No. 23795 said applicant seeks authority to discontinue and abandon the transportation of passengers and their baggage between those points.

In Application No. 24467 Andrew Sharkey has applied to the Commission for a certificate of public convenience and necessity authorizing him to establish and operate an automotive service for the transportation of passengers and their baggage and shipments of property moving on the billing of Railway Express Agency Incorporated between Ferndale and Fernbridge upon the abandonment by applicant Pacific Motor Trucking Company of its passenger and baggage service between those points.

Fernbridge is situated on U. S. Highway No. 101 in Humboldt County about 5 miles easterly from Ferndale.

Applicant Sharkey proposes to charge one-way and round-trip fares of 25 cents and 45 cents, respectively. Personal baggage of passengers weighing not in excess of 150 pounds will be carried free and a charge will be made for baggage weighing in excess of 150 pounds. This applicant has one 1938 model G. M. C. station wagon which he would use in the proposed service. He plans to provide two round trips daily, arranged to meet the Northwestern Pacific Railroad Company passenger trains at Fernbridge.

In support of its request for authority to discontinue its passenger stage service, Pacific Motor Trucking Company avers that if the application of Sharkey is granted there will be no disruption of service for passengers and their baggage between Fernbridge and Ferndale. It further alleges that conditions and circumstances require that it concentrate its endeavors solely to the development and improvement of its existing service for the transportation of property in the territory involved and, to that end, desires to withdraw from said passenger stage service so that this objective may be accomplished.

Applicant Sharkey alleges that he is able to provide the service between the points proposed to be abandoned by Pacific Motor Trucking Company, thus continuing for the public an adequate and satisfactory passenger stage service in that territory. He states that he is well qualified to operate this service by reason of many years of experience through employment by established carriers.

After full consideration of these applications the Commission is of the opinion and finds that public convenience and necessity require the establishment and operation of the service proposed by applicant Sharkey and the abandonment by Pacific Motor Trucking Company of its passenger stage service as requested. There is no other carrier or carriers providing service between the points involved. It appears that a public hearing is unnecessary and that the applications should be granted.

O R D E R

Full consideration having been given to the above-entitled applications and it being found that public convenience and necessity so require,

IT IS ORDERED that Pacific Motor Trucking Company is hereby authorized to abandon the transportation of passengers and their baggage between Fernbridge and Ferndale and to cancel tariffs and time schedules governing such service concurrently with the establishment of service between those points by Andrew Sharkey.

IT IS FURTHER ORDERED that a certificate of public convenience and necessity is hereby granted to applicant Andrew Sharkey for the establishment and operation of an automotive service as a passenger stage corporation and a highway common carrier, as defined in Sections 2 $\frac{1}{2}$ and 2-3/4 of the Public Utilities Act, between Fernbridge and Ferndale subject to the provision that the transportation of property shall be limited to the transportation of property for and under contract with Railway Express Agency, Incorporated. This grant is subject to the condition that Andrew Sharkey, his successors or assigns may never claim before this Commission or any court or other public

body any value for the authority hereby granted in excess of the actual cost thereof.

IT IS FURTHER ORDERED that under the foregoing certificate services shall be provided pursuant to the following service regulations subject to the authority of this Commission to change or modify them at any time by further order.

1. Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed thirty (30) days from the effective date hereof.
2. Applicant shall commence the services herein authorized within a period not to exceed sixty (60) days from the effective date hereof concurrently with the abandonment of passenger stage service by Pacific Motor Trucking Company between the points involved and comply with the rules of the Commission's General Orders Nos. 79 and 80 and Part IV of General Order No. 93-A by filing, in triplicate, and concurrently making effective tariffs and time schedules satisfactory to the Commission within sixty (60) days from the effective date hereof and on not less than five (5) days' notice to the Commission and the public.
3. Applicant shall file with the Commission a copy of any agreement entered into with Railway Express Agency, Incorporated to act as its underlying carrier.
4. Operation shall be over an unnumbered county road between Fernbridge and Ferndale.

The effective date of this order shall be the date hereof

Dated at Los Angeles, California, this 28th
day of October, 1941.

[Signature]
[Signature]
Justus J. Casner
Francis D. Hayward
Richard L. [Signature]

COMMISSIONERS