

Decision No. 36045

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
CHARLES SNAPP, doing business under)
the firm name and style of SNAPP STAGE)
LINES, for a certificate approving a)
lease to J. W. BENJAMIN of a portion)
of applicant's common carrier and pas-)
senger service, commencing at Gazelle)
and extending to Etna and return via)
Callahan, California.)

ORIGINAL

Application No. 25099

BY THE COMMISSION:

O P I N I O N

The Commission, by its Interim Order in Decision No. 35794, dated September 22, 1942, in the above-entitled proceeding, authorized applicant Benjamin to conduct a common carrier service between Gazelle and Etna and intermediate points for a period of two months after the effective date of that order (October 2, 1942) under certain conditions. The opinion of this order recites the physical conditions surrounding the operation involved and sets forth a resume of the record.⁽¹⁾

The time within which applicants may submit to the Commission a plan of operation, as provided for in said Decision No.

(1) Quotation from decision:

"It is most important now that truck mileage should be reduced to a minimum, consistent with essential public needs for transportation. We conclude that but one common carrier should be permitted to operate between Gazelle and Etna, and that he also should carry the mail. Applicants, therefore, should formulate and submit a plan of operation between Gazelle and Etna under which the holder of the common carrier operative right will also transport the mail.

"In the meantime, in order to insure the continuance of a transportation service for which there is a public need, Snapp will be authorized to lease to Benjamin, for the term of two months, that part of the former's operative right extending between Gazelle and Etna, including intermediate points."

35794, was extended by the Commission's order of December 1, 1942 to December 17, 1942.

On December 14, 1942, applicants filed their amended application seeking approval of a plan of operation whereby applicant Snapp will abandon operations between Gazelle and Etna and intermediate points. Coincident therewith, applicant Benjamin proposes to provide a common carrier service between these points. This plan further provides that applicant Benjamin will assume the same position as applicant Snapp has occupied in the past with respect to joint rate arrangements with connecting carriers at Gazelle. Also, the two applicants will enter into joint fare and rate arrangements so that passengers and shipments of property transported between Gazelle and Some Bar and intermediate points which are interchanged at Etna will not be assessed higher fares or charges as a result of the granting of this application. This general plan is in accord with the program outlined in said Decision No. 35794; accordingly, the application will be granted.

O R D E R

The Commission now being fully informed therein and it being hereby found that public convenience and necessity so require,

IT IS ORDERED as follows:

(1) That Charles Snapp is hereby authorized to discontinue and abandon the transportation of passengers and property between Gazelle and Etna and intermediate points via Callahan, and the operative rights therefor, heretofore acquired by Charles Snapp under the authority of the Commission's Decision No. 27206, dated July 10, 1934, on Application No. 19523, are hereby revoked and annulled.

(2) That a certificate of public convenience and necessity is hereby granted to J. W. Benjamin authorizing the establishment and operation of service as a passenger stage corporation and as a highway common carrier as defined in sections 2-1/4 and 2-3/4 of the Public Utilities Act, for the transportation of passengers and property between Gazelle and Etna and intermediate points via Callahan, subject to the condition:

J. W. Benjamin, his successors or assigns, shall never claim before this Commission or any court or other public body, a value for the authority hereby granted in excess of the actual cost thereof.

(3) That Charles Snapp shall amend his Local Passenger Tariff C.R.C. No. 1, his Local Freight and Express Tariff C.R.C. No. 1, and his Adoption Notice C.R.C. No. 2 (adoption of Highway Carriers' Tariff No. 2) to eliminate therefrom local fares and rates between Gazelle, Callahan and Etna and intermediate points, and J. W. Benjamin shall concurrently establish the identical rates and fares between such points, subject to the same rules and regulations as govern the fares and rates in the said tariffs of Charles Snapp.

(4) That Charles Snapp and J. W. Benjamin shall concurrently establish joint fares and joint rates for the transportation of passengers and property between points served by Benjamin east of Etna to and including Gazelle and points intermediate thereto, on the one hand, and points served by Snapp west of Etna to and including Sones Bar and points intermediate thereto, on the other hand. These fares and rates shall be identical with those now maintained by Charles Snapp between the same points.

(5) That J. W. Benjamin shall maintain joint rate arrangements with connecting carriers at Gazelle which have heretofore been maintained by applicant Charles Snapp, including participation therein as an intermediate carrier between connecting carriers at Gazelle and points served by Charles Snapp located westerly of Etna.

(6) That pursuant to the foregoing authorities applicants shall comply with and observe the following service regulations:

1. Applicant Benjamin 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. Applicants Benjamin and Snapp shall comply with the provisions of 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. Subject to the authority of this Commission to change or modify it at any time by further order, applicant Benjamin shall conduct said passenger stage and highway common carrier operations over and along the public highway between Gazelle and Etna via Callaban.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 27th day of December, 1942.

Justus J. Caseman

Francis D. Haven

Richard Kachue

COMMISSIONERS