

Decision No. 38091

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA:

In the Matter of the Application of)  
YOSEMITE PARK AND CURRY CO. for an )  
in lieu certificate for public con- )  
venience and necessity. )

Application No. 21861  
3rd Supplemental

BY THE COMMISSION:

**ORIGINAL**

O P I N I O N

By its Third Supplemental Application, as amended, Yosemite Park and Curry Co., a corporation, requests the Commission to modify Decision No. 31396 by the removal of certain restrictions therein which prohibit the transportation of passengers and property to, from or between points intermediate to Briceburg and El Portal, and restrictions which prohibit the transportation of property between Merced and Briceburg and intermediate points, with exceptions.

In justification for the authority sought, applicant asserts that Yosemite Valley Railroad Company, which operates a railroad service between Merced and El Portal and serves points intermediate to Briceburg and El Portal, has filed an application with the Interstate Commerce Commission to abandon this line of railroad. Applicant anticipates that such application will be granted, in which event there will be no common carrier of passengers and property serving Briceburg, El Portal and points intermediate thereto. Applicant alleges that public convenience and necessity requires that some carrier be authorized to perform this service which it desires to do, in connection with its service between Merced and Yosemite National Park.

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(1) Interstate Commerce Commission Finance Docket No. 14688, decided June 26, 1945; authorized Yosemite Valley Railroad Co. to abandon its rail operations as an interstate carrier.

The only other common carrier serving any points between Merced and El Portal is Glenn Scholl, doing business as Mariposa Express, who provides a highway common carrier service, as certified by this Commission, between Merced and Midpines and intermediate points. Midpines is approximately midway between Mariposa and Briceburg. Under applicant's proposal it would provide a complete service over this route. However, it does not desire to perform a highway common carrier service between the points presently served by Scholl, except the transportation of newspapers.

Between Briceburg and El Portal applicant proposes to establish one-way and round-trip fares of \$1.25 and \$2.25, respectively; between Indian Flat, a new fare point, and El Portal, a distance of about five miles, one-way and round-trip fares of 45-cents and 80-cents, respectively, are proposed; and between Indian Flat and Briceburg, the proposed one-way and round-trip fares would be 80-cents and \$1.45, respectively. <sup>(2)</sup>

The all freight rates, except empty carriers returning, between Merced, on the one hand, and points to and including Briceburg, on the other hand, would be 61-cents a 100 pounds, and to points beyond Briceburg to and including Yosemite Valley, the rate would be 66-cents. On empty carriers returning, the corresponding rate would be 30-cents and 35-cents. These rates are proposed to be applied to shipments of any size.

(2) According to Exhibit "A" attached to the application, the distances between the points on the route involved are as follows:

	<u>Miles</u>
Merced	00
Briceburg	50
Indian Flat	62
El Portal	67
Yosemite Valley	81

After full consideration, it is our judgment that applicant's request appears to be in the public interest and will be granted by modifying the present restrictions of the operative right involved. No public hearing is necessary.

O R D E R

Good cause appearing,

IT IS ORDERED that restrictions 1(a) and 1(b) appearing on sheet 6 of Decision No. 31396 are hereby deleted therefrom and the following restriction substituted in lieu thereof:

"1. Along Route A no property may be transported between Merced and Midpines and intermediate points except property originating at or destined to points easterly of Midpines to and including Yosemite National Park, provided that this restriction shall not apply to newspapers."

IT IS FURTHER ORDERED that said Decision No. 31396 shall in all other respects remain in full force and effect.

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

Dated at San Francisco California, this 27<sup>th</sup> day of July, 1945.

Harold Redner  
Justice F. Casner  
Frank D. ...  
Irving ...  
COMMISSIONERS