

Decision No. 41137

*Handwritten notes and stamps, including a circular seal.*

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of HUMBOLDT )  
 MOTOR STAGES, INC., and THOMAS B. RILEY, doing )  
 business as REDDING-ALTURAS-LAKEVIEW STAGES, )  
 (1) for authority for the former to transfer, )  
 and the latter to acquire, certain operative ) Application No. 28870  
 rights and equipment, (2) for a certificate of )  
 public convenience and necessity to be issued )  
 to the latter to operate a passenger stage )  
 service, and (3) for in lieu certificates of )  
 public convenience and necessity. )

O P I N I O N

Humboldt Motor Stages, Inc., hereinafter referred to as applicant Humboldt, is certificated to, and at present is engaged in the transportation of passengers, baggage and express as a passenger stage corporation, between Scotia and Trinidad and intermediate points via Eureka and Arcata, and engaged in the transportation of passengers, baggage and general commodities, as a passenger stage corporation and as a highway common carrier, between Eureka, Redding, Forks of Salmon, Minersville, French Gulch and Mad River and intermediate points via Willow Creek, Weaverville, Douglas City, Lewiston Junction, Tower House and Hay Fork. Service to and from Forks of Salmon, Minersville, French Gulch and Mad River, respectively, is provided by diverging from the Eureka-Redding route at Willow Creek, Lewiston Junction, Tower House and Douglas City.

Thomas B. Riley, doing business as Redding-Alturas-Lake

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(1) Express shipments are limited to packages weighing 100 pounds or less which shall be carried on passenger vehicles except that the limitation as to weight of packages and vehicles of transportation shall not apply to shipments transported for or through the agency of Railway Express Agency, or milk and cream in cans and empty containers when being transported to or from a railway junction point in connection with rail transportation.

View Stages, hereinafter referred to as applicant Riley, is presently engaged in the transportation of passengers, baggage and express, as a passenger stage corporation, between Redding, Alturas and the California-Oregon state line on U. S. Highway 395 and intermediate points pursuant to certificates issued by this Commission.

Applicant Humboldt proposes, and requests authority to sell to applicant Riley, who desires to purchase and acquire, six units of passenger stage equipment and operative rights for the transportation of passengers and baggage between Willow Creek and Weaverville and intermediate points and between Lewiston Junction and Redding and intermediate points with divergence at Tower House to French Gulch. The total consideration is \$25,000, of which \$18,000 is stated in the application to represent the value of the equipment proposed to be transferred. According to the agreement attached to the application as Exhibit B, the purchase price will be paid in cash upon the execution of the transfer.

In addition to the authority sought to acquire the operative rights above referred to, applicant Riley seeks a certificate to transport packages of express weighing not to exceed 100 pounds each between said points and a certificate to transport passengers, baggage and packages of express weighing not in excess of 100 pounds between Weaverville and Lewiston Junction and intermediate points and between Eureka and Willow Creek and intermediate points via Arcata. The effect of the acquisition of said operative rights and the granting of the certificate as described, will be to enable applicant Riley to provide a through service for the transportation of passengers, baggage and packages of express weighing not in excess of 100 pounds each on passenger carrying vehicles between Eureka and Redding via Arcata, Willow Creek, Weaverville and Tower House with a

diversion from Tower House to French Gulch, and including all intermediate points. However, applicant Riley does not propose to render any service locally along U. S. Highway 101 between its junction with U. S. Highway 299, near Arcata, and Eureka. In order to clarify, simplify and make more certain the operative right between Eureka and Redding, applicant Riley desires that the Commission grant to him a new certificate in the place and stead of the operative rights he may be authorized to acquire from applicant Humboldt, as an extension and enlargement of and consolidated with his present operative rights.

The fares, rates, rules and regulations to be assessed and applied by applicant Riley in connection with his proposed service will be the same as those presently assessed and applied by applicant Humboldt pursuant to tariffs on file with this Commission except that applicant Riley proposes to establish the same rates for the transportation of express that he presently maintains in his existing operations.

Applicant Humboldt proposes to continue to operate its present highway common carrier service. It also proposes to continue its passenger stage operation between Scotia, Trinidad and intermediate points via Eureka and Arcata; between Eureka, Arcata, Willow Creek, Weitchpec, Somes Bar and Forks of Salmon and intermediate points; between Weaverville, Douglas City, Hay Fork and Mad River and intermediate points and between Weaverville, Douglas City, Lewiston Junction, Minersville and intermediate points, except that passenger and baggage service to or from any point on U. S. Highway 299 from its junction with U. S. Highway 101 to and including Willow Creek and between any such point and any point on U. S. Highway 101 from the junction of U. S. Highways 101 and 299 to and including

Eureka will be provided only by means of stages, traveling to or from Weitchpec or beyond.

For the purposes of certainty, clarity and simplification applicant Humboldt requests that upon authorization of the transfer to applicant Riley above referred to, the Commission grant to Humboldt a new certificate in the place and stead of its operative rights which will remain after the execution of the proposed transfer.

The application states that the proposals of applicants are in the public interest as their authorization will enable applicant Riley, a stage operator of 36 years experience with headquarters at Redding, to provide a more efficient and adequate service between such points and other points on his line to and beyond Alturas, as a more important portion of the operation between Eureka and Redding is the region between Weaverville and Redding which can not be as effectively served by applicant Humboldt whose headquarters and terminal facilities are located at Eureka. Moreover, according to the application, applicant Riley conducts passenger stage service exclusively whereas applicant Humboldt engages in both passenger stage and highway common carrier operations. They believe the public will be better served under the proposed plan of operations.

After full consideration, it is our opinion and we find that public convenience and necessity require the service which would be provided under the proposals of applicants. Accordingly the proposed transfer will be authorized and the certificates sought will be granted. However, the authority for the proposed transfer shall not be construed to be a finding of value of the properties so authorized to be transferred.

O R D E R

An application therefor having been filed, the Commission being fully informed therein and it having been found that public convenience and necessity so require,

IT IS ORDERED:

(1) That Humboldt Motor Stages, Inc., may, after the effective date hereof and on or before June 1, 1948, sell and transfer to Thomas B. Riley, and the latter may acquire an operative right for the transportation of passengers and baggage between Willow Creek and Weaverville and intermediate points and an operative right for the transportation of passengers and baggage between Lewiston Junction and Redding and intermediate points via Tower House with divergence from Tower House to French Gulch including the intermediate points, and the passenger stage equipment described in the agreement of sale on file in the application as Exhibit B, said sale to be made pursuant to the terms and conditions of said agreement of sale.

(2) That in the place and stead of the operative rights referred to in paragraph (1) of this order, the Commission hereby grants to Thomas B. Riley a new certificate of public convenience and necessity authorizing service as a passenger stage corporation, as defined in Section 2 $\frac{1}{2}$  of the Public Utilities Act, for the transportation of passengers, baggage and packages of express weighing 100 pounds or less on passenger carrying vehicles only, between Eureka and Redding and intermediate points via Arcata, Blue Lake, Willow Creek, Weaverville, Douglas City, Tower House, French Gulch and Shasta with divergence at Tower House to French Gulch subject to the following restrictions:

No passengers, baggage or express may be transported

having both point of origin and point of destination on U. S. Highway 101 between Eureka and the junction of said highway with U. S. Highway 299.

(3) That in the place and stead of the operative rights remaining in Humboldt Motor Stages, Inc., after execution of the sale and transfer authorized in paragraph (1) of this order and created by Decision No. 31545 in Application No. 22384; Decision No. 32119 in Application No. 22805; Decision No. 32296 in Application No. 22932 and Decision No. 36137 in Application No. 25377, the Commission hereby grants a certificate of public convenience and necessity to said Humboldt Motor Stages, Inc., as a passenger stage corporation and as a highway common carrier as defined in Sections 2 $\frac{1}{4}$  and 2-3/4, respectively, of the Public Utilities Act as follows:

(a) As a passenger stage corporation for the transportation of passengers, baggage and packages of express weighing 100 pounds each or less on passenger carrying vehicles only, between Scotia and Trinidad and intermediate points via Eureka and Arcata with diversion to Crannell from Crannell Junction subject to the following provision:

The limitation as to weight of packages of express and vehicles of transportation shall not apply to shipments transported for or through the agency of Railway Express Agency, Incorporated, and milk and cream and empty containers when being transported to or from a rail junction point in connection with rail transportation thereof;

(b) As a passenger stage corporation as part of and in conjunction with the operation described in paragraph (3) (a) of this order for the transportation of passengers, baggage and packages of express weighing 100 pounds each or less on passenger carrying vehicles only, between the junction of U. S. Highway 101 and 299 and Forks of Salmon and intermediate points via Willow Creek, Orleans and Somes Bar

subject to the following restriction;

No passengers, baggage, or express shall be transported to or from any point on U. S. Highway 299 from the junction of said highway with U. S. Highway 101 to and including Willow Creek, or between any such point and any point on U. S. Highway 101 from the junction of said highway with U. S. Highway 299 to and including Eureka, except on passenger vehicles originating at or destined to Weitchpec or points beyond;

(c) As a passenger stage corporation for the transportation of passengers, baggage and packages of express weighing 100 pounds each or less on passenger carrying vehicles only, between Mad River, Weaverville, Lewiston Junction and Minersville and intermediate points via Hay Fork, Peanut and Douglas City;

(d) As a highway common carrier for the transportation of freight between the junction of U. S. Highway 101 and U. S. Highway 299, Forks of Salmon, Minersville, French Gulch, Redding, Mad River and intermediate points via Willow Creek, Orleans, Weaverville, Douglas City, Lewiston Junction, Tower House and Hay Fork, and between the foregoing points named in this subparagraph, on the one hand, and, on the other hand, the points named in subparagraph (a) of this paragraph.

(4) That upon the execution of said agreement of sale and the acceptances of the new certificates of public convenience and necessity herein granted to Thomas B. Riley and Humboldt Motor Stages, Inc., the operative rights created by Decision No. 31545 on Application No. 22384; Decision No. 32119 on Application No. 22805; Decision No. 32296 on Application No. 22932 and Decision No. 36137 on Application No. 25377 are revoked and annulled.

(5) That upon consummation of the transfer of the properties herein authorized and in providing service pursuant to the

certificates herein granted, applicants shall comply with and observe the following service regulations:

- a. Applicants shall file written acceptances of the certificates herein granted on or before June 1, 1948.
- b. On or before June 1, 1948, and on not less than 5 days' notice to the Commission and the public applicants shall establish the services herein authorized and 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 appropriate tariffs and time tables.
- c. Subject to the authority of this Commission to change or modify them by further order operations pursuant to the certificates herein granted shall be conducted as follows:

By Applicant Riley over the following route:


Beginning at Eureka thence along U. S. Highway 101 to U. S. Highway 299, thence along said U. S. Highway 299 to Redding with divergence at Tower House over a county road to French Gulch.

By Applicant Humboldt Motor Stages, Inc., over the following routes:

Over and along U. S. Highway 101 between Scotia and Trinidad and the County road between Crannell Junction and Crannell. Over and along U. S. Highway 299 between its junction with U. S. Highway 101 and Redding with divergence at Tower House to French Gulch over the county road between the latter points. Over California State route 96 between its junction with U. S. Highway 299 and Somes Bar thence over the county road from Somes Bar to Forks of Salmon. Over California State route 36 from Mad River to its junction with county road near Peanut thence over said county road to its junction with U. S. Highway 299. Over a county road between Lewiston Junction and Minersville.

The effective date of this order shall be 20 days from the date hereof.

Dated at San Francisco, California, this 19th day of January, 1948.



R. J. [Signature]  
Justice J. [Signature]  
Dept. [Signature]  
Harold P. [Signature]  
Bennett Fetter  
 COMMISSIONERS