

Decision No. 17696.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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ORIGINAL

In the Matter of the Application of)	
J. P. HILDRETH for certificate of)	
public convenience and necessity to)	Application No. 8848
operate automobile passenger service)	
between Cloverdale and Ukiah.)	

Chas. Kasch, for Applicant.
 R. W. Palmer, for Northwestern Pacific RR Co.,
 Protestant.

BY THE COMMISSION,

O P I N I O N

The above entitled proceeding, held before Examiner Geary at Healdsburg on May 23, 1923, seeks a certificate of public convenience and necessity to operate an automobile passenger service between Cloverdale and Ukiah, a distance via the Highway of approximately 33 miles.

At the present time the applicant is operating an automobile stage line as a common carrier of passengers between Healdsburg and Cloverdale, although the application does not here request authority to perform a through service between Healdsburg and Ukiah should the Commission authorize the extension of the service from Cloverdale to Ukiah. Application sets forth that the territory between Cloverdale and Ukiah is the only gap in the automobile transportation service from San Diego to Seattle on the Coast route passing through Cloverdale, Ukiah, Eureka and Crescent City, that the granting of this application would permit persons residing along the State Highway between Cloverdale and Ukiah conducting business at either point and returning home on the same day, a trip which

cannot now be made by using the trains of the Northwestern Pacific Railroad and allow sufficient time at either terminal for the transaction of any business. The applicant proposes to operate two schedules per day, leaving Cloverdale at 8:15 a.m. and 5:15 p.m., and leaving Ukiah for Cloverdale at the same hours. Under this proposed automobile schedule a passenger taking the first stage at Cloverdale would arrive in Ukiah at 10 a.m., could leave that point at 5 p.m. and, returning, would arrive at Cloverdale at 6:45 p.m., giving seven hours in the city of Ukiah, and the same period of time in Cloverdale when moving in the opposite direction.

Under the schedule in effect via the Northwestern Pacific the first passenger train leaves Cloverdale at 10:10 a.m. arriving in Ukiah at 12:23 p.m. and a train leaves Ukiah for Cloverdale at 12:23 p.m., but these trains, of course, would be of no value to a person having business to transact at Ukiah. The next train leaves Ukiah for Cloverdale at 3:17 p.m., with a stop at Ukiah of less than three hours, as compared with the stopover under the automobile stage schedule of seven hours. Moving in the opposite direction, from Ukiah to Cloverdale, the first train leaves Ukiah at 4:10 a.m., too early for use for local travel. The next one leaves at 12:23 p.m., arriving at Cloverdale at 1:28 p.m., the train from Cloverdale leaves at 6:40 p.m., arriving at Ukiah at 8 p.m., a schedule, it is claimed, entirely unsatisfactory to most people.

Ukiah has a population of 2305 and is the county seat of Mendocino. The entire proposed automobile route would be in Mendocino County, with the exception of the first seven miles north of Cloverdale. There was testimony to the effect that the residents along the line frequently find it necessary to visit the county seat on legal matters and to do general business and shopping

at both Ukiah and Cloverdale not conveniently possible during one day under the existing train schedule.

While the Highway closely parallels the railroad at some points, it is from three to five miles distant at others, which requires the traveler to use some kind of conveyance in moving from the farms to the railroad stations. In the entire territory between Cloverdale and Ukiah the railroad stations are close together, but with the exception of Hopland all of the points are flagged stops without agents.

A witness for the applicant testified that his investigation developed there is an average of only one passenger ticket sold per day by the Northwestern between Cloverdale and Ukiah. This statement, however, was contradicted, in part, by a witness for the Northwestern, who showed that during the year 1922 there were 4387 passengers carried at all of the points Cloverdale to Ukiah, inclusive. This makes an average of approximately 12 passengers per day, or an average of 2 fares on each passenger train. The total collection made by the Northwestern Pacific for this local traffic between Cloverdale and Ukiah in the year 1922 amounted to \$2750.00. The country is sparsely populated and many of the farmers own their automobiles, but the testimony was to the effect that if convenient means of transportation were furnished there would be a substantial flow of traffic to both Cloverdale and Ukiah, where the accommodations for shopping and hotels are satisfactory, that the road is in a safe condition and service could be rendered throughout the year. The applicant testified that he had made a check of all the farms, etc., along the route and found there is a demand and necessity for the service, and introduced a petition containing the names of people residing along the line, urging the Commission to grant the application. He also introduced the testimony of some 14 witnesses, including farmers, bankers, hotel people, resort owners, real estate agents and merchants, also a representative from the Peck-Judah

Travel Bureau of San Francisco. Protestant, the Northwestern Pacific, had as witnesses its General Passenger Agent and four prominent business men from the city of Ukiah who were not in favor of the stage operations and also presented letters from different parties in opposition to the application.

In this proceeding we have a duplication of the testimony given in a great many cases for certificate of public convenience and necessity where the applicant and the protestants canvassed the territory, and the record usually illustrates the success of the contending factions in the number of witnesses secured. We were advised by both applicant and protestants in this proceeding that they could have furnished a large number of additional witnesses, but that the testimony would be more or less cumulative and simply a repetition of that presented by the witnesses who actually appeared at the hearing.

The Commission must reach the conclusion in a controversy of this kind upon the exercise of its best judgment, and when consideration is given to the fact that in many places the railroads are located a considerable distance from the residences of the inhabitants and that the train service is such as not to permit of sufficient time for conducting business during any one day at Ukiah, which is the county seat, and also that this is the only section of the road on the line between San Diego and Seattle not covered by some kind of an automobile service, we cannot conclude other than that the people in this district should be given the privilege of using an automobile stage line if they desire.

The testimony shows that the travel locally between Cloverdale and Ukiah via the trains is almost nil and, therefore, the railroad would suffer no material damage by reason of the establishment of this automobile stage line service, unless by reason of passengers traveling from points south of Healdsburg or

north of Ukiah using this connecting line for a through trip. Some witnesses testified that in their opinion the Northwestern Pacific would receive a larger volume of local passenger traffic if the stage line were established, as it would stimulate travel, part of which would move via the railroad.

The application for a certificate of public convenience and necessity to operate an automobile stage line for the transportation of passengers between Cloverdale and Ukiah will be granted. This authority, however, must not be construed as permitting operation of a through service between Healdsburg and Ukiah.

O R D E R

A public hearing having been held in the above entitled application, the evidence submitted and the Commission being fully advised,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation by J. P. Hildreth of an automobile stage line as a common carrier of passengers between Cloverdale-Ukiah and intermediate points and,

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

1. That the certificate herein granted authorizes the transportation of passengers only and does not include nor authorize the operation of an automobile passenger stage by the applicant herein from Healdsburg to Ukiah but only authorizes a local service between Cloverdale and Ukiah and intermediate points.

2. Applicant herein shall file within a period not to exceed ten (10) days from date hereof his written acceptance of the certificate herein granted and shall file within a period of not to exceed twenty (20) days from date hereof tariff of rates and

time schedules to be in conformity with the exhibits attached to and made a part of the application, and applicant shall commence operation of the service herein authorized within a period of not to exceed thirty (30) days from date hereof.

3. The rights and privileges herein granted shall 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.

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

Dated at San Francisco, California, this 13th day of October, 1923.

C. Seavey
Dwight Matson
Edwin Shaw
J. J. Whittney
Commissioners