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Decision No. 13354

**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of )  
 F. C. LAURITZEN, doing business under )  
 the name and style of Lauritzen Trans- )  
 portation Company of Sacramento, for )  
 a certificate of public convenience )  
 and necessity to operate stage service )  
 between Sacramento and J. Roses Landing )  
 in Sacramento County. )  
 Application No. 3839

In the Matter of the Application of )  
 LAURITZEN TRANSPORTATION COMPANY OF )  
 SACRAMENTO for certificate of public con- )  
 venience and necessity to operate passenger )  
 service between Sacramento and Rio Vista. )  
 Application No. 5139

In the Matter of the Application of )  
 LAURITZEN TRANSPORTATION COMPANY OF )  
 SACRAMENTO for certificate of public con- )  
 venience and necessity to operate pas- )  
 senger service between Rio Vista and )  
 Antioch. )  
 Application No. 6315

In the Matter of the Application of )  
 BEVERLY GIBSON, GENE ANTICHI and C. C. )  
 COCHRAN, Co-partners, doing business )  
 under the fictitious name and style of )  
 RIVER AUTO STAGE, for a certificate of )  
 public convenience and necessity to operate )  
 a passenger stage line between Rio Vista )  
 and Antioch, California, and intermediate )  
 points, in conjunction with, as part of and )  
 as an extension to the passenger service )  
 now being rendered by said applicants bet- )  
 ween Sacramento and Rio Vista, California, )  
 and intermediate points. )  
 Application No. 8237

In the Matter of the Application of )  
 ISLAND TRANSIT COMPANY, a co-partnership, )  
 consisting of M. L. Isham and H. J. Suther- )  
 land, for certificate of public convenience )  
 and necessity to operate a passenger auto- )  
 mobile stage line between Antioch and Rio )  
 Vista and intermediate points, in con- )  
 junction with and as an extension to the )  
 passenger service now being rendered by the )  
 San Francisco-Sacramento Railroad Company )  
 and Rio Vista Transit Co. between )  
 Sacramento and Rio Vista and Isleton and )  
 intermediate points. )  
 Application No. 8992

Harris & Lewis, by Ralph H. Lewis, for Applicant in Application No. 3839.

Elliott & Atkinson, by F. L. Atkinson, and W. A. Latta for River Auto Stage Ass'n., Protestant in Applications Nos. 3839-5139-6315.

Sanborn & Roehl, by E. H. Sanborn, for California Transportation Company.

Geo. J. Bradley for Merchants & Manufacturers Traffic Ass'n of Sacramento.

Frank A. Prior for Applicant in Application Nos. 5139-6315 and for Protestant in Application Nos. 8237 and 8992.

Harry A. Excell for Applicant in Application No. 8237 and Protestant in Applications Nos. 8992 and 6315.

Jesse Steinhart and Geo. A. Work, for Applicant in Application No. 8992 and Protestant in Applications Nos. 6315 and 8237.

BY THE COMMISSION,

O-P-I-N-I-O-N

In Application No. 3839, F.C.Lauritzen, doing business under the name and style of Lauritzen Transportation Company of Sacramento, petitions the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of an automobile stage line as a common carrier of passengers between Sacramento and J. Rose's Landing serving the intermediate communities at Franklin, Hood, Courtland, Borden, Walnut Grove, Walkers Landing and Isleton.

In Application No. 5139, F.C.Lauritzen, doing business under the name and style of Lauritzen Transportation Company of Sacramento, petitions the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of an automobile stage line as a common carrier of passengers between Sacramento and Rio Vista serving as intermediate points the communities at Freeport, Clarksburg (Ferry Landing), Hood, Courtland, Walnut Grove, Ryde, Isleton, and J. Rose's Landing.

In Application No. 6315, F. C. Lauritzen, doing business under the name and style of Lauritzen Transportation Company of Sacramento, petitions the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of an automobile stage line as a common carrier of passengers between Rio Vista in the County of Solano and Antioch in the County of Contra Costa serving as intermediate points the communities of Schad Landing and Curtis Landing.

In Application No. 8237, Beverly Gibson, Gene Antichi and C. C. Cochran, co-partners operating under the fictitious name and style of River Auto Stage, petition the Railroad Commission for an order declaring that public convenience and necessity require the operation by them of an automobile stage line as a common carrier of passengers between Rio Vista and Antioch and intermediate points of Schad Landing and Curtis Landing as an extension of applicants' present operative rights between Sacramento and Rio Vista and intermediate points.

In Application No. 8992, M. L. Isham and E. J. Sutherland, co-partners proposing to operate under the fictitious name and style of Island Transportation Company, petition the Railroad Commission for an order declaring that public convenience and necessity require the operation by them of an automobile stage line as a common carrier of passengers between Rio Vista and Antioch serving as intermediate points Three Mile Ferry, Schads, Curtis Landing, and Antioch Ferry.

Public hearings were conducted by Examiner Handford at Sacramento on Applications Nos. 3839 and 5139, and at Rio Vista on Applications Nos. 5139, 6315, 8237 and 8992, the matters were duly submitted and are now ready for decision.

In Application No. 3839 it is proposed to operate two round trips daily between Sacramento and J. Rose's Landing serving as intermediate points Franklin, Hood, Courtland, Vordan, and Walnut Grove. Applicant proposes to charge fares in accordance with a schedule filed as Exhibit "C" and attached to the application herein. Applicant relies as justification for the granting of the desired certificate upon the convenience to be afforded the public by providing an automobile service that will be operated in conjunction with passenger boat service already being operated by applicant between Sacramento and river points south of Sacramento, and that the last auto stage trip proposed toward Sacramento will give a later service than any now available for the public.

It appears from the evidence in support of this application that the service proposed by applicant would parallel, over a considerable portion of the route, the service already rendered by the River Auto Stage Association between Sacramento and Isleton and against which service no complaint has been made. There appears a necessity for service for the residents of Sherman Island which would be provided by the use of the proposed stage line to Isleton and the use of the launch service heretofore operated by applicant on the Sacramento River, and which launch service has also terminated at Mellard, a connection with the San Francisco-Sacramento Railroad affording transportation to San Francisco, Oakland and intermediate points.

Prior to the hearing on this application, applicant discontinued his launch service, and same has not been resumed. In view of the fact that the only necessity herein shown has been the need of transportation for residents of Sherman Island, which service applicant is not now in position to render by a combination of the stage service as herein applied for and the launch service on the Sacramento River which has been discontinued, there

is no evidence before us in this proceeding justifying the authorization of a certificate of public convenience and necessity to operate an additional passenger stage service between Sacramento and J. Rose's Landing and intermediate points.

In Application No. 5139, applicant F. C. Lauritzen proposes service between Sacramento and Rio Vista and intermediate points over a route as follows:-

"Leaving Sacramento by road known as Freeport Road and continuing on said road in a southerly direction to Freeport, and thence in a southerly direction on road parallel with the Sacramento River on the east side of the river to Clarksburg Ferry Landing, and thence continuing in said direction and parallel with said river to Hood and thence continuing in said direction and parallel with said river to Courtland, and thence in said direction for a distance of about two miles to a drawbridge known as the Grand Island Bridge, cross over the river to the west side and continue in southerly direction on the county highway parallel with said river to the Bascule Bridge opposite Walnut Grove, thence cross over the river on said bridge to Walnut Grove on the east side of the river, and then recross the said bridge to the west side of the river and continue on the said highway in a southerly direction parallel with said river to Ryde, and thence in the same direction and parallel with the said river to ferry landing opposite Isleton, ferry across the river to Isleton on the east side of the river, and then continue in a southerly direction parallel with the said river to J. Rose's Landing, and then continue in said direction parallel with said river to the Rio Vista Drawbridge, cross over the river to Rio Vista on the west side of the river. Return trip will be made over the same route."

Applicant relies and alleges as justification for the granting of the desired certificate upon the following: that there is no regular means of public transportation on the west side of the Sacramento River between the ferry landing opposite Isleton and the Grand Island bridge excepting the steamers of the California Transportation Company which operate

at night; that applicant operates passenger boats on the Sacramento River from Isleton to Mallard with stops at Rio Vista, Emmaton, Pearlys Landing and Collinsville, and that by a combination of the boat service and the proposed auto stage service, prospective patrons could receive service not now available by public transportation. It appears that since the filing of the application applicant has discontinued the boat service formerly operated on the Sacramento River and that by reason of such discontinuance the facilities offered by the combining of the two forms of service are no longer available and the authorization of the passenger stage service as herein proposed would merely duplicate stage service between Rio Vista and Sacramento now available by the lines of authorized carriers between such points and where no complaint exists as to inadequacy of service rendered by the present authorized lines. The original service as proposed by applicant, when considered in connection with the boat service formerly operated by said applicant, had merit in that by a combination of the boat service with the proposed passenger stage service certain territory not now enjoying regular transportation facilities could have received same and passengers desiring to go to or from Sacramento to such unserved territory would have been accommodated. The withdrawal of the boat service heretofore rendered by the applicant makes the original plan impossible and eliminates any necessity for the proposed stage service or its operation in competition with already authorized lines over a territory in which a necessity has not been shown for additional carriers.

In Applications Nos. 6315, 8237 and 8992, F. C. Lauritzen, proposing to operate under the fictitious name of Lauritzen Transportation Company of Sacramento, Beverly Gibson, Gene Antichi and C. C. Cochran, co-partners proposing to operate under the

fictitious name of River Auto Stage, and M. L. Isham and H. J. Sutherland, co-partners proposing to operate under the fictitious name of Island Transit Company, certificates are requested authorizing the establishment of passenger stage service between Rio Vista and Antioch. All applicants propose operation over the same route as follows:

"Leave Rio Vista and cross over the Sacramento River at said city by bridge onto the east side of said river on Brannan Island, and thence down the county road on the levee of said river for about two miles, thence on the county road in an easterly direction for about one-half mile to Seven Mile Slough, thence along the county road on the west bank of said slough to the north bank of Three Mile Slough, cross on the free ferry to the south side of said Three Mile Slough onto Sherman Island, thence along the county road on the west bank of said Three Mile Slough in a southerly direction for about two miles, from which point the road runs along the San Joaquin River, continue along said road in the same direction for about two miles to Schad Landing, formerly Marshall's Landing, thence in a southwest-ly direction along said road for about four miles to Curtis Landing, formerly Guttman's Landing, thence along said road in the same direction for about one mile to Ferry Landing, cross over by ferry to the south side of said San Joaquin River into Contra Costa County, thence in a southerly direction for about one-half mile to the Contra Costa County Highway and thence in a westerly direction for about two and one-half miles to Antioch. Return trip will be made over same route."

Applicant in Application No. 6315 relies as justification for the granting of the desired certificate on the following alleged facts: that there is no direct means of transportation by public conveyance between Rio Vista and Antioch; that the route proposed is the most direct route from the Sacramento River Delta District to Antioch which is served by three railroads, the Southern Pacific Company, Atchison Topeka & Santa Fe Railway and San Francisco-Sacramento Railroad to San Francisco and the east bay cities, and the two former to San Joaquin Valley points, - that the steamers of the California

Transportation Company and the California Navigation & Improvement Company serve a portion of the territory for which passenger stage operation is sought but such steamers operate during the night and only stop for the receipt or discharge of freight although handling passengers when same offer at the times stops are made for freight purposes; that the steamers do not operate on Sundays.

Applicants in Application No. 8237 rely as justification for the granting of the desired certificate upon the alleged fact that there are no other passenger stage lines nor steam or electric railroads operating between Antioch and Rio Vista; and that the establishment of the proposed service will afford the traveling public a more complete system of rapid transportation between Sacramento and Antioch via Rio Vista and likewise afford to the intermediate points a direct connection with railroad train service at Antioch.

Applicants in Application No. 8992 rely as justification for the granting of the desired certificate upon the fact that it is proposed to establish service connecting with the stage line of the Rio Vista Transit Company and the San Francisco-Sacramento Railroad and by such connections establish a through route and service between Antioch and Sacramento and intermediate points on the line of the San Francisco-Sacramento Railroad. These applicants allege that if any public convenience and necessity requires a stage operation between Rio Vista and Antioch the service as proposed by them and offering connection with already authorized stage and rail carriers will best meet such public need.

Witnesses in behalf of all applicants fully established a necessity for the establishment of service from Rio Vista to the ferry landing on the west bank of the San Joaquin River



on Sherman Island, as such service would enable residents of Sherman and Brannan Islands to have regular transportation to Rio Vista from which point stage service is available to Sacramento and intermediate river points and to Stockton via Walnut Grove. Also stage service is available from Rio Vista to Rio Vista Junction at which point connection is made with the trains of the San Francisco-Sacramento Railroad furnishing service north to Sacramento and intermediate points and south to Bay Point, Pittsburg, Concord, Walnut Creek, Oakland and East Bay cities and San Francisco.

This portion of the proposed service will prove of particular advantage to the ranches, orchardists and agricultural interests on Brannan Island and more particularly Sherman Island. These islands grow large vegetable crops, particularly asparagus and celery, and require seasonal labor in the handling of their crops. The evidence shows that the largest volume of this labor is supplied from Sacramento and Stockton and as regards oriental labor from Isleton and Walnut Grove.

No general need was shown for transportation over the entire route between Rio Vista and Antioch or from Antioch to points intermediate to Rio Vista except as to a seasonal need for the transportation of female employees of asparagus canneries at Isleton where are employed approximately 200 girls during the season from April 1 to July 1, of each year. These employees have their homes at or near Pittsburg and frequently desire to go to and from their homes, particularly for week end trips.

The County of Contra Costa by its Ordinance No. 173, passed and adopted by the Board of Supervisors on May 21, 1923, has prohibited the use of the county road herein proposed to be used by applicants between the south bank of the

San Joaquin River and its intersection with the county road known as Almond Avenue, about one-half mile south of the town of Antioch. This Ordinance prohibits the operation of any automobile, jitney bus, auto truck, stage or auto stage used in the business of transportation of persons or property, or as a common carrier for compensation; provides that its violation shall be a misdemeanor and establishes a penalty for conviction thereunder. The Ordinance, by its terms, declares that it was passed in the interest of public safety and for the protection of the traveling public on said highway under the general police power granted to the Board of Supervisors.

All applicants for the operative right between Rio Vista and Antioch and intermediate points signified their willingness to accept a certificate of public convenience and necessity from the Commission restricted as to the portion of the route exclusive of Contra Costa County.

We are of the opinion that public convenience and necessity has been shown to require the operation of an automobile stage line between Rio Vista and Curtis Landing thereby serving the needs of ranchers and others located on or having need for transportation between Rio Vista and Sherman and Brannan Islands. We are also of the opinion that one transportation company is all that should be authorized to serve such route, and after full consideration are of the opinion that the service as proposed by the applicants proposing to operate under the fictitious name of River Auto Stage will satisfactorily meet the needs of the public requiring service. In arriving at this conclusion we have kept in mind the general situation as presented by all the applicants both as to the necessity which exists as to the portion of the route which will be granted and as to the protest of each applicant as to the granting of the certificate to another. The

applicant operating under the fictitious name of River Auto Stage now operates under the authority of this Commission between Sacramento and Rio Vista and desired the route from Rio Vista to Antioch as an extension and a part of through service to Antioch. The testimony shows that the majority of the labor movement from which the greatest patronage will be obtained originates at Stockton, Sacramento, Isleton, Walnut Grove and other Sacramento River points between Sacramento and Rio Vista. Passengers desiring transportation to or from Sacramento on the north or to or from points reached by the San Francisco-Sacramento Railroad between Rio Vista Junction to and including Oakland and San Francisco can use the connecting service of the Isham Stages between Rio Vista and Rio Vista Junction transferring at the latter point to the trains of the San Francisco-Sacramento Railroad. The conditions herein presented do not justify the authorization of an additional transportation company to serve the needs of a district heretofore not provided with regular transportation facilities when an existing carrier is able to extend its service and thereby meet the public need. The applicants in Applications Nos. 6315 and 8992 are not now operating and it does not appear that either applicant offers any superior service than would be obtained by an authorization for an extension of an existing route as hereinafter provided.

At one of the hearings on these proceedings permission was granted for the amending of Application No. 8237 by eliminating Gene Antichi and C.C.Cochran as co-partners, it appearing that Beverly Gibson is now the sole owner of the transportation company now operating automobile stages between Sacramento and Rio Vista under the fictitious name and style of River Auto Stage.

O R D E R

Public hearings having been held in the above entitled proceedings, the matters having been duly submitted and the Commission now being fully advised,

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity do not require the operation by F. C. Lauritzen, proposing to do business under the fictitious name and style of Lauritzen Transportation Company of Sacramento, of an automobile stage line as a common carrier of passengers between Sacramento and J. Rose's Landing and intermediate points, and

IT IS HEREBY ORDERED that Application No. 3839 be, and the same hereby is denied.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity do not require the operation by F. C. Lauritzen, proposing to do business under the fictitious name and style of Lauritzen Transportation Company of Sacramento, of an automobile stage line as a common carrier of passengers between Sacramento and Rio Vista and intermediate points, and

IT IS HEREBY ORDERED that Application No. 5139 be, and the same hereby is denied.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity do not require the operation by F. C. Lauritzen, proposing to do business under the fictitious name and style of Lauritzen Transportation Company of Sacramento, of an automobile stage line as a common carrier of passengers between Rio Vista and Antioch and intermediate points, and

IT IS HEREBY ORDERED that Application No. 6315 be, and the same hereby is denied.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity do not require the operation by M. L. Isham and H. J. Sutherland, co-partners proposing to operate under the fictitious name and style of Island Transit Company, of an automobile stage line as a common carrier of passengers between Rio Vista and Antioch, and

IT IS HEREBY ORDERED that Application No. 8992 be, and the same hereby is denied.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by Beverly Gibson, operating under the fictitious name and style of River Auto Stage, of an automobile stage line as a common carrier of passengers between Rio Vista and points intermediate to and including Curtis Landing on the west bank of the San Joaquin River over the following route:

Commencing at Rio Vista, thence crossing the Sacramento River over the Rio Vista Bridge to the east side of said river on Brannan Island, thence down the county road on the levee of said river for about two miles, thence on the county road in an easterly direction for about one-half mile to Seven Mile Slough, thence along the county road on the west bank of said slough to the north bank of Three Mile Slough, crossing on the free ferry to the south side of said slough onto Sherman Island, thence along the county road on the west bank of said Three Mile Slough in a southerly direction for about two miles, from which point the road runs along the San Joaquin River, continuing along said road in the same direction for about two miles to Schad Landing (formerly Marshall's Landing), thence in a southwesterly direction along said road for about four miles to the terminus at Curtis Landing, and returning over the same route.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be, and the same hereby is granted to Beverly Gibson, operating under the fictitious name and style of River Auto Stage, for the operation of an automobile stage

service as a common carrier of passengers between Rio Vista and Curtis Landing and intermediate points over the route as hereinabove described, such operation to be as an extension of and in addition to the rights and privileges now held by said Beverly Gibson for operation of automobile stage route between Sacramento and Rio Vista, and subject to the following conditions:

1. The rights and privileges herein authorized cover the carriage of passengers only, no authority being hereby conveyed for the carriage of parcels, baggage, express or freight for compensation.

2. The rights and privileges herein authorized may not be sold, leased, assigned, transferred or hypothecated unless such sale, lease, assignment, transfer or hypothecation has first received the written approval of the Railroad Commission.

3. Applicant, Beverly Gibson, is hereby required to file with this Commission within ten (10) days from the date of this order his written acceptance of the certificate rights herein granted such acceptance to state the date upon which the operation herein authorized will commence, which date shall be not more than forty five (45) days from the date of this order, unless such date be extended by supplemental order herein. Applicant is also required to file with the Railroad Commission, in duplicate, at least ten (10) days prior to the commencement of operation, his tariff of rates, rules and regulations and time schedules in accordance with the provisions of General Order No. 51 and other regulations of this Commission, which insofar as applicable are hereby made a portion of this order.

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

Dated at San Francisco, California, this 2<sup>nd</sup> day of April, 1924.

C. S. ...  
H. B. ...  
Egerton Shaw  
J. T. Whittier  
Commissioners