

Decision No. 13686

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of)
YOSEMITE NATIONAL PARK CO. for a)
certificate of public convenience and :
necessity to operate a passenger and)
hand baggage service between Fresno,) Application No. 9107
California, and Yosemite National Park, :
boundary near Mariposa Grove of Big Trees, :
via Wishon and between Wishon and Yosemite :
National Park Boundary.)

In the Matter of the Application of)
MADERA YOSEMITE BIG TREE AUTO COMPANY,)
for a certificate of public convenience :
and necessity to operate an automobile : Application No. 9211
stage line for the transportation of)
passengers and hand baggage between Wishon :
Station and Miami Lodge. :
)

Richard T. Eddy, for the applicant in Application
No. 9107, and as protestant in Application
No. 9211.

Gallahor, Simpson & Hayes, by W. E. Simpson, for
the applicant in Application No. 9211, and as
protestant in Application No. 9107.

Ernest Walling, for the North Fork Stage Company.

BY THE COMMISSION,

OPINION ON FURTHER HEARING

Under date of September 11, 1923, the Railroad Commission
issued its Decision Number 12589 in Application Number 9107 in
which decision the Yosemite National Park Company was granted a
certificate of public convenience and necessity authorizing the
operation of an automobile stage line as a common carrier of
passengers and hand baggage between Fresno and Wishon and the
boundary of Yosemite National Park via Wawona road.

In accordance with stipulation of applicant's counsel the order provided that the certificate was not to become effective until applicant had secured a supplemental order from the Railroad Commission stating that applicant had obtained permission from the Federal authorities or made arrangements to transport passengers and hand baggage from the boundary to the floor of the Yosemite Valley.

Under date of September 24, 1923, the Railroad Commission issued its Decision Number 12652 in Application Number 9211 under which decision the application of the Madera Yosemite Big Tree Auto Company for certificate to transport passengers and hand baggage between Wishon and Miami Lodge was denied. The denial, however, was conditioned upon the understanding that the Railroad Commission would reconsider said application if Yosemite National Park Company should fail to secure necessary permission from the Federal authorities to land passengers on the floor of the Valley as provided for in Application Number 9107.

Subsequent to the issuance of the decisions hereinabove mentioned negotiations were carried on with Federal officials connected with the National Park Division of the Department of the Interior. From documents filed with the Commission it is apparent that the National Park authorities will under no conditions permit Yosemite National Park Company to operate independently over the Wawona road into the National reservation; and that if they operate between Fresno and Wishon and a point outside of the National Park boundary they must arrange to turn over their passengers to the existing transportation company.

Upon such facts the Railroad Commission issued its Order setting both matters for further hearing and determination.

Application Number 9107 of the Yosemite National Park Company, hereinafter referred to as the Yosemite Company, was amended to provide for the operation of passenger stages between Fresno and Wishon to Wawona, via the Wawona road, where it was proposed to turn such passengers over to the Madera Yosemite Big Tree Auto Company.

Madera Yosemite Big Tree Auto Company, hereinafter referred to as the Madera Company, amended its application so as to ask for a passenger stage service between Fresno, Wishon and Miami Lodge.

It has already been found that public necessity exists for the establishment of an automobile passenger service between Fresno and Wishon and the Yosemite Valley, and accordingly it will not be necessary to review further the evidence leading up to this finding. Also the existing operations of both applicants have been reviewed in detail in the two decisions hereinabove mentioned.

At a further hearing held before Examiner Williams on April 18, 1924, at Fresno, practically no additional evidence was introduced with the exception of the statements made by the respective applicants with reference to their applications as now amended.

The Madera Company operates stage service from Merced to Mormon Bar thence to Miami, and Wawona. Yosemite Stage and Turn Pike Company transports such passengers to and from the floor of the Valley.

It appears from the evidence that Yosemite Stage and Turn Pike Company owned a privately constructed road-way over what is known as the Wawona-Yosemite Valley Road. It was turned over to the United States Government for the consideration that the owner of the road would have the sole right to transport passengers for compensation into and out of the National reservation. Under the amended application the Madera Company proposes to operate daily service between Wishon and Miami and tri-weekly service between

Fresno and Miami, passengers to be transferred after lunch to the stages of the Yosemite Stage and Turn Pike Company operating to and from the Valley. The Yosemite Company proposes to operate tri-weekly service between Fresno and Wishon and Wawona, where it is its intention to transfer its passengers to the stages of the Madera Company, operating between Merced and the Valley.

It is contended by Yosemite Company that either the Commission or the Federal Government has the right to compel the Madera Company to accept or transport passengers delivered to a connecting carrier at Wawona. Madera Company questions this contention and states that it will not agree to the establishment of a through route and joint rate with the Yosemite Company at Wawona, in view of the fact that it has exclusive right to operate into the floor of the Valley.

Leaving out the question of the establishment of a through route and joint rate between the Yosemite Company and the Madera Company over Wawona, tariffs of the Madera Company quote rates between Wawona and the floor of the Yosemite Valley and under such tariffs this carrier would be obliged to receive and transport all passengers offering themselves for transportation at Wawona and tendering the fare for such service to the floor of the Valley. Likewise it would be obliged to receive upon the floor of the Valley all passengers offering themselves for transportation at the published rates of the carrier between the floor of the Valley and Wawona.

It further appears from the evidence in this proceeding that some years ago the Madera Company operated stage service between Fresno and Yosemite Valley, but voluntarily abandoned such service due to the fact, as stated in the record, that they were losing money through such operation. There is nothing in the record to show that if a certificate were now granted to the Madera Company that they would not later claim the same grounds as justification for abandonment of the Fresno service.

The Yosemite Company in its application, as amended, proposes to charge the following rates:

From Fresno to Wawona, one way	- \$9.75	- Round Trip	\$15.00
" Wishon to Wawona, "	6.50	"	12.00

The rate of the Madera Company from Wawona to Yosemite is \$5.50 one way and \$9.50 round trip, which would result in a combination of rates of the Yosemite Company and the Madera Company between Fresno and the Valley over Wawona, one way \$15.25 and a round trip of \$24.50. There is no formal proceeding in behalf of either of the applicants, jointly or separately, petitioning the Commission to establish through route and joint rates between points above named and in this connection it might be stated that the Commission does not look with favor upon requiring passengers, particularly those desiring to visit a summer resort to purchase separate tickets at junction points. Both the Yosemite Company and the Madera Company should make arrangements for the establishment of a through route and joint rates between Fresno, Wishon, Yosemite Valley over Wawona and all necessary action should be taken on behalf of both companies to see that passengers delivered to Wawona and travelling in either direction shall be, adequately, promptly and efficiently cared for.

We are of the opinion that the previous decision of the Railroad Commission granting a certificate to the Yosemite Company should be made permanent in accordance with the amended application and that the amended application as filed by the Madera Company should be denied. An order will be entered accordingly.

ORDER

A public hearing having been held upon the above entitled proceeding, evidence introduced, briefs having been filed 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 Yosemite National Park Company of an automobile stage line as a common carrier of passengers and hand baggage between Fresno and Wishon and Wawona over and along the following routes:

Via Blackstone Avenue, Lane's Bridge, Bates Station, Coarse Gold, Wishon and Wawona Road; provided, however, that either of the following two routes may be used when road conditions necessitate:

Via Friant, Belleview, O'Neals, Wishon and Wawona Road.

Via Clovis, Auberry, South Fork, Wishon and Wawona Road.

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

1. That no passengers or baggage shall be transported by applicant under the certificate hereinabove granted unless such passengers or baggage originate at Fresno or Wishon, destined to Wawona or originate at Wawona destined to Fresno or Wishon. Said certificate expressly prohibits the transportation of passengers between any intermediate points whatsoever between Fresno and Wishon and Wawona.

2. Applicant shall file, within a period of not to exceed ten (10) days from the date hereof, its written acceptance of the certificate herein granted, which written acceptance shall contain a statement to the effect that applicant fully understands the provisions of the certificate and that said conditions will be fully complied with. Applicant shall file within a period of not to exceed twenty (20) days from date hereof tariff of rates identical with the amended exhibit as filed by applicant and file time schedules in accordance with the exhibit filed with the application herein; and shall commence service within a period of not to exceed thirty (30) days from date hereof.

3. The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned without the written consent of the Railroad Commission having first been obtained.

4. No vehicle may be operated by applicant unless such vehicle is owned by said applicant, or is leased by it under an agreement satisfactory to the Railroad Commission.

IT IS HEREBY FURTHER ORDERED that Application Number 9211, as amended, be and the same hereby is denied.

Dated at San Francisco, California, this

11th day of June, 1924.

C. Deaver
H. K. Brundage
Dwight Martin
Eugene Shore
Commissioners