

ORIGINAL

Decision No. 14464

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of )  
 PICKWICK STAGES, NORTHERN DIVISION, )  
 a corporation, for a certificate of )  
 public convenience and necessity to )  
 operate an automobile stage line for )  
 the transportation of passengers and ) Application No. 8067  
 express, between Los Angeles and the )  
 California-Oregon state line, and )  
 intermediate points. )

Chas. F. Wren, N. C. Folsom, J. E. McCurdy and  
Warren E. Libby for Applicant.

J. E. Frick for E. K. Rudolph

Gwyn H. Baker for Yellow Pennant Stages, Protestant.

J. E. Lyons, Elmer Westlake, H. E. Gogarty  
for Southern Pacific Company, Protestant.

Sanborn and Roehl and Smith by A.B. Roehl for  
American Railway Express Company, Protestant.

H. A. Encell for L & J Stages, Coast Transit Com-  
pany, J. S. Nichols and C.M. Blebon, Protestants.

H. A. Encell and Carlton W. Greene for Red Star  
Stage Line, Protestant.

Devlin and Brookman by Frank R. Devlin for Pacific  
Auto Stages, Inc., Protestant.

J. E. McCurdy for Peninsula Rapid Transit Company,  
Protestant.

James Snell for Geo. E. Moore as administrator  
of the Estate of Victor W. Mathews, deceased,  
Protestant.

BY THE COMMISSION:

O P I N I O N

In this application as amended Pickwick Stages, Northern Division, a corporation, applies for a certificate of public convenience and necessity authorizing the operation of automotive stages as a common carrier of passengers and express packages between Los Angeles, San Francisco and intermediate points and between San Francisco and points on the Valley Route to the California-Oregon line, north of Cole.

Prior to May 1, 1917, the Pickwick Stages, Northern Division, a co-partnership, was operating automotive passenger stage service between Los Angeles and Atascadero. Prior to May 1, 1917, Western Auto Stages was operating automotive stage service between Atascadero and San Francisco. On December 31, 1917, Pickwick Stages, Northern Division, a co-partnership, having taken over the Western Auto Stage Company, applied for a certificate authorizing an extension of its existing stage service from Atascadero to San Francisco and intermediate points. The co-partnership at that time having intended to form a corporation, on January 30, 1918, an amended application was filed in the name of Pickwick Stages, Northern Division, a corporation, in which said corporation asked for a certificate of public convenience and necessity authorizing the establishment of automotive stage service for the transportation of passengers and express packages between Los Angeles and San Francisco and intermediate points.

Such application was necessitated at that time due to the fact that the original Auto Stage and Truck Transportation Act, namely, Chapter 213, Statutes of 1917, did not contain any provisions covering the transfer of existing operative rights.

Under Decision No. 5107 in Application No. 3421, dated February 5, 1918, the Railroad Commission issued its order declaring that public convenience and necessity required the operation by Pickwick Stages, Northern Division, a corporation, of an automotive stage service as a common carrier of passengers and express packages between Los Angeles and San Francisco. Said order did not specifically specify intermediate points. On June 8, 1921, the Railroad Commission issued an Order to Show Cause on proposed modification of its Decision No. 5107 with reference to modifying the second paragraph of the above numbered decision by adding the words "and intermediate points" after the clause that public convenience and necessity required the operation by Pickwick Stages, Northern Division, a corporation, of an automobile stage service as a common carrier of passengers and express packages between Los Angeles and San Francisco.

A public hearing in the above entitled matter was held at San Francisco on June 22, 1921. On June 22, 1922, the Railroad Commission issued its Decision No. 10615 on the Order to Show Cause in which decision, Decision No. 5107 of February 5, 1918 was amended to read:

"The Railroad Commission of the State of California hereby declares that public convenience and necessity require the operation by Pickwick Stages, Northern Division, a corporation, of an automobile stage service as a common carrier of passengers and express packages between Los Angeles and San Francisco

and the following intermediate points to-wit:

"San Jose, Gilroy, San Juan, Salinas, Soledad, King City, San Lucas, San Ardo, Bradley, San Miguel, Paso Robles, Atascadero, San Luis Obispo, Pismo, Arroyo Grande, Santa Maria, Los Alamos, Los Olivos, Santa Ynez, Solvang, Gaviota, Capitán, Santa Barbara, Carpinteria, Ventura, Oxnard, Camarillo and Newbury Park."

Said order further provided that no local service could be rendered between either of said termini or any of said intermediate points or between any of said intermediate points by Pickwick Stages, Northern Division, a corporation, under the authority therein granted, except as such local service may be furnished by said applicant on its through automobile stages operated in connection with its through service between Los Angeles and San Francisco and said applicant could not operate any automobile or auto stage for the purpose of rendering such local service or any part thereof in any manner independently of its through operation. No local business whatsoever in the transportation of passengers or express packages to be conducted by said applicant under the authorization hereby conferred between San Francisco and San Jose, inclusive, between Gilroy and San Jose, inclusive, and between San Juan and Gilroy, inclusive.

On September 16, 1922, the Railroad Commission issued a supplemental opinion in the above mentioned Order to Show Cause being Decision No. 10993 in which its previous order was amended in effect as follows:

"Pickwick Stages, Northern Division, a corporation, is authorized to operate automotive stage service as a common carrier of passengers and express packages between Los Angeles and San Francisco and intermediate points as follows:

"Between Los Angeles and Santa Barbara, inclusive, local service may be rendered to all intermediate points, either by through stages or by stages operated solely for the accommodation of local travel.

"Between Santa Barbara and San Francisco, inclusive,

local service may be rendered to and between the following named intermediate points, to-wit: Santa Barbara, Capitan, Gaviota, Solvang, Santa Ynez, Los Olivos, Los Alamos, Santa Maria, Arroyo Grande, Pismo, San Luis Obispo, Atascadero, Paso Robles, San Miguel, Bradley, San Ardo, San Lucas, King City, Soledad, Salinas, San Juan, Gilroy, San Jose and San Francisco, provided, however, no local service between either of said termini of San Francisco and Santa Barbara and any of said intermediate points above named or between any of said intermediate points shall be rendered by said Pickwick Stages, Northern Division, a corporation, under the authorization herein granted, except as such local service may be furnished by said Pickwick Stages on its through automobile stages operated in connection with its through service between Los Angeles and San Francisco; and said applicant shall not operate any automobiles or auto stages for the purpose of rendering such local service, or any part thereof, in any manner independently of its through operation; provided, further, that no local business, whatsoever, in the transportation of passengers or express packages shall be conducted by said applicant under the authorization hereby conferred, between San Francisco and San Jose, inclusive; between Gilroy and San Jose, inclusive; and between San Juan and Gilroy, inclusive."

Public hearings in the above entitled application were held before Examiner Satterwhite at San Francisco, Salinas, Santa Maria and Los Angeles. Evidence and exhibits introduced, the matter is now submitted and ready for decision.

This application was protested by a number of protestants. Subsequent to the submission, however, applicant has acquired by purchase and transfer, authorized by the Commission, certain of the protestants' operative rights which will be more fully hereinafter set forth.

The protest of the Peninsula Rapid Transit Company, and the Pacific Auto Stages, a corporation, was directed toward the pick-up or discharge of passengers by applicant to or from points intermediate to San Francisco and San Jose; when such passengers originated at or were destined to points south of

San Jose to a point where the differential between the local rates of the Pickwick Stages to or from San Jose exceeded the local rates of the Peninsula or Pacific Companies, San Jose to points intermediate not including San Francisco. Protest of the two companies above mentioned was met by a stipulation by applicant herein agreeing that such a provision could be incorporated in the Commission's decision and the order herein will so provide.

The protest of the Yellow Pennant Stage Line can be no longer considered in that said line abandoned service without authorization of the Commission and its operative rights have heretofore been revoked and annulled.

The protestant Red Star Stage Line operating between Paso Robles and San Luis Obispo is no longer necessary of consideration insofar as this particular protestant is concerned in that its operative rights were acquired by the applicant through transfer under Application No. 9723. A similar condition exists as to protestant I & J Stages operating between San Luis Obispo and Santa Maria, its operative right was acquired by applicant through transfer under Application No. 9796. This leaves as the only present protestant the Southern Pacific Company and the American Railway Express Company.

The protest of Geo. H. Moore as administrator, is based solely upon a claim which counsel representing him alleged had been filed in the Superior Court of Santa Clara County and a formal complaint filed with the Railroad Commission.

No evidence of any nature whatsoever was introduced with reference to this particular protest and it cannot be further considered in the determination of this application.

As to the matter of convenience we find it advisable to cover the territory involved in this proceeding by sections from the Oregon line, south.

FIRST SECTION:

Will cover the operative right held by applicant from the California-Oregon line north of Cole to San Francisco.

Under Decision No. 7209 in Application No. 5081 the Railroad Commission issued a declaration as follows:

"The Railroad Commission hereby declares that public convenience and necessity require the operation by Pickwick Stages, Northern Division, Inc., of an automobile stage line as a common carrier of passengers and express packages between San Francisco, California, and the California-Oregon line north of Cole provided, however, that the authority herein conferred does not authorize the carriage of any local passengers between Oakland and Davis; that no local passengers are to be carried between Woodland and the California-Oregon line unless vacant seats are available in the equipment operated by applicant and such vacant seats are not required for the accommodation of through passengers between points in the State of California and points in the State of Oregon; and provided further that no authority is herein conferred for the establishment of any local line between any of the intermediate points on the through route herein authorized."

No testimony whatsoever was introduced by applicant which would justify any alteration or amendment of this operative right as originally issued or authorize its consolidation or linking up with the operations of applicant herein from San Francisco south and the order will so provide.

SECOND SECTION:

Covers the territory served by applicant from San Francisco to Salinas. In addition to the operative right heretofore obtained by applicant covering this territory it has subsequently acquired the operative right held by one Henry T. Campbell operating the stage line known as the White Star Stages. This operative right was acquired under Decision No. 10965 in Application No. 8224 and authorized the operation of an automotive stage line between San Jose and Hollister and intermediate points and Hollister, San Juan and Salinas

and intermediate points. Applicant has also acquired by purchase the operative right of one M. Emyart between San Jose and Gilroy by Decision No. 7346 in Application No. 5507. However, due to the fact that applicant had subsequently disposed of this operative right to one Heple, it was, by stipulation eliminated from consideration in the present proceeding.

In addition to enlargement requested of its existing operative right applicant also applies for an extension of its passenger and express stage service from Salinas to Monterey. No evidence was introduced as to the necessity for the proposed extension, applicant at the present time having joint rates with two existing operators between the points hereinabove last named. This portion of the application will be dismissed.

In view of the evidence introduced in this proceeding, the stipulation entered into by applicant with reference to points intermediate San Jose to San Francisco, we are of the opinion that public convenience and necessity require the establishment of service by applicant of automotive passenger and express service between San Francisco, and Salinas, and San Jose, Hollister and Salinas and intermediate points, but not locally between San Francisco and San Jose, inclusive, and intermediate points, applicant not to pick-up or discharge any passengers whatever to points intermediate to San Jose and San Francisco when such passengers originate at or are destined to any point south of San Jose to and including King City. This operation to be carried on in connection with and as a part of through operation south of Salinas as hereinafter more fully set forth.

### THIRD SECTION:

As regards the section Salinas to San Luis Obispo. Due to abandonment of service by protestant Yellow Pennant Stages



and the purchase of the Red Star Stage, Paso Robles to San Luis Obispo, the only remaining protestants in this territory are the Southern Pacific Company and the American Railway Express Company.

It appears from the history of stage operation over this route as brought out by evidence that a public necessity exists for local service, Salinas to King City and also locally from Paso Robles, to San Luis Obispo, the latter service now being rendered by applicant herein under certificate recently purchased. A number of witnesses were produced at the hearing at Salinas with reference to the necessity of the traveling public for local stage service supplementing rail service rendered by the Southern Pacific Company; also with respect to necessity for a limited express service. Such a limited express service is now being rendered. The evidence does not justify an enlargement of the express service of the Pickwick Stages as regards limitation on weight haul. We believe, however, that public convenience and necessity does require the operation by applicant herein of through and local service in conjunction with and as a part of its San Francisco-Los Angeles service as hereinafter more fully set forth.

FOURTH SECTION:

Covers territory between San Luis Obispo and Santa Barbara.

The protest of the L & J Stages operating between San Luis Obispo and Santa Maria is eliminated through the acquisition of such operative rights through transfer by applicant herein. A portion of the present application asking for a new operative right between Harris and a junction with the Buelton-Lompoc Highway near Lompoc was also eliminated through amendment to the application during the course of the hearing.

In this particular territory applicant holds an operative right from Santa Barbara to San Luis Obispo as more fully hereinabove set forth, having obtained said right under the provisions of Decision No. 5107. In addition thereto under Decision No. 8181 in Application No. 4468, dated October 1, 1920, applicant obtained a certificate authorizing the operation of automotive stage line as a common carrier of passengers and express between Buelton and Lompoc and intermediate points; also under Decision No. 10079 in Application No. 7508 dated February 8, 1922, applicant obtained a certificate authorizing the operation of an automotive stage line as a common carrier of passengers and express between Solvang and Santa Ynez and intermediate points.

We believe that the evidence in this proceeding justifies the establishment by applicant herein of through and local service between Santa Barbara and San Luis Obispo in conjunction with and as a part of its Los Angeles-San Francisco service with the exception of its operative right between Buelton and Lompoc, it appearing in view of the elimination of the Lompoc Harris route, that this operation could be better carried on as a stub line operating locally between Buelton and Lompoc. Applicant, however, should be authorized, for the convenience of the traveling public to establish through rates between the points upon its Coast Route, San Francisco to Los Angeles and Lompoc.

The evidence further shows that there is no necessity for the rendition of individual local service between Santa Maria and Harris, this territory being adequately served locally by the passenger stage line operating between Lompoc, Orcutt, Harris and Santa Maria. This order, however, should permit applicant to handle passengers locally, solely upon its through stages, Santa Barbara to San Luis Obispo.

FIFTE SECTION:

Covers territory served by applicant between Santa Barbara and Los Angeles. In this particular section in addition to blanketing its existing operative rights applicant asks for a new extension of service between Los Angeles, Palisades, Inceville, El Vernado, Yerba Buena, connecting with its existing route several miles west of Camarillo.

As regards this new proposed route there is no evidence whatsoever submitted with reference to public necessity for such service other than the desire of applicant to so operate. Such portion of the application will be denied.

At the present time applicant operates between Los Angeles and Ventura over a number of different routes, the most westerly being known as the Conejo Pass Route via Encino Acres, Calabases, Newbury Park and Camarillo, secondly over the Santa Susana Pass via Chatsworth, Santa Susana and Moore Park; the other, over what is known as Santa Paula Route via San Fernando, Castaic and Santa Paula.

In addition to the operative right obtained by applicant under Decision No. 5107 which authorizes operation over the Conejo Pass Route, it has subsequently secured under Decision No. 7889 in Application No. 5752, dated July 22, 1920, a certificate authorizing the operation of automotive stage service as a common carrier of passengers and express between Somis and a point on the State highway about two miles south of the City of Ventura and intermediate points.

Also by Decision No. 8627 in Application No. 8751, dated February 21, 1921, a certificate authorizing operation of automotive stage service for the transportation of passengers

and express matter between Moore Park and Santa Paula; also by Decision No. 14310 in Application No. 8368, secured through transfer operative rights of Harry M. Hunt between Ventura and Santa Paula and intermediate points; also by Decision No. 10034 on Application No. 5937, dated January 30, 1922, secured through transfer the operative right of the United Stages, Inc., covering operation between Los Angeles and Santa Barbara, via the following route and serving the following intermediate points:

Los Angeles thence over Cahuenga Pass, Ventura Boulevard, to Encino Acres, Calabasas, Newbury Park, Triunfo, Conejo, Camarillo, El Rio, Ventura, Rincon, Carpenteria and Santa Barbara and between Los Angeles and Santa Paula via Cahuenga Pass, Universal City, Lankershim, San Fernando, Newhall, Saugus, Castaic, Piru, Fillmore, and Santa Paula.

With reference to the above operative rights, inasmuch as such operative rights were leased to the Pickwick Stages with option to purchase applicant stipulated that the order, if authorizing consolidation of said rights with its existing rights, that such order provide that should the completion of said transfer not be consummated, such operative rights shall be reverted to the United Stages, Inc., and be entirely eliminated from the certificate or certificates held by applicant herein. The order will so provide.

In Decision No. 6072 in Application No. 4304, dated January 17, 1919, applicant was granted a certificate authorizing operation of passenger and express service between Los Angeles and Camarillo via Santa Susana.

There is no necessity for passing upon the enlargement of operative rights on this division, namely, Los Angeles to Santa Barbara, locally, inasmuch as these rights already vest in applicant due to operation under certificates now held prior to May 1, 1917; that is, as regards operation between the points on the individual three routes.

As regards operation between points on one route and points on another route, inasmuch as there is no cross country operation by any carrier and passengers are obliged to go to a connecting point and return over another route, we believe that public convenience and necessity would be served through the granting of such portion of the application, and that public convenience and necessity further require that points served by applicant on the Santa Barbara-Los Angeles Division be connected with points served by applicant on its other division north to San Francisco.

After carefully reviewing the evidence herein, which due to the great amount thereof, it is impracticable to review in detail and taking judicial notice of decisions of the Railroad Commission, either transferring certificates of certain protestants to applicant or revoking certificates due to abandonment of service by the operator, we are of the opinion and hereby find as a fact that public convenience and necessity require the operation by Pickwick Stages, Northern Division, a corporation, of automotive stage service for the transportation of passengers and express between San Francisco and a point on the California-Oregon line, north of Cole, only in such manner as set forth in Decision No. 7209 originally creating said certificate and not as a part of or in conjunction with its stage operations, San Francisco to Los Angeles.

We hereby further find as a fact that public convenience and necessity require the operation by Pickwick Stages, Northern Division, a corporation, of automotive stage service for the transportation of passengers and express as more fully set forth in detail specifically naming individual points in the order following this opinion, in accordance with restrictions as therein provided.

We hereby further find as a fact that public convenience and necessity does not require the operation by Pickwick Stages, Northern Division, a corporation, of automotive stage service for the transportation of passengers and express between Los Angeles and a point west of Camarillo via Palisades, Inceville, El Verdado and Yerba Buena, nor of the operation of individual local stage service between Santa Maria and Orcutt and Harris or for the operation of automotive stage service for the transportation of passengers and express between Salinas and Monterey and intermediate points, nor for the transportation of passengers or express between San Francisco and San Jose and intermediate points, nor for the transportation of passengers and express originating at or destined to points intermediate to San Jose and San Francisco when such passengers or express are destined to or originate at points, San Jose to King City, inclusive.

In view of the fact that subsequent to the submission of the present proceeding applicant has acquired certain additional operative rights not paralleling, but connecting with its Los Angeles-San Francisco coast service, in which application they not only ask for the transfer of said operative rights, but for an order authorizing the connecting up of said lines with its existing operation and further in view of the fact in authorizing the transfer the decision provided that the matter of connecting up such operation would not be acted upon at the time, but would be held in abeyance for further decision pending a decision in the instant application, we are of the opinion that the order in the present application should provide that the Commission reserves the right to issue such further order or orders as it may appear to be hereinafter warranted by public convenience and necessity.

O R D E R

Public hearings having been held in the above entitled proceeding, evidence introduced, the matter submitted and being now ready for decision,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation by Pickwick Stages, Northern Division, a corporation, of an automotive stage service for the transportation of passengers and express between Los Angeles and San Francisco and points as hereinafter set forth and other intermediate points not otherwise excepted, via the Conejo Pass:

Los Angeles, Encino Acres, Calabasas, Triunfo, Camarillo, Oxnard, El Rio, Ventura, Rincon, Carpenteria and Santa Barbara.

Via the Santa Susana Pass Route:

Los Angeles, Encino Acres, Marion, Zelzah, Chatsworth, Santa Susana, Simi, Moore Park, Somis, Camarillo, Oxnard, Somis Jct., Saticoy, Saticoy Jct., Santa Paula, Ventura, Rincon, Carpenteria, Santa Barbara.

Via Santa Paula Route:

San Fernando, Newhall, Saugus, Castaic, Piru, Fillmore, Santa Paula, Saticoy Jct., Saticoy, El Rio, Oxnard, Ventura, Rincon, Carpenteria, Santa Barbara, and between each and all points named in one route to those on the other routes hereinabove mentioned, and Naples, Capitan, Gaviota, Los Cruces, Buelton, Santa Rita, Lompoc, Solvang, Los Olivos, Santa Ynez, Los Alamos, Harris, Bicknell, Orcutt, Santa Maria, Nipomo, Arroyo Grande, Pismo, Ontario Hot Springs, San Luis Obispo, Santa Margarita, Atascadero, Templeton, Paso Robles, San Miguel, Bradley, San Ardo, San Lucas, King City, Greenfield, Soledad, Gonzales, Chular, Salinas, and San Juan Seed Farm, Hollister, Sargent, Bloomfield, Gilroy, Day Road, Rucker, San Martin, Watsonville Road, Morgan Hill, Madrone, Perry, So. Coyote, Coyote, Pomar, Edenvale, San Jose and San Francisco.

But that public convenience and necessity does not require the operation by applicant of automotive stage service between Los Angeles and a connection with the highway west of Camarillo via Palisades, Inceville, El Vernado and Yerba Buena, nor local service other than on through cars between Los Angeles and Saugus and intermediate points, nor the operation by applicant of automotive stage service between Harris and a point to a connection with the Buelton-Lompoc highway nor the operation of automotive stage service between Salinas and Monterey and intermediate points, nor the operation of automotive stage service for the transportation of passengers between San Francisco, San Jose and intermediate points, nor for the transportation of passengers originating at or destined to points intermediate to San Francisco and San Jose, when such passengers originate at or are destined to points San Jose to King City and intermediate points, inclusive.

Nor does public convenience and necessity require the operation of automotive stage service between San Francisco and a point on the California-Oregon line north of Cole in conjunction with and as a part of applicant's San Francisco-Los Angeles service, nor in any manner greater or different than the operation as authorized under Decision No. 7209, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity as herein above set forth be and the same hereby is granted, subject to conditions as hereinafter set forth,

IT IS HEREBY FURTHER ORDERED that Application No. 8067 in all other respects be and the same hereby is denied.



Express matter authorized to be handled under the certificate herein granted shall be confined to packages not in excess of 75 pounds in weight, all packages over 40 and up to 75 pounds in weight to be accepted at option of the carrier providing space is available.

The certificate herein granted shall be in lieu of and not in addition to certificates held by applicant herein covering points authorized to be served under the certificate herein granted, the certificate herein granted authorizing applicant to serve points covered by the certificates obtained under lease from United Stages, Inc., shall be no longer in force and effect as regards all points heretofore served by United Stages, Inc., prior to the transfer authorized by Decision No. 10034 and not served by Pickwick Stages, Northern Division, Inc., prior to said decision should said Pickwick Stages, Northern Division, a corporation, fail to consummate the lease and transfer agreement authorized in said Decision No. 10034.

Applicant shall file its written acceptance of the certificate herein granted within a period of not to exceed twenty (20) days from date hereof which written acceptance shall expressly set forth that applicant accepts said certificate in lieu of and not in addition to all certificates now held by applicant corporation covering territory therein authorized to be served; shall file within a period of not to exceed fifty (50) days from date hereof in duplicate, tariff of rates as set forth in Exhibit "A" accompanying its original application herein, provided that no rates therein contained covering service between points to which rates are

quoted in CRC No. 24 by Pickwick Stages, Northern Division, a corporation, shall be in excess of the rates as set forth in said CRC No. 24.

IT IS HEREBY FURTHER ORDERED that the Commission reserves the right to make such other and further order in the above entitled application as public convenience and necessity may make it appear proper in the premises.

For all other purposes the effective date of this order shall be thirty (30) days from date hereof.

Dated at San Francisco, California, this 17<sup>th</sup> day of January, 1925.

W. A. Brundage  
C. Seaver  
Byrton Shere  
George D. Quinn

Commissioners