

Decision No. 15270

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application of
 COLBERG & COLBERG, doing business
 under the name of CENTRAL TRANSIT
 COMPANY, for certificate of public
 convenience and necessity to operate
 passenger and express service be-
 tween Stockton and Terminus and
 Stockton and Brentwood and other
 points.

Application No. 10734

Chickering & Gregory, by W. C. Fox,
 for applicants.

BY THE COMMISSION:

O P I N I O N

In this proceeding, William C. Colberg and Henry J. Colberg, as co-partners doing business under the fictitious name and style of Central Transit Company, have applied to the Railroad Commission for a certificate of public convenience and necessity authorizing the operation of an automobile stage service for the transportation of passengers and express (a) between Stockton and Terminus and intermediate points, and (b) between Stockton and Brentwood and intermediate points. The application was originally consolidated for hearing and decision with Applications Nos. 10648, 10808, 10913, and 10958. By stipulation of all parties interested that portion of the application dealing with the proposed route between Stockton and Terminus was heard separately and a separate decision will be rendered thereon. But in all other respects the application

was heard and will be decided in connection with the consolidated applications.

A public hearing was held before Examiner Austin at San Francisco on June 12, 1925, when evidence was offered, the matter was duly submitted in so far as it relates to the route between Stockton and Terminus, and it is now ready for decision. No one protested the granting of this portion of the application.

Mr. William Colberg, one of the applicants, described the proposed route as set forth in the application, and stated that three busses, viz., one of 15 passenger and two of 20 passenger capacity, would be used in this service. Since 1898 applicants have operated a boat line on the San Joaquin River, which for some time past has served Stockton and Terminus, among other points. During 1924 upwards of 6000 passengers were transported to Terminus and vicinity, including Bouldin Island. The farmers in this territory draw their labor principally from Stockton. With the development of roads throughout this territory, much of this traffic has moved in automobiles and busses which make the trip far more quickly than the boat line, none of these operators holding any certificates from the Commission. Due to this competition it is estimated that applicants' boats have lost about 20% of the traffic they would have handled normally. At present express is handled by the boat line, the revenue from this service between Stockton and Terminus alone amounting to about \$1200. per annum. If the pending application is granted, express will be handled by the stages.

Applicants are financially in a position to conduct this service properly, and to increase the facilities as the traffic may require.

From the testimony of applicants' auditor, Mr. George M. Miller, it appears that an area of approximately 15000 acres will be served by this line, within which there are farms employing from 1500 to 1700 men. In view of the anticipated traffic the witness believed the line could be profitably conducted from the outset. The distance from Stockton to Terminus by boat is 60 miles, and by the proposed stage line it is 21.2 miles. The present boat schedule is two and one-half hours, while by stage the proposed schedule is one hour. Although bulky express packages will continue to move by boat, this service will in time be completely supplanted by the stage line; for this reason applicants do not desire any weight restrictions on the express service.

Applicants also called as witnesses Mr. George A. Atherton, General Manager and Engineer for the California Delta Farms, and Mr. Henry E. Hansen, Sales Manager for the Empire Navigation Company. The California Delta Farms is engaged in the cultivation of about 15,000 acres of land near Terminus and the Empire Navigation Company has under cultivation about 6000 acres of land on Bouldin Island immediately adjacent to Terminus, all of these tracts being situated in the delta of the San Joaquin River. Both witnesses were familiar with farming operations conducted in this territory, and are conversant with the transportation requirements of the farmers. All of these lands are intensively cultivated. The labor situation presents a dif-

ficault problem, particularly since Oriental help is no longer employed, due to the inhibitions of the Alien Land Law. The labor now employed is migratory and transitory to a great degree, the labor turnover being extremely large. Because of a chronic shortage of labor, keen competition exists between the farmers, who constantly bid against one another in respect to wages. Both witnesses testified that frequently a boatload of laborers leaving Stockton on applicants' line will never reach Terminus, they having succumbed to offers of higher wages made by farmers at intervening points and having deserted the boat en masse. In the judgment of these witnesses, this situation would be met by the establishment of a stage line, as sought in the pending application, which would afford a quicker and more direct means of transportation. There is also a need for an express service, particularly with regard to the transportation of supplies and emergency shipments of machinery repair parts. Both witnesses testified to the dependable service rendered in the past by applicants' boat line, and to their assistance in the development of this territory.

As has been stated, there were no protests against the granting of this application. The California Transit Company operates a stage line paralleling applicants' route for five miles out of Stockton, but it made no opposition to this portion of the application. No other carrier or transportation company appears to be interested in this territory.

In our judgment the application, in so far as it relates to the proposed service between Stockton and Terminus, should be granted. But the privileges of carrying express should be limited to applicants' passenger stages, there being no evidence of any necessity for a separate express operative right distinct

from the passenger service. Applicants have filed proposed tariff and time schedules with their application relating to both of the operative rights therein sought. But since this decision deals only with one of these operative rights, applicants should file tariff and time schedules covering the operative right herein granted, viz., between Stockton and Terminus.

Upon full consideration of the evidence we are of the opinion and hereby find as a fact that public convenience and necessity require the operation by William C. Colberg and Henry J. Colberg, as co-partners doing business under the firm name and style of Central Transit Company, of an automobile stage service for the transportation of passengers and express (in connection with and upon applicants' passenger stages only) between Stockton and Terminus, and intermediate points, over the following route; from Stockton via the Lower Sacramento Road to a point approximately six (6) miles from Stockton; thence westerly and northerly via the Telegraph Road to Terminus Corner; thence westerly via the Terminus Road to Terminus.

An order will be entered accordingly.

ORDER

A public hearing having been held in the above entitled application, the matter having been duly submitted, the Commission being now fully advised, and basing its order on the findings of fact appearing in the opinion which precedes this order;

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA hereby declares that public convenience and necessity require

the operation by William C. Colberg and Henry J. Colberg, as co-partners doing business under the firm name and style of Central Transit Company, of an automobile stage service for the transportation of passengers and express (in connection with and upon applicants' passenger stages only) between Stockton and Terminus, and intermediate points, over the following route: from Stockton via the Lower Sacramento Road to a point approximately six (6) miles from Stockton; thence westerly and northerly via the Telegraph Road to Terminus Corner; thence westerly via the Terminus Road to Terminus.

IT IS HEREBY ORDERED, that a certificate of public convenience and necessity be and the same is hereby granted to William C. Colberg and Henry J. Colberg, as co-partners, doing business under the firm name and style of Central Transit Company, subject to the conditions as hereinafter set forth:

1. Applicants shall file their written acceptance of the certificate herein granted within a period of not to exceed ten (10) days from date hereof; shall file, in duplicate, tariff of rates and time schedules in a form satisfactory to the Commission within a period of not to exceed twenty (20) days from date hereof, such tariff of rates and time schedules to be identical with those attached to the application herein; and shall commence operation of said service within a period of not to exceed thirty (30) days from date hereof.
2. The rights and privileges herein authorized may 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.
3. No vehicle may be operated by applicant herein unless such vehicle is owned by said applicants or is leased by them under a contract or agreement on a basis satisfactory to the Railroad Commission.

For all purposes, other than those hereinabove stated, the effective date of this order shall be twenty (20) days from the

date hereof.

IT IS FURTHER ORDERED, that this opinion and order are made and entered without prejudice to the determination of all matters and things set forth in the application and amended application herein, other than those expressly determined hereby, and that for the determination of such other matters and things jurisdiction of this application shall be and the same is hereby expressly retained.

Dated at San Francisco, California, this 10th
day of August, 1925.

C. C. Seaver

George A. Squires

Leon White
Commissioners.