

Decision No. 17274

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

F.J.Coulter, Joint Agent, on Behalf of
California Transit Company,
Motor Transit Company,
Pickwick Stages System,
Boyd & Mattly Stage Company,
Kern County Transportation Corporation,
W.R.Miles Stage Lines,
United Stages, Inc.

Complainants,

vs.

Yosemite Transit,
Yosemite Valley Railroad Company,
Yosemite Transportation System, and
Madera-Yosemite Big Tree Auto Company,
also known as Yosemite Stage and Turnpike
Company, also known as Horseshoe Route,

Defendants.

CASE NO. 2212.

Earl Bagby and Warren Libby, for Complainants,
F.W.Mielke, for Southern Pacific Company and
Yosemite Valley Railroad Company,
P.F.Harding, for Yosemite Valley Railroad Company,
Brobeck, Phleger & Harrison, by F.S.Richards, for
Yosemite Transportation System and
Yosemite Park & Curry Company,
Platt Kent and H.W.Beck, for Atchison, Topeka & Santa
Fe Railway Company, Interveners.

BY THE COMMISSION:

O P I N I O N

By complaint filed February 10, 1926, it is alleged
requests were made of each of defendants to join with complainants
and establish through routes and joint passenger fares between

points in California reached by complainants and points in the Yosemite Valley over the respective lines of complainants and defendants, and that each of said defendants has refused and does now refuse to consider the establishment of such joint fares. An order is sought of this Commission requiring, in the interest of public convenience and necessity, the establishment of the through routes and joint passenger fares between the parties complainants and defendants.

Public hearings were held before Examiner Geary at San Francisco May 27 and at Los Angeles June 18 and 19, 1926, and the case duly submitted to be briefed. The last brief having been received August 5, 1926 the proceeding is now ready for our opinion and order.

The Yosemite Transit, one of the defendants, was purchased by the California Transit Company subsequent to the filing of this complaint and may now be considered as a party complainant instead of a defendant. The record also shows that the Yosemite Transportation System and Madera-Yosemite Big Tree Auto Company, likewise known as Yosemite Stage and Turnpike Company and as the Horseshoe Route, was, subsequent to the filing of this complaint, purchased by the Yosemite Park & Curry Company, a corporation, hereinafter collectively referred to as the Yosemite Park & Curry Company (Decisions 15986 and 16256). These changes leave only the Yosemite Valley Railroad Company and the Yosemite Park & Curry Company as parties defendant. The Yosemite Park & Curry Company, while entering an appearance through its Attorney, introduced no witnesses and, other than slight cross examination, was a neutral party to the proceeding. The real and only defendant is the Yosemite Valley Railroad Company.

The Atchison, Topeka & Santa Fe Railway Company and the Southern Pacific Company intervened in behalf of defendants, contending that neither public necessity nor convenience existed and that their revenues would be seriously interfered with if the joint fares between the auto stages were placed in effect.

Attorneys for defendant, Yosemite Valley Railroad Company, and for intervenor, Southern Pacific Company, question this Commission's authority to order the establishment of through routes and joint passenger fares as between auto stage lines. They do not contend, however, that there is no authority for such an order when the joint fares are between common carrier rail lines and auto stages, the authority being contained in Section 33 of the Public Utilities Act. This contention has been discussed in a number of proceedings (Western Motor Transport Company, 20 C.R.C. 1038; Motor Transit Company, 24 C.R.C. 93) and we have concluded there is ample authority under the different sections of the Auto Stage and Truck Transportation Act for joint fares and rates between auto stage common carriers. However, in the instant proceeding the defendant stage line, Yosemite Park & Curry Company, does not protest the joint fares, therefore there is no contest as between the carriers actually involved.

Complainants are engaged in the business of transporting passengers for compensation over the highways of the State of California and now have joint passenger fares between El Centro, Riverside, Colton, Los Angeles and other points in Southern California on the one hand and Fresno, Merced, Stockton, San Francisco and the intermediate points on the other, as published in Joint Passenger Tariff C.R.C. No. 8, issued by F.J. Coulter, Agent, effect-

ive January 24, 1926.

The California Transit Company operates between Los Angeles and San Francisco-Sacramento via San Joaquin Valley through Fresno, Merced and Stockton. Pickwick Stages System operates between Yuma, Arizona, El Centro on the one hand via Los Angeles, and the Coast Route to San Francisco and points in Northern California on the other, and also a line between Gilroy and Los Banos, connecting with the California Transit Company at Los Angeles, Los Banos and San Francisco. The W.R.Miles Stage Lines operate between Fresno and Huntington Lake, connecting with the California Transit Company at the former point; Boyd & Mattly Stage Company operates between Taft and Bakersfield, connecting with the California Transit Company at the latter point; Kern County Transportation Corporation operates between Taft and Bakersfield, connecting with the California Transit Company at the latter point; the Motor Transit Company operates between practically all points in Los Angeles County and connects with the California Transit Company at Los Angeles; United Stages, Inc. operate between Calexico, El Centro and Los Angeles, connecting with California Transit Company at Los Angeles.

Defendant, Yosemite Valley Railroad Company, operates a standard gauge railroad between Merced and El Portal, a distance of 78 miles and at El Portal it connects with the stages of the Yosemite Park & Curry Company for points within the Valley. Defendant, Yosemite Park & Curry Company, transports passengers via automobile between Fresno-Merced-Carl Inn, El Portal and the Valley. The evidence submitted shows that the California Transit Company, the automobile line making direct connections at the above named junction points, maintains daily service in both directions, between Los Angeles and San Francisco-Sacramento

through Fresno, Merced and Stockton. It also operates a service between San Francisco and Carl Inn via Stockton, and publishes joint fares with all of the other complainants.

The three principal routes into the Yosemite Valley are the northern via Carl Inn, the central through Merced, and the southern via Fresno and Mariposa Big Trees. At Carl Inn and at Fresno the connection is via the Yosemite Park & Curry Company only, while at Merced connection is made via both the Yosemite Valley Railroad and the Yosemite Park & Curry Company.

Witnesses for complainants testified they had received numerous demands from the traveling public for through routes and joint passenger fares via motor cars, a desire being expressed by the travelers for the opportunity to make a circuitous journey; that is, go into the Valley over one route and return over another. Witnesses further testified that travelers making these requests were disappointed when informed they could not purchase tickets for the entire round trip and many refused to make the journey when advised of the necessity of purchasing separate tickets at junction points; also that a great many people taking vacations and using automobile stages desired to know at the commencement the transportation cost for the round trip.

The Yosemite Valley Railroad presented a number of exhibits dealing with the volume of traffic handled, the operating time tables and the advertising matter distributed by that company. The interveners, Atchison, Topeka & Santa Fe Railway Company and Southern Pacific Company presented 32 exhibits, consisting principally of tariffs, descriptive folders and train schedules. The testimony of these interveners indicated positively that large sums of money are expended

annually in advertising the wonders of the Yosemite Valley and the kinds of rail service. In the year 1925 approximately 375,000 copies of folders and posters, printed in various colors and sizes, were distributed throughout the United States and foreign countries and this intensive advertising program resulted in an increased volume of passenger traffic into the Valley, especially in connection with tourist travel from distant railroad points.

The evidence shows that for a great many years the Yosemite Valley Railroad Company has maintained joint passenger fares and direct rail connections with the Atchison, Topeka & Santa Fe Railway Company and the Southern Pacific Company at Merced, which arrangement appears to be satisfactory to the traveling public. The record is devoid of proof that any demand or any public convenience and necessity exists for the establishment of through fares between the auto stage lines and defendant, Yosemite Valley Railroad Company.

We conclude and find that complainants have not presented any justification for an order requiring the sale of joint passenger fares between the Stage Lines and the Yosemite Valley Railroad, and therefore that part of the application seeking authority for the establishment of through routes and joint fares between the complaining auto stages and the Yosemite Valley Railroad Company, through Merced, is denied. It would seem to the Commission, however, that if further study by the interested parties makes evident the fact that the public desires to enter the Valley by rail and return via auto stage, or vice versa, consideration should be given by them to voluntarily establishing such joint transportation.

Complainants proposed joint fares are lower than the combination of the local fares over the same route and there was submitted an exhibit for purposes of comparison, showing the volume of the one way and round trip fares between important points. This record is not sufficiently comprehensive for us to discuss the reasonableness of the joint fares and complainants will be expected to publish reasonable fares not in excess of the combination of locals. Should they fail to perfect an adjustment the question of the volume of the fares and the division of the earnings may be referred to this Commission for its further consideration.

After careful consideration of all the testimony, exhibits and briefs we find as a fact that the present arrangement requiring passengers traveling by automobile stages into the Yosemite Valley to purchase separate tickets at the junction points has not afforded and does not afford adequate and satisfactory passenger service between Yosemite Valley and the points in California served by the automobile stages parties to this proceeding.

We further find that through routes and joint passenger fares should be established, between the points set forth in the application, on the lines of the California Transit Company, Motor Transit Company, Pickwick Stages System, Boyd & Mattly Stage Company, Kern County Transportation Corporation, W.R. Miles Stage Line and United Stages, Inc., and the points within the Yosemite Valley and points intermediate thereto in connection with the Yosemite Park & Curry Company.

O R D E R

This case being at issue upon complaint and answer on file, having been duly heard and submitted by the interested parties, full investigation of the matters and things involved having been had and basing this order on the findings of fact and the conclusions contained in the opinion, which opinion is hereby referred to and made a part hereof,

IT IS HEREBY ORDERED that through routes and joint passenger fares be established between points located on the stage lines of the California Transit Company, Motor Transit Company, Pickwick Stages System, Boyd & Mattly Stage Company, Kern County Transportation Corporation, W.R.Miles Stage Lines and United Stages, Inc. on the one hand and on the other the Yosemite Park & Curry Company, to and from points in the Yosemite Valley and points intermediate thereto, as set forth in the exhibits, or in harmony with the exhibits attached to the application and made a part thereof.

IT IS HEREBY FURTHER ORDERED that the complainants and defendants endeavor to agree upon the proper joint passenger fares and file with this Commission within thirty (30) days from the date of this order a tariff setting forth the

fares between the points involved, and that the parties hereto also seek to agree upon a proper division of the joint fares, but in the event such an agreement cannot be reached this Commission will proceed to establish joint fares upon application of the parties and arrange for a division of the earnings, as provided by law.

IT IS HEREBY FURTHER ORDERED that all of the other matters involved in the complaint in this proceeding be and the same are hereby dismissed.

Dated at San Francisco, California, this

26th day of August, 1926.

H. B. Brundage
C. Cheever
Thomas S. Rowland
Commissioners.