

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of BEVERLY GIBSON for certificate of public convenience and necessity to operate an auto stage service for the transportation of passengers and express between Sacramento, Sacramento County, and Oakland, Alameda County, and intermediate points, via Walnut Grove, Rio Vista, Antioch, Pittsburg; through Willow Pass to Concord, Walnut Creek and Lafayette, over the Tunnel Road, in conjunction with the regular service now furnished by him between Sacramento and Curtis Landing, and intermediate points.

ORIGINAL

Application No. 10879.

Sanborn & Roehl and DeLancey C. Smith, by A. B. Roehl,  
for Applicant.  
H. W. Hobbs, for Southern Pacific Company.  
Earl A. Bagby, for California Transit Company.  
Gwyn E. Baker, for Rio Vista Transit Company,  
Ward's Auto Stage and Contra Costa Transit Company.  
John J. Goldberg and Jesse E. Steinhart, for  
San Francisco-Sacramento Railroad Company and  
Contra Costa Transit Company.  
A. B. Tinning, District Attorney of Contra Costa County.  
Edward Stern, for American Railway Express Company.  
Chas. A. Beck, for San Francisco-Sierra Motor Coach Lines.

BY THE COMMISSION:

OPINION

In this proceeding Beverly Gibson originally sought permission for the establishment of an automotive stage service for the transportation of passengers and express between Sacramento and Oakland and intermediate points via Walnut Grove, Rio Vista, Antioch and Pittsburg; through Willow Pass to Concord, Walnut Creek, Lafayette and over the Tunnel Road to Oakland, as

an extension of his existing service between San Francisco and Curtis Landing and intermediate points. At the hearing the application was amended so as to substitute Bay Point for Oakland as the proposed terminal, and to eliminate through service between Sacramento on the one hand, and Antioch, Pittsburg and Bay Point on the other hand, and all local business between Antioch, Pittsburg and Bay Point. Amended time schedules and tariffs were submitted to conform to the amendment to the application.

Public hearings were held before Examiner Austin at San Francisco, Antioch and Isleton, when evidence was introduced the matter was submitted, and it is now ready for decision.

The granting of the application was protested by the Southern Pacific Company, California Transit Company, San Francisco-Sacramento Railroad Company, American Railway Express Company, Contra Costa County, San Francisco-Sierra Motor Coach Lines, Rio Vista Transit Company, Ward's Auto Stage, and Contra Costa Transit Company. Upon the amendment to the application, the protests of Southern Pacific Company and American Railway Express Company were withdrawn, and San Francisco-Sacramento Railroad Company withdrew its protest except to the extent that it was interested in the protest of Contra Costa Transit Company.

At present, applicant is operating stage lines between San Francisco and Antioch Ferry (Curtis Landing), between Rio Vista and Suisun, and between Walnut Grove and Sacramento. His line to Sacramento traverses both sides of the Sacramento River between Courtland and Isleton, and now terminates at Curtis Landing, the Sherman Island bridge head. It is proposed to extend this line to Bay Point, via Antioch and Pittsburg, using the Sherman Island Ferry until the completion of the bridge at this point. Connections will be established with the rail lines

of the Southern Pacific, Santa Fe and San Francisco-Sacramento railroad companies at Antioch, and with the latter road at Bay Point, it being applicant's intention ultimately to establish joint through fares with one or more of these lines. At present, no public stage line operates across Sherman Island south of Rio Vista. The road across the island for a distance of about 12 miles, is not in good condition; at Three-Mile Slough a ferry transfer is necessary, as was also the case at Curtis Landing prior to the completion of the Victory Highway Bridge. A through service will be established, comprising two round-trips daily; on one schedule, 32-passenger cars will be used, and on the other, 18-passenger cars. Since the capacity of the ferry at Three-Mile Slough is limited, it is possible that passengers may be required to transfer at this point from the larger stages to the 18-passenger cars. However, one schedule operated with the smaller cars will be conducted without any transfer. It appears that applicant has sufficient equipment to conduct the proposed service, and is financially able to purchase such additional cars as may be required.

Applicant testified that during the four years preceding this application he has investigated the possibilities of the proposed extension, has discussed the matter with numerous residents and business men upon his present proposed route, and has been in receipt of numerous inquiries at Isleton, Rio Vista and points north, along the Sacramento River. As a result he has concluded that sufficient traffic will be developed to justify the extension of the service.

Considerable testimony was introduced with respect to the present public transportation lines in this territory. A stage line is now operated by M. L. Isham, known as the Rio Vista Transit Company, between Isleton, Rio Vista and Rio Vista

Junction, a point on the San Francisco-Sacramento Railroad, where passengers are transferred for points north and south of the Junction. By this route Pittsburg is reached by a branch of the San Francisco-Sacramento Railroad, involving a transfer at West Pittsburg; at Pittsburg, a transfer is again made to E. H. Ward's stage line, operating between that point and Antioch. Bay Point is served directly by the San Francisco-Sacramento Railroad. The route between Antioch and Bay Point is served by the Southern Pacific and Santa Fe railroads, both passing through Pittsburg; also by the Ward Stage Line from Antioch to Pittsburg, thence over the branch and main lines of the San Francisco-Sacramento Railroad to Bay Point. Passengers originating at Sacramento River points along applicant's present route, such as Courtland and Walnut Grove, desiring to reach Antioch, Pittsburg or Bay Point may use applicant's stage line to Rio Vista, transferring there to the Rio Vista Transit stage line, change once more at Rio Vista Junction to the train, and transfer at West Pittsburg for Pittsburg, and at the latter point to Antioch. Bay Point passengers make no further change after leaving Rio Vista Junction. At their option, such passengers may travel north to Sacramento over applicant's stage line, and there use other facilities, such as the Southern Pacific, the San Francisco-Sacramento Railroad, or the steamer lines on the Sacramento River. The steamer service, however, is neither expeditious nor dependable. Applicant testified that he had received frequent complaints from passengers because of the many transfers required. This situation has been aggravated by the lack of direct connections with the Rio Vista Transit line at Rio Vista, applicant stating that he had endeavored to secure such connections, but had been unsuccessful. Although applicant's Suisun route passes through Rio Vista and Rio Vista Junction, he has been unable to secure any substantial amount of traffic to points on the line of the San Francisco -

Sacramento Railroad, due to the fact that the latter has published joint through fares with the Rio Vista Transit line lower than the combination of locals over applicant's line, and the railroad has declined to publish such through fares with applicant. Applicant's local one-way fare between Rio Vista and Rio Vista Junction is lower than Rio Vista Transit Company's one-way fare, but the latter has published a round-trip fare lower than the sum of applicant's local fares. This fare applicant has not met. Due to these facts applicant has been unable to participate in this traffic.

Considerable testimony was introduced relative to the proposed time schedules of applicant and of the Rio Vista Transit-San Francisco-Sacramento Railroad routes through Bay Point, Antioch and Pittsburg. Applicant's schedules vary in length, due to the necessity of making proper connections with the electric line at Bay Point. There is but little difference in the average running time shown on these schedules, the Isham-Railroad line having the advantage at Rio Vista, while from Isleton applicant's time is somewhat shorter.

Applicant stressed the need for the transportation of labor from Antioch, Pittsburg and Bay Point to canneries situated on Sherman Island and points north along his present route. Seven or eight canneries are now located in this territory, engaged in canning vegetables and employing a considerable number of men; for example: There are two canneries directly north of Isleton, one employing from 400 to 500 men during the canning season, and the other about 75; two canneries at Grand Island and another near Locke employ about 800 men; a pickle plant at Isleton employs from 75 to 100 men; and a cannery at Rio Vista employs from 300 to 500 men. These canneries operate through the spring and summer, and in some cases as late as October. About one-half of the labor employed originates at Stockton and Sacramento, where important labor agencies are located; some originates in Alameda

and Santa Clara counties, and a substantial amount originates at Antioch, Pittsburg and Bay Point, where there is a surplus of labor of this character. Others come from Fresno and Hanford,

who could conveniently transfer from the railroads to applicant's line at Antioch, where they can be transported directly across the river to Sherman Island. While the record does not indicate the exact proportion of this labor originating at Antioch, Pittsburg and Bay Point, it is apparent that a fair proportion of the cannery employees come from this territory. One witness testified that these passengers carry a considerable amount of baggage, and therefore find transfers a considerable inconvenience. Testimony was offered by representatives of some of the canneries to the effect that the proposed line would be of a great convenience in opening up this labor market.

From the testimony of farmers engaged in raising asparagus, spinach and other vegetables on Sherman and Twitchell Islands and along applicant's present route, it appears that the labor necessary to carry on their farming operations originates at San Francisco Bay points, Santa Clara County, Stockton, Sacramento and Contra Costa County points, including Antioch, Pittsburg and Bay Point. As the area under cultivation is large, a substantial number of men are employed. Direct transportation is desired, transfers en route being inconvenient and undesirable because of the possibility of their being diverted to other places by some of the labor agencies. The record shows that a large proportion of these men originate at or pass through Antioch, Bay Point and Pittsburg, and would use a stage service such as that proposed.

Residents of upper-river points, such as Walnut Grove and Courtland, testified to the need of a through stage service which would obviate inconvenient transfers, and stated that this need had become more acute with the impending discontinuance

of local passenger service along the river by California Transportation Company.

The Secretary of the Isleton Chamber of Commerce testified that a direct service from such river points as Isleton and Walnut Grove to Antioch is necessary, due to the inconvenient transfers involved in the present service, there being four en route to Antioch, three to Pittsburg and two to Bay Point. The travel to the latter points is less than to the Bay district, which, in his judgment, is now adequately served. Other witnesses stated that the continuation of applicant's line to Antioch alone would not be satisfactory, because of the inconvenience of transferring passengers bound to or originating at Pittsburg or Bay Point.

Applicant proposes to handle express under a weight limit of 50 pounds per package. He testified that he has received daily requests for the handling of such packages to and from points on Sherman Island, and also to Antioch, Bay Point and Pittsburg. One witness, who conducts a garage at Isleton, testified that occasionally there was a demand for handling emergency automobile repair parts from Bay Point; and another witness engaged in conducting a store at Isleton, stated that there was a demand for handling packages to Sherman Island as frequently as three or four times a week. The General Manager of the California Pickle Growers Association of Isleton testified that such a service would be used during the planting season for handling small packages of seed, thus obviating the need for the Association using its own cars for this purpose. The Superintendent of the Bay Side Canning Company at Isleton stated that such a service would be used occasionally for handling parts of tractors and implements, and also by their employees for handling small packages purchased when shopping. A rancher on Sherman Island testified that his tenants would use such a service for handling packages between Bay Point, Antioch and the island. Due to the amendment to the

application, eliminating through service from Sacramento itself, and local service between Antioch, Pittsburg and Bay Point, the American Railway Express Company withdrew its protest.

The Rio Vista Transit Company, in support of its protest, introduced evidence showing the nature of its service, the results of its operations, and the injury resulting from competition should the application be granted. This line, which is conducted by M.L. Isham, operates between Isleton, Rio Vista and Rio Vista Junction, where direct connection is made with the trains of the San Francisco-Sacramento Railroad. Six schedules daily are operated, only three of which are extended beyond Rio Vista to Isleton. No local service is conducted between Rio Vista and Isleton. This stage line does not connect with the applicant's schedules because of the necessity of making close connections with the trains. Mr. Isham testified that he suggested to Mr. Gibson that the latter rearrange his schedules so as to connect with protestant's lines, but nothing came of these negotiations. Gibson testified in rebuttal that when Isham applied for an extension of his service from Rio Vista to Isleton, Gibson offered to make connection with the Rio Vista Transit schedule, provided the latter should withdraw its application, but this effort too failed of consummation.

Mr. Isham testified that his investment in this service was approximately \$30,000, and that he was financially able to provide additional equipment if needed. He has published joint through fares with the San Francisco-Sacramento Railroad between Rio Vista and Isleton and San Francisco, Oakland, Sacramento and Pittsburg. He stated that the extension to Isleton had proved unprofitable and must be discontinued should any of the traffic be diverted, and should he meet with any serious competition it is possible that the service from Rio Vista will be decreased from six to three round-trips daily. At present, he testified, he is handling cannery workers from Pittsburg, none of whom



have complained of the transfer at Rio Vista Junction.

Exhibits were introduced showing the passengers carried during 1924 and during the first three months of 1925, which indicate that the majority of the traffic originates at or is destined to San Francisco Bay points, only a small proportion traveling to or from Pittsburg. No figures are available as to Antioch and Bay Point. However, the local passengers handled over protestant's line, including those travelling to and from these points, comprized but a small fraction of the total handled. These exhibits also show that this protestant carried far less than the capacity of his stages and at all times had seat space available.

Mr. E. H. Ward, who was called on behalf of Rio Vista Transit Company, testified that he is now conducting a stage between Pittsburg and Antioch, serving the industrial district between these towns, and has filed an application (No. 10970) to extend this line to Bridgehead for the purpose of connecting with Gibson's line at its present terminal. This, he stated, in connection with the service proposed in Application No. 10958 by Contra Costa Transit Company to operate a stage service from Byron and Brentwood to Martinez via Bridgehead, Antioch, Bay Point and Pittsburg would afford adequate service to the towns proposed to be served by applicant, and in addition would provide for a direct and through stage service between points in eastern and western Contra Costa County. A stage line now operates between Bay Point and Martinez, and if Gibson's line were extended to Bay Point via Antioch and Pittsburg, connection could be made with the latter at Bridgehead by the Brentwood-Byron line. The witness, however, stated that such a service would not pay as the line would be too short and in addition numerous transfers would be required.

On behalf of protestant, Contra Costa County, Messrs. W. J. Buchanan and R. J. Trembath, two of the County Supervisors, testified with respect to the effect of the duplication of stage lines upon the County highways. In general, it may be said that they were not opposed to such stage lines for which public convenience and necessity could be shown, but they objected to the existence of parallel lines resulting in a duplication of service which could be avoided by limiting the certificates to one line. Their objection was based upon the inconvenience and hazard suffered by the public due to the presence of unnecessary stages upon the highways.

Upon reviewing the long record in this case, we are convinced that a need has been shown for the extension of applicant's service from his present terminal at Curtis Landing to points across the Sacramento River. It has been shown that the territory on Sherman Island can now be reached only by a circuitous route involving many transfers and in part requiring the use of private conveyances. This territory is entitled to a public carrier service which will enable its residents to obtain access to points in eastern Contra Costa County. The record also shows that residents of upper-river points upon applicant's line are also in need of a direct through service to this territory. It is contended by the Rio Vista Transit Company, the principal protestant, that in any event no extension should be granted beyond Antioch. However, the evidence indicates a need for transportation facilities to Pittsburg and Bay Point as well in order to open up this territory and provide means of transportation for those desiring a direct means of communication to Sherman Island and upper-river points. Because of this fact, we believe that the patrons of this stage line should not be put to the inconvenience of a transfer at Antioch.

The record shows that the service between Isleton, Rio Vista and San Francisco Bay points is now adequate. Inasmuch as the greater portion of the traffic now handled by the Rio Vista Transit Company is destined to or originates at San Francisco, Oakland and Sacramento, we believe that the extension granted will not affect, to any great extent, the revenues of this carrier. For the present, at least, the Rio Vista Transit Company appears to be in a position to control this traffic because of the joint through fares now in effect via Rio Vista Junction, while on the other hand applicant will be obliged to operate under a combination of the local fares applicable to the transportation of passengers transferring at Bay Point from points on his line to points on the electric railroad. In any event, the effect of such competition, if it should develop, is overcome by the public need shown for through transportation to Bay Point.

A certificate will, therefore, be granted in conformity to the amended application, which excludes through service to and from Sacramento itself, as well as local service between Antioch, Rio Vista and Bay Point.

Upon full consideration of the evidence, we are of the opinion and hereby find as a fact that public convenience and necessity require the establishment and operation by Beverly Gibson of an automotive stage service for the transportation of passengers and express between Curtis Landing and Bay Point via Antioch and Pittsburg, as an extension and an integral part of said Beverly Gibson's present stage service between Sacramento and Curtis Landing, and intermediate points; provided,

(1) That no passengers nor express shall be transported between Sacramento on the one hand, and Antioch, Pittsburg and Bay Point on the other hand, nor transported locally between Antioch, Pittsburg and Bay Point, or any of said towns; and

(2) That all shipments of express shall be limited in weight to fifty (50) pounds per package.

An order will be entered accordingly.

ORDER

Public hearings 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 finding of fact which appears in the opinion preceding this order,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the establishment and operation by BEVERLY GIBSON of an automotive stage service for the transportation of passengers and express between Curtis Landing and Bay Point via Antioch and Pittsburg, as an extension of and as an integral part of said Beverly Gibson's present stage service between Sacramento and Curtis Landing, and intermediate points; provided:

(1) That no passengers nor express shall be transported between Sacramento on the one hand, and Antioch, Pittsburg and Bay Point on the other hand, nor transported locally between Antioch, Pittsburg and Bay Point, or any of said towns; and

(2) That all shipments of express shall be limited in weight to fifty (50) pounds per package.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be, and the same is hereby granted to said BEVERLY GIBSON for the establishment and operation of the service

hereinabove described, subject to the conditions hereinafter set forth:

1. Applicant shall file his written acceptance of the certificate herein granted within a period of not to exceed ten (10) days from the 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; and shall commence the operation of the service herein authorized within a period of not to exceed thirty (30) days from the 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 applicant or is leased by him under a contract or agreement on a basis satisfactory to the Railroad Commission.

For all other purposes, except as hereinabove stated, the effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this 27<sup>th</sup> day of August, 1926.

W. H. B. Rindge  
C. L. Seaver  
Thos. S. Powell  
Commissioners.