

Decision No. 17912

**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of the SAN FRANCISCO-SIERRA MOTOR COACH LINES, a co-partnership, composed of H. A. Green, George W. Gerhard and A. L. Lubfin for a certificate of public convenience and necessity to operate motor bus passenger service between San Francisco and Carl Inn and San Francisco Recreation Park; and automotive freight service between Chinese and Mather and Peach Growers and intermediate points.

Application No. 10684

In the Matter of the Application of R. R. YOUNG, doing business under the fictitious name of YOSEMITE TRANSIT, for a certificate of public convenience and necessity to operate motor bus passenger service between San Francisco and Carl Inn and San Francisco Recreation Camp, and for such other and further service as the Honorable Commission may deem necessary.

Application No. 10913

In the Matter of the Application of CONTRA COSTA TRANSIT COMPANY, a co-partnership consisting of E. H. Ward and H. J. Sutherland, and of MARTINEZ BAY POINT STAGE COMPANY, a California corporation, for a certificate of public convenience and necessity to be issued to said co-partnership to operate a passenger automobile stage line between Martinez and Byron, California and intermediate points, and for authority of said co-partnership to acquire the existing right of Martinez Bay Point Stage Company to operate between Martinez and Bay Point.

Application No. 10958

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

Application No. 10734

In the Matter of the Application of OAKLAND-TUOLUMNE STAGE LINE, a corporation, for an extension of its certificate of public convenience and necessity to Carl Inn.

Application No. 10808

Chas. A. Beck for San Francisco-Sierra Motor Coach Lines;  
 Devlin & Brookman, by Douglas Brookman, for Oakland-  
 Tuolumne Stage Line;  
 John B. Curtin and Lafayette J. Smallpage for Yosemite  
 Transit and Tuolumne County Chamber of Commerce;  
 Jesse H. Steinhart for San Francisco-Sacramento Railroad  
 Company, Contra Costa Transit Company and  
 Martinez Bay Point Stage Company;  
 Gwyn H. Baker for Ward's Auto Stage, Contra Costa Transit  
 Company and Martinez Bay Point Stage Company;  
 Earl A. Bagby and Harry A. Encell for California Transit  
 Company;  
 Sanborn & Roehl and DeLancey C. Smith, by Arthur B. Roehl,  
 for Beverly Gibson;  
 Chickering & Gregory, by W. C. Fox, for Colberg & Colberg;  
 A. B. Tinning, District Attorney for Contra Costa County;  
 Vogelsang & Brown, by I. I. Brown, for Yosemite National  
 Park Company and Yosemite Transportation System;  
 D. J. Hall, City Attorney, for City of Richmond;  
 H. A. Johnston, for Richmond Chamber of Commerce;  
 F. W. Mielke, for Southern Pacific Company;  
 H. A. Butchart, for Sierra Railway Company;  
 E. T. Lucey, for The Atchison, Topeka & Santa Fe Railway Co.;  
 C. J. Auger, for San Francisco Playground Commission.

BY THE COMMISSION:

O P I N I O N

In Application No. 10684, as amended, H. A. Green, George W. Gerhard and A. L. Lubfin, co-partners doing business under the firm name of San Francisco-Sierra Motor Coach Lines, have petitioned for a certificate of public convenience and necessity authorizing the operation of an automobile stage service for the transportation of passengers as a common carrier between San Francisco, Richmond, Stockton, Carl Inn and San Francisco Recreation Camp, Mather and Peach Growers, including intermediate points; they also seek authority for the transportation of express between Brentwood, Stockton, Buck Meadows, Carl Inn, Mather, Peach Growers and intermediate points; and in addition they seek permission to operate as a common carrier of freight from Chinese, where connection will be made with the Sierra Railway Company to Carl Inn, Mather, Peach Growers and intermediate points. Appli-

cants propose to use for this service passenger coaches so constructed as to afford comfortable and safe transportation. Their proposed rates, fares and time schedules accompanied the application and were amended during the course of the hearing.

By his original application (No. 10913) R. R. Young, doing business under the fictitious name of Yosemite Transit, seeks a certificate of public convenience and necessity authorizing the establishment of an automobile stage service for the transportation of passengers and baggage between Carl Inn and Peach Growers as an extension of his existing service between Groveland and Carl Inn. By his first amended application, applicant alleges that he conducts a stage service between Stockton and Groveland throughout the year and from Groveland to Carl Inn whenever the roads are passable, serving also the San Francisco Recreation Camp, and seeks a certificate authorizing him to operate an automobile stage service from San Francisco to San Francisco Recreation Camp, as an extension of his present service, via San Pablo, Pinole, through Franklin Canyon to Martinez; thence via Bay Point, Pittsburg, Antioch, Brentwood and over the Borden Highway to Stockton, from which point the service will be conducted over his present route. He also requests authority to conduct a motor truck freight service between Chinese Station, Carl Inn and Mather. By his second amended application, applicant alleges that he conducts a passenger stage service between Stockton and Escalon over the Mariposa route and thence to Oakdale, Groveland and Carl Inn, and requests permission to extend service from Escalon to Manteca over the Manteca-Escalon road, thus establishing a more direct and less circuitous route from

points on applicant's line to points reached by the California Transit Company with which applicant will connect at Manteca. The proposed rates and time schedules and a description of the proposed equipment accompanied these applications.

In connection with this application it may be said that subsequent to the submission of this case the applicant, R. R. Young, transferred to California Transit Company all of his operative rights, including inchoate rights embraced in proceedings pending and undetermined, pursuant to this Commission's Decision No. 16012 on Application No. 12524 dated February 16, 1926.

In Application No. 10958 the applicants, E. H. Ward and H. J. Sutherland, co-partners doing business under the fictitious name of Contra Costa Transit Company, seek permission to acquire from the applicant, Martinez Bay Point Stage Company, a corporation, its operative right for conducting an automobile passenger stage service between Martinez and Bay Point held under certificate of public convenience and necessity previously granted by this Commission, and in conjunction therewith Contra Costa Transit Company requests a certificate of public convenience and necessity for the operation of an automobile passenger stage service from Martinez to Byron and intermediate points, including Bay Point, Pittsburg, Antioch, Oakley and Brentwood, applicants proposing to establish a through service over the combined routes. It is alleged that applicant H. J. Sutherland is the secretary of the San Francisco-Sacramento Railroad Company and president of the Martinez-Bay Point Stage Company and that in this application he is acting as representative of the railroad company. It further appears that the railroad owns all of the capital stock of Martinez & Bay Point Stage Company. The purpose of the application

is to establish a stage service in connection with that of the railroad, which operates an electric line between Bay Point and Pittsburg, and San Francisco and Oakland. Accompanying the application are the proposed fares and time schedules. Applicants allege that adequate equipment will be provided to furnish this service.

In Application No. 10734, as amended, William C. Colberg and Henry J. Colberg, as co-partners doing business under the firm name of Central Transit Company, seek a certificate of public convenience and necessity authorizing the establishment of an automobile stage service for the transportation of passengers and express (1) between Stockton and Terminus; and (2) between Stockton and Brentwood, as an extension of the service now conducted by applicants between Stockton and Byron, pursuant to this Commission's Decision No. 13928 on Application No. 10268, dated August 19, 1924. Since applicants' operative right under this decision is restricted to passenger service between Stockton and Byron and intermediate points, applicants seek authority to establish an express service coextensive with their passenger service. Accompanying the application are the proposed tariff of fares, time schedule and a description of the equipment to be used.

There being no objection to that portion of the application requesting the establishment of a stage line between Stockton and Terminus, the same was granted by Decision No. 15270, leaving only for consideration at the present time the proposed service between Stockton and Brentwood.

In Application No. 10808, as amended, the Oakland-Tuolumne Stage Line, a corporation, sought an extension of its service to Carl Inn, so as to permit the transportation of passengers between Berkeley and Oakland on the one hand, and between the Oakland and Berkeley Recreation camps and Carl Inn on the other hand.

no intermediate service being proposed. During the course of the hearing applicant withdrew its application and requested a dismissal of the proceeding..

Public hearings in these matters were held before Examiner Austin at San Francisco, when they were consolidated for hearing and decision, evidence was offered, the matters were orally argued and submitted upon briefs, which have since been filed, and are now ready for decision.

In discussing the evidence, we shall consider each application separately.

Application No. 10684. San Francisco-Sierra Motor Lines.

Applicants propose to conduct a passenger and baggage service from San Francisco by automobile ferry to Richmond and thence via Martinez, Bay Point, Pittsburg, Antioch, Oakley, Brentwood, Byron, Byron Hot Springs and Holt to Stockton, thence easterly through Colledgeville, Escalon, Riverbank, Oakdale, Yosemite Junction, Chinese, Groveland, Buck Meadows and Carl Inn, terminating at Mather, otherwise known as San Francisco Recreation Camp. In addition a freight service will be maintained from a connection with the Sierra Railway at Chinese through Buck Meadows, Carl Inn and Peach Growers to Mather.

The equipment to be used consists of six coaches of the six-wheeled type, each having a capacity of from 25 to 32 passengers, and three 10-ton trucks. Depots will be established at San Francisco, Richmond and Stockton and possibly at other points.

In the course of their investigations, two of the applicants, Mr. Green and Mr. Gerhard and their traffic manager E. S. Lubfin, have traversed the route interviewing various persons and making observations of road conditions. They assert

that as a result of this survey they found a need for additional passenger service between Richmond and Stockton and intermediate points, the present service, both rail and stage, being inadequate; also beyond Yosemite Junction additional service is needed, but not between that point and Stockton. In connection with the proposed freight service, designed to replace that formerly supplied by the Hetch Hetchy Railroad which has withdrawn from service as a common carrier, applicants state they have found a demand for hauling lumber from the Peach Growers mill, and the transportation of supplies to points along the route. Three witnesses called by applicants testified such a service would be convenient and would supply their needs. Two of the applicants and their traffic manager testified that a through service to the San Francisco recreation camp at Mather, such as that proposed, was essential to avoid the inconvenient changes en route now required.

As a result of discussions and conversations had with persons along the route, applicants estimate that the line will handle daily an average of 320 through and local passengers, but they appear to have made no careful survey of the capacity or adequacy of the existing transportation facilities.

Several witnesses were called in support of the application. Mr. George F. Bartlett, proprietor of the resort at Buck Meadows, stated they needed transportation service four months in the year, but that in his judgment no additional service was needed. He estimated that between Groveland and Buck Meadows there were not over three passengers per day each way. The president of the Escalon Chamber of Commerce testified there was need for a direct service to San Francisco which would not pass through Stockton, the French Camp road being

preferable to the Colledgeville road. However, it appears that applicants propose to operate over the latter route. Mr. I. L. Borden, owner of a ranch of 7800 acres on Victoria Island where from 100 to 250 men are employed, stated that a service such as that proposed by applicants would be convenient for the transportation of laborers who are now brought to the ranch by private conveyances from Stockton and Oakland. He emphasized the need for a through service to Oakland, which in his opinion was the shopping center, and stated that a connection at Pittsburg with the electric line would be adequate. He suggested the need for frequent schedules, stating that four a day were essential. The Vice President of the East Contra Costa Chamber of Commerce testified that the present rail service from Brentwood to San Francisco was inconvenient and that there was now no stage service west of Brentwood. He did not approve of stage connections with the electric line at Pittsburg, objecting to the changes en route. In his judgment the travel to Richmond was very small, most passengers being destined either to San Francisco or Oakland. Although the service from Brentwood to Stockton is satisfactory, he desires a through service between Stockton and San Francisco. Other witnesses testified on behalf of applicants, some of whom had very little knowledge of the situation, their opinions being based upon a few isolated experiences, while others with greater familiarity with the subject confined their testimony to small portions of the proposed route. Resolutions adopted by various civic organizations and municipal councils were introduced in evidence, including the San Francisco Labor Council, the San Francisco Central Council of Civic Clubs and the Escalon Chamber of Commerce.



Such a resolution adopted by the Richmond City Council was received in evidence, but was later rescinded by the Council. Applicants also offered a similar resolution, adopted by <sup>the</sup> San Francisco Board of Supervisors, but it appears from the testimony of Supervisor E. E. Schmitz that the Board was interested primarily in adequate and dependable service to the Recreation Camp and not in any individual operator.

According to the testimony of E. S. Lubfin, applicants' traffic manager, concurred in substantially by applicants Gerhard and Green, the investment in equipment necessary to commence operations will be approximately \$108,000, of which \$84,000 covers passenger equipment and \$24,000 covers freight equipment, and Mr. Green estimated that about \$120,000 will be needed to start the enterprise. He stated he had available from \$80,000 to \$85,000, of which he would advance \$40,000 personally and would obtain the rest from other persons accustomed to follow his judgment regarding financial investments. However, he declined to reveal the names of such persons, stating that for the most part they were army officers who could not with propriety make public any private investments. Mr. E. S. Lubfin, the brother of applicant, A. L. Lubfin (who did not take the stand) stated that he and his brother would personally invest \$5,000 and could raise an additional \$30,000 from associates whose names he refused to reveal. Mr. Gerhard said he could invest from \$5,000 to \$12,000, to be raised upon certain collateral securities which he owned. Should these funds prove insufficient, applicants plan to form a corporation and place its stock upon the market. It thus appears that the applicants themselves have available for investment in this undertaking about \$67,000, and intend to obtain an additional \$75,000 from persons whose names they decline to reveal to the Commission. The sales manager of the Moreland Motor

Truck Company estimated that busses of the type proposed would cost around \$10,000 each, and stated that this equipment would be sold to applicants under conditional sales contracts requiring a cash payment of one-third of the purchase price, the balance to be paid in monthly installments extending over a period of 13 months, title in the mean time being retained by the seller. Assuming that the applicants' original investment at the very minimum will be \$95,000, covering seven busses and three trucks, a cash outlay of about \$35,000 will be required.

Applicants have estimated that over the entire route they will handle a daily average of 320 passengers between all points yielding a revenue of \$574.95, and that their operating costs will not exceed 24 cents per mile upon the valley roads and from 28 to 32 cents per mile in the mountains. Mr. Lubfin stated that the cost of operation would amount to about \$250 per day including taxes and depreciation. The evidence bearing upon this subject is uncertain, the estimates having been changed from time to time, and not clearly showing the elements included in the costs.

Numerous changes were made in applicants' proposed time schedules and tariffs, several amendments being filed throughout the course of the hearing. Even in the final draft, it appears necessary for applicants' stages to operate at excessive speed, in order to maintain the schedules, and extremely close connections are provided at Richmond upon schedules which terminate there and do not go on to San Francisco. It appears extremely doubtful whether the schedules proposed can be maintained with only seven busses, since adequate provision has not been made for stand-by service, and the evidence also shows that if operations are conducted as proposed the drivers will be com-

pelled to work excessively long hours.

The granting of this application was protested by San Francisco-Sacramento Railroad Co., Contra Costa Transit Company, Yosemite National Park Company, Ward's Auto Stage Company, Martinez-Bay Point Stage Company, the County of Contra Costa, Sierra Railway Co., Yosemite Transit, Tuolumne County Chamber of Commerce, California Transit Company, Oakland-Tuolumne Stage Company, Colberg & Colberg, Southern Pacific Company, The Atchison, Topeka & Santa Fe Railway Company, and certain Santa Fe employes at Richmond represented by F. T. Stoddard.

The protestant, California Transit Company, introduced evidence showing its routes, time schedules, fares and equipment, describing its service and facilities in considerable detail. From a travel study introduced, it appears that there is ample space for the accommodation of passengers upon stages between San Francisco and Stockton.

The protestant, Yosemite Transit, through its superintendent of transportation, Mr. H. A. Lewellen, described the service maintained between Stockton and Carl Inn via Yosemite Junction and Groveland. He stated that the population along the line between Yosemite Junction and Carl Inn is decreasing, due to the recent completion of the Hetch Hetchy project, and as a result the revenues derived by protestant from that service have been diminishing. The service to Carl Inn, he testified, has been operated at a loss. Mr. J. C. De Ferrari of Groveland, for many years Justice of the Peace there, described this territory in considerable detail, corroborating Mr. Lewellen's testimony that the population was decreasing, although he conceded that this region can be developed to a greater extent for the accommodation of summer campers and vacationists. In his judgment

the present service of Yosemite Transit is satisfactory. Both of these witnesses, as well as Mr. William T. Hawkins, part owner of the station at Yosemite Junction, described the Big Oak Flat road between Yosemite Junction and Mather, their testimony disclosing that in many places the road is extremely narrow, the grades are steep and that it would be difficult, if not impossible, to safely operate over the road a large passenger coach of the type proposed by applicants.

The protestant, Yosemite National Park Company, in addition to other service, conducts a passenger stage line between Yosemite Valley and Carl Inn, Peach Growers and Mather. Its equipment is adequate and the service satisfactory. Upon this route it operates 12-passenger stages, the maximum allowed by the government on mountain roads within the park. Its manager, Mr. T. E. Farrow, testified that the local traffic handled was negligible, that protestant has been serving city vacation camps maintained in this vicinity at fares below the cost of transportation and that in his judgment no additional service was required. Exclusive of over-head, the operating costs average 67.5 cents per car mile, which are approximately 20 per cent higher than those of another company operating between Buck Meadows and Carl Inn, not subject to such stringent governmental regulations as the protestant. If we accept the witness's estimate, and his qualifications appear to be established by the record, the operating costs in this mountain territory will not be less than 54 cents per car mile.

Protestant, Southern Pacific Company, introduced testimony descriptive of its service and rates between San Francisco and Stockton and intermediate points, and the amount of traffic handled. Similar testimony was offered by protestant, The

Atchison, Topeka & Santa Fe Railway Company, their representative Mr. H. W. Beck testifying that the inauguration of another through stage service between San Francisco and Stockton would probably result in the curtailment of passenger train service. Mr. R. T. Stoddard, testifying on behalf of Santa Fe employes at Richmond, stated that if the train service on the Santa Fe were reduced it would result in loss of employment or seniority rights by railroad employes, many of whom will be obliged to move away from Richmond to the detriment of the merchants and business men of that community. He filed several petitions against the granting of this application, containing many signatures.

Protestant, San Francisco-Sacramento Railroad Company, made a showing of its service and fares between San Francisco and points in Contra Costa County and also locally within the latter county. According to a statement filed by H. A. Mitchell, its vice-president and general manager, it now handles between Contra Costa points an average of nine passengers per train. This protestant also submitted a statement showing the passenger service conducted by the existing carriers between San Francisco and Stockton, from which it appears that there are 24 eastbound and 20 westbound schedules available each day by rail and by stage. While a few of these schedules may be eliminated, as being duplications, the evidence shows there are many and frequent schedules available each day between these points.

Protestant, Contra Costa County, through the chairman of its Board of Supervisors Mr. W. J. Buchanan, expressed its disapproval of the operation of stage lines over the county highways, introducing an ordinance prohibiting the operation of stage lines over certain roads, including applicants' proposed route. In the opinion of this witness, who appears to

be quite familiar with local conditions, the residents of eastern Contra Costa County points travel more frequently and in greater numbers to San Francisco and Oakland, the shopping centers, than to Richmond, the traffic moving to the latter point being relatively unimportant. However, he believed there is a need for a stage line between Brentwood, Byron and Martinez, the county seat, in order to accommodate travel between these points.

In connection with its Application No. 10913, Yosemite Transit called Miss M. P. Hagan, executive secretary and director of recreation of the San Francisco Playground Commission, and also a member of a committee of three having active charge of the camp at Mather. The camp has a capacity of from 125 to 150 persons. Vacationists visiting the camp are transported to and from that point in large groups at the end of each 13 day period, each group comprising approximately 125 people. Arrangements have been made with the Southern Pacific Company and the Santa Fe, in connection with the Sierra Railway, to handle these passengers to Chinese and thence by the stages of the Yosemite Transit to the camp. Considerable objection was voiced by applicants to this proposed service, it being contended that Yosemite Transit had no certificate to operate this service between the Camp and Chinese; the latter, however, asserted that such operations were conducted over a private road for which a certificate was not necessary. Much testimony was introduced concerning the status of this road, but we believe it unnecessary to determine this question, since the operations of the stage line, if illegal, should form the subject of a separate complaint.

Application No. 10913 - Yosemite Transit-

Mr. Lewellen, superintendent of transportation, des-

cribed the routes operated, the points served, and the equipment, which consists of 14 cars and two 32-passenger coaches in course of construction. He stated that there was need of a freight service to replace that formerly accorded by the Hetch Hetchy railroad, which has discontinued service as a common carrier. In the course of his investigation the witness has discussed the need for this service with business men and others in the various communities along the route between Chinese and Mather, stating that in his judgment all of the freight could be handled by one 2½ ton truck. Testimony was given relative to the anticipated costs and revenues.

That portion of the application seeking an extension of service from Escalon to Manteca was not protested. In addition to providing Manteca, a city of about 2000, with a direct connection to Escalon, and a more direct service from Oakdale, this cut-off will materially reduce the distance and time in routing through passengers from points on the Yosemite Transit to points on the California Transit lines. Testimony was offered by California Transit Company indicating the convenience to be subserved by the establishment of this route, it appearing that passengers from Carl Inn, if routed via Manteca, can reach San Francisco much earlier than at present. In this connection, we shall consider the testimony of Mr. Pierce who emphasized the need for a direct service from Escalon to San Francisco.

With respect to the application of Yosemite Transit to extend its service west from Stockton to San Francisco, over the Borden Highway, applicant introduced its proposed tariffs, time schedules and a description of its equipment, stating that five cars can accommodate the traffic between San Francisco and

Stockton, passengers changing at the latter point to smaller stages which will be used for mountain operations. An additional investment of about \$50,000 will be required to provide this equipment. Of the passengers travelling to Carl Inn, about one-half are local and the remainder destined to Yosemite Valley, the latter being transferred at Carl Inn to the stages of Yosemite National Park Company. Mr. Lewellen stated his investigation of anticipated traffic covered a period of about six weeks, including three trips over the proposed route. He estimated that for profitable operation ten passengers each way must be carried daily between Stockton and San Francisco, and a total of 98 per day handled between all points. Some of this traffic, he conceded, must be diverted from existing lines. This witness does not appear to be familiar with the schedules or volume of traffic handled by the existing carriers.

The granting of this application was protested by San Francisco-Sierra Motor Coach Lines, California Transit Company (in so far as it relates to the extension of service from Stockton to San Francisco), the San Francisco-Sacramento Railroad Company, Contra Costa Transit Company, County of Contra Costa, Southern Pacific Company, and Civic League of Improvement Clubs.

We shall not repeat here our discussion of the testimony offered by the protestants in Application No. 10684 which applies equally to the proposed extension of service by this applicant. Application No. 10958 - Contra Costa Transit Co.

Applicants seek authority to conduct a stage service between Byron and Martinez. Contra Costa Transit Co. is a co-partnership comprising E. H. Ward and E. J. Sutherland, who is



a representative of the San Francisco-Sacramento Railroad. Should this certificate be granted the Martinez-Bay Point Stage Company will transfer to applicants, without consideration, its existing operative rights between Martinez and Bay Point, applicants requesting that such operative rights be merged with the Byron-Martinez right. E. H. Ward will continue individually to operate his present line through the industrial district between Pittsburg and Antioch.

Mr. Ward testified that the purpose of this application was to provide a better service from Byron and Brentwood to Martinez, the county seat, the present train service of the Southern Pacific being inadequate. Since there is no demand for additional service between Martinez, and Richmond or Oakland, the service appearing to be adequate, applicants will provide connections at Martinez with stages and trains serving these points. He testified that there was but little direct travel from the eastern portion of the county (including Antioch and points east) to Richmond, the principal demand being for service to Martinez, San Francisco and Oakland. Applicant proposes to connect at Bay Point with the electric trains of San Francisco-Sacramento Railroad Company, thereby providing a direct service to Oakland and San Francisco. Inasmuch as the time of arrival and departure of stages at Bay Point will be the controlling factor in the determination of applicants' schedules, this possibly may interfere with the establishment of close connections with other carriers at Martinez, but it appears from Mr. Colberg's testimony that Central Transit Company will, if necessary, rearrange its schedules so as to provide direct connections at Brentwood with applicants' stages. The traffic will consist largely

of laborers and those travelling to the county seat, together with a sprinkling of commercial travellers and local passengers. In order to operate the service profitably, it appears that the through business to San Francisco and Oakland is essential, as well as the local traffic.

As a temporary expedient, at the commencement of operations applicants will use two White busses owned by Mr. Ward and now used on his stage service between Antioch and Pittsburg; subsequently these will be replaced by two new White busses to be used exclusively in this service. The Martinez-Bay Point Stage Company has no equipment capable of being utilized in this service. The evidence indicates that applicants have sufficient financial means to conduct this service.

Mr. E. A. Mitchell, Vice-President and General Manager of San Francisco-Sacramento Railroad Company, testified that the latter owned all of the capital stock of the Martinez-Bay Point Stage Company, that its operative rights would be leased or transferred without consideration to the applicants, and that the railroad was willing and able to contribute its share of the cost of conducting the service. He corroborated Mr. Ward's testimony as to the need for service to Martinez, and the adequacy of the service west of Martinez. Applicants called Mr. L. Richardson of the Southern Pacific Company and E. W. Beck of the Santa Fe, both of whom described the volume of traffic moving from eastern Contra Costa points to Richmond, on the one hand, and to Oakland and San Francisco, on the other hand, their testimony indicating that very few passengers, relatively, were carried to Richmond in comparison with those moving to the other two points.

In connection with this application we shall consider the testimony of Mr. I. L. Borden, who expressed a need for a through service to Oakland, stating that a connection at Pittsburg would be adequate.

The granting of this application was protested by San Francisco-Sierra Motor Coach Lines, Colberg & Colberg, County of Contra Costa, California Transit Company, (as successor to the Western Motor Transport Co. and the Star Auto Stage Association), and Southern Pacific Co. One of the county supervisors, however, stated there was a need for this service, which the county did not oppose; Colberg & Colberg offered to establish connections with applicants at Brentwood; Southern Pacific Co. offered testimony as to its service; and California Transit Company relied upon certain pending applications for authority to conduct a stage service in this territory.

Application No. 10734 - Colberg & Colberg.

In this matter applicants seek authority to extend their service from Stockton to Brentwood. From the testimony of Mr. W. C. Colberg, it appears that applicants have for many years been engaged in conducting a boat service on the San Joaquin River in the Delta region which, however, has become less profitable with the development of roads and trucking facilities, and in many instances the construction of bridges over the arms and branches of the river has effectually prevented the continued operation of boats. There is considerable uncertainty as to the extent and termini of applicants' route, the original operators of the line having disappeared, and it therefore became necessary for applicants to institute this proceeding to determine the extent of their rights. This line is patronized largely by laborers traveling from Stockton to large farms and ranches near Byron and

Brentwood, where they are employed, the greater proportion moving to Brentwood. There is also a considerable demand for the transportation of express, consisting principally of emergency shipments of automobile and farm machinery repair parts, the present service not being sufficiently expeditious to accommodate this need. Applicants appear to have adequate equipment and sufficient financial means to conduct the proposed service. Mr. Colberg stated that if the Contra Costa Transit Company service is established, as proposed, he will amend his schedules, if necessary, so as to afford proper connections at Brentwood with that line. The testimony of Mr. Colberg was corroborated by that of Mr. George M. Miller, auditor for applicants. In this connection also we shall consider the testimony of those witnesses who described the necessity for a service between Stockton and Brentwood.

The principal protestants to the granting of this application were Southern Pacific Company, San Francisco-Sierra Motor Coach Lines and California Transit Company.

In answer to applicants' showing that no local service was conducted between Byron and Brentwood, Mr. E. S. Lubfin, traffic manager of San Francisco-Sierra Motor Coach Lines, testified that on one occasion he rode between these points, purchasing a ticket which was punched by the driver so as to indicate transportation between two other points. This was denied by the driver, who stated he intended to punch the ticket opposite a blank space, and furthermore that to the best of his recollection Mr. Lubfin was the only passenger who had ever travelled between these points. In support of its protest against this application, as well as Application No. 10958 of Contra Costa Transit Company, California Transit Company relied

upon certain applications of the Star Auto Stage Association and the Western Motor Transport Company, previously heard and submitted, which sought certificates authorizing passenger service through this territory. These applications, however, were excluded upon objection of counsel that they would necessarily entail a reexamination of the issues involved in the former proceedings.

Oakland-  
Application No. 10808 -/ Tuolumne Stage Line.

In this matter applicant sought to extend its service to Carl Inn. At the hearing, applicant asked for a dismissal of the proceeding, at the same time agreeing not to file an application for similar service during the current season. No testimony whatsoever was introduced so, therefore, in accordance with counsel's request, the application will be dismissed.

From a review of the evidence in these proceedings, we are convinced that public convenience and necessity do not require the installation of an additional passenger stage service over the Borden Highway between San Francisco and Stockton, this conclusion applying equally to the applications of San Francisco-Sierra Motor Coach Lines and Yosemite Transit. The existing service between these two cities, as shown by the present record, is adequate and dependable, consequently there appears no necessity for introducing another stage service. The need for a through stage line between San Francisco and San Francisco Recreation Camp has not been shown, the public being amply accommodated by the present service. The local service beyond Carl Inn is insufficient; this situation can best be met by extending the Yosemite Transit service from Carl Inn to Peach Growers. There

is, unquestionably, a necessity for the establishment of a local freight service to replace that formerly given by the Hetch Hetchy Railroad. Two applicants have applied for this privilege, viz., the Yosemite Transit and the San Francisco-Sierra Motor Coach Lines. The Yosemite Transit has long been operating in this territory and appears better fitted to conduct the service, consequently, a certificate authorizing a freight service between Chinese Station and Mather will be granted to Yosemite Transit and its successor, California Transit Company. There also appears to be a need for the proposed stage service between Escalon and Martinez, which will afford a more direct route between Yosemite Valley and San Francisco, as well as accommodate the local traffic. Therefore, a certificate for this service will be granted.

While, as we have stated, the through service between San Francisco and Stockton ~~and Stockton~~ appears to be adequate, the record indicates a need for local service between points in eastern Contra Costa County and Martinez. Here our choice as to operators lies between the San Francisco-Sierra Motor Coach Lines and the Contra Costa Transit Company. The former is not qualified by experience, nor has it sufficient financial means, to conduct this service; the latter company appears well qualified to enter this field, and because of its affiliations with the electric line there is reasonable assurance for the development of an adequate and dependable service. Therefore, a certificate will be granted to Contra Costa Transit Company, authorizing the inauguration of a stage service between Byron and Martinez and intermediate points.

With respect to the application of Colberg & Colberg, the evidence shows that although applicants have irregularly conducted a stage service to Brentwood, their own rights appear to be shrouded

in considerable uncertainty, due to no fault of the present applicants, who have exercised due diligence in bringing the matter before the Commission for consideration. The record shows a public need for this service, accordingly a certificate will be granted them authorizing operations between Stockton and Brentwood, this being in effect but an extension of service from Byron to Brentwood, there being no question as to their right to operate to Byron.

Upon full consideration of the evidence, in the above entitled proceedings, we are of the opinion and hereby find as facts,

1. That public convenience and necessity do not require the operation by H. A. Green, George W. Gerhard and A. L. Lubfin, as co-partners doing business under the firm name of San Francisco-Sierra Motor Coach Lines, of an automobile stage service for the transportation of passengers as a common carrier between San Francisco, Richmond, Stockton, Carl Inn and San Francisco Recreation Camp, Mather and Peach Growers or intermediate points; nor does it require the transportation by said applicants of express between Brentwood, Stockton, Buck Meadows, Carl Inn, Mather, Peach Growers or intermediate points; nor does it require the operation by said applicants of an automotive truck service as a common carrier of freight between Chinese, Carl Inn, Mather, Peach Growers and intermediate points.

2. That public convenience and necessity do not require the operation by R. R. Young, doing business under the fictitious name of Yosemite Transit, of an automobile stage service for the transportation of passengers between San Francisco and Stockton as an extension of his present service, in order to conduct a through passenger stage service between San Francisco and San

Francisco Recreation Camp; that public convenience and necessity require the operation by California Transit Company, a corporation, as successor in interest to R. R. Young, doing business as Yosemite Transit, of an automobile stage service for the transportation of passengers and baggage between Carl Inn and Peach Growers, as an extension of the existing service between Groveland and Carl Inn; that public convenience and necessity require the operation by California Transit Company, a corporation, as successor in interest to R. R. Young, doing business as Yosemite Transit, of an automobile stage service for the transportation of passengers and baggage between Escalon and Manteca over the Manteca-Escalon road in conjunction with its present operations; that public convenience and necessity require the operation by California Transit Company, a corporation, as successor in interest to R. R. Young, doing business as Yosemite Transit, of an automotive truck service for the transportation of freight as a common carrier between Chinese Station, Carl Inn and Mather and intermediate points.

3. That public convenience and necessity require the operation by E. H. Ward and H. J. Sutherland, as co-partners doing business under the firm name and style of Contra Costa Transit Company, of an automobile stage service for the transportation of passengers and baggage as a common carrier between Byron and Martinez and intermediate points via Brentwood, Oakley, Antioch, Pittsburg and Bay Point; that public convenience and necessity require the transfer by Martinez-Bay Point Stage Company, a corporation, to said E. H. Ward and H. J. Sutherland, co-partners doing business under the firm



name and style of Contra Costa Transit Company, of an operative right for conducting an automobile passenger stage service for the transportation of passengers between Martinez and Bay Point, heretofore granted to said corporation under this Commission's Decision No. 7275, in Application No. 5197, dated March 17, 1920, and that the same be hereafter merged and consolidated with the right herein granted to said co-partnership to conduct a stage service between Byron and Martinez,

4. 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, baggage and express between Stockton and Brentwood and intermediate points, including Holt, Middle River, Old River and Byron, over and along the following route, viz.: From Stockton via the Borden Highway to the junction thereof with the concrete highway connecting Byron and Brentwood; thence over said highway to Brentwood; such service to be conducted as an extension of and in connection with the rights heretofore granted by this Commission under its Decision No. 13928 in Application No. 10268, dated August 19, 1924.

An order will be granted accordingly.

#### O R D E R

Public hearings having been held in the above entitled applications, the matters having been duly consolidated and submitted, the Commission being now fully advised and basing its order on the findings of fact which appear in the Opinion preceding this Order,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA  
HEREBY DECLARES that public convenience and necessity do not  
require the operation by H. A. Green, George W. Gerhard and A.L.  
Lubfin, as co-partners doing business under the firm name of  
San Francisco-Sierra Motor Coach Lines, of an automobile stage  
service for the transportation of passengers as a common car-  
rier between San Francisco, Richmond, Stockton, Carl Inn and San  
Francisco Recreation Camp, Mather and Peach Growers or inter-  
mediate points; nor does it require the transportation by said  
applicants of express between Brentwood, Stockton, Buck Meadows,  
Carl Inn, Mather, Peach Growers or intermediate points; nor does  
it require the operation by said applicants of an automotive  
truck service as a common carrier of freight between Chinese,  
Carl Inn, Mather, Peach Growers and intermediate points.

IT IS HEREBY ORDERED that said Application No. 10684  
be and the same is hereby denied.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA  
HEREBY FURTHER DECLARES that public convenience and necessity  
do not require the operation by R. R. Young, doing business under  
the fictitious name of Yosemite Transit, of an automobile stage  
service for the transportation of passengers between San Francisco  
and Stockton as an extension of his present service, in order to  
conduct a through passenger stage service between San Francisco  
and San Francisco Recreation Camp; that public convenience and  
necessity require the operation by California Transit Company,  
a corporation, as successor in interest to R. R. Young, doing  
business as Yosemite Transit, of an automobile stage service  
for the transportation of passengers and baggage between Carl  
Inn and Peach Growers, as an extension of the existing service  
between Groveland and Carl Inn; that public convenience and

necessity require the operation by California Transit Company, a corporation, as successor in interest to R. R. Young, doing business as Yosemite Transit, of an automobile stage service for the transportation of passengers and baggage between Escalon and Manteca over the Manteca-Escalon road in conjunction with its present operations; that public convenience and necessity require the operation by California Transit Company, a corporation, as successor in interest to R. R. Young, doing business as Yosemite Transit, of an automotive truck service for the transportation of freight as a common carrier between Chinese Station, Carl Inn and Mather and intermediate points.

IT IS HEREBY FURTHER ORDERED,

1. That a certificate of public convenience and necessity be and the same is hereby granted to California Transit Company, a corporation, as successor in interest to R. R. Young, doing business under the fictitious name of Yosemite Transit Company; (a) for the operation of an automobile stage service for the transportation of passengers and baggage between Carl Inn and Peach Growers, as an extension of and in conjunction with the existing service between Groveland and Carl Inn; (b) for the operation of an automotive truck service for the transportation of freight as a common carrier between Chinese Station, Carl Inn and Mather and intermediate points; and (c) for the operation of an automobile stage service for the transportation of passengers and baggage between Escalon and Manteca as an extension of, and in conjunction with, its present service.

2. That in so far as authority is sought for the operation of an automobile stage service between San Francisco

and San Francisco Recreation Camp, as an extension of the existing service of Yosemite Transit, said Application No. 10913 be and the same is hereby denied.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY FURTHER DECLARES that public convenience and necessity require the operation by E. H. Ward and E. J. Sutherland, as co-partners doing business under the firm name and style of Contra Costa Transit Company, of an automobile stage service for the transportation of passengers and baggage as a common carrier between Byron and Martinez and intermediate points via Brentwood, Oakley, Antioch, Pittsburg and Bay Point; that public convenience and necessity require the transfer by Martinez-Bay Point Stage Company, a corporation to said E. H. Ward and E. J. Sutherland, co-partners doing business under the firm name and style of Contra Costa Transit Company, of an operative right for conducting an automobile passenger stage service for the transportation of passengers between Martinez and Bay Point, heretofore granted to said corporation under this Commission's Decision No. 7275, in Application No. 5197, dated March 17, 1920, and that the same be hereafter merged and consolidated with the right herein granted to said co-partnership to conduct a stage service between Byron and Martinez, and

IT IS HEREBY FURTHER ORDERED (1) that a certificate of public convenience and necessity be and the same is hereby granted to said E. H. Ward and E. J. Sutherland, as co-partners doing business under the firm name and style of Contra Costa Transit Company, for the operation of the service hereinabove described; and (2) that permission be and the same is hereby granted to said Martinez-Bay Point Stage Company, a corporation, to transfer to

said E. H. Ward and H. J. Sutherland, as co-partners doing business under the firm name and style of Contra Costa Transit Company, its operative right for conducting an automobile stage service between Martinez and Bay Point, and that the same may be hereafter operated and conducted in connection with, and as a part of, and that it be consolidated and merged with the operative right hereinabove granted to said Contra Costa Transit Company.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA DOES HEREBY FURTHER DECLARE 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, baggage and express between Stockton and Brentwood and intermediate points, including Holt, Middle River, Old River and Byron, over and along the following route, viz.: From Stockton via the Borden Highway to the junction thereof with the concrete highway connecting Byron and Brentwood; thence over said highway to Brentwood; such service to be conducted as an extension of and in connection with the rights heretofore granted by this Commission under its Decision No. 13928 ~~in Application No. 10268~~ in Application No. 10268, dated August 19, 1924.

IT IS HEREBY FURTHER ORDERED that a certificate of public convenience and necessity be and the same is hereby granted to said William C. Colberg and Henry J. Colberg, as co-partners, doing business under the firm name and style of Central Transit Company, for operating and conducting the service hereinabove described.

IT IS HEREBY FURTHER ORDERED that Application No. 10808 of Oakland-Tuolumne Stage Line, a corporation, be and the same is hereby dismissed without prejudice.

As to each of the applications herein granted, either wholly or in part, said authority herein conferred is granted subject to the following conditions, as to each and all said applicants:

- 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.
- 2- Applicants shall file, in duplicate, within a period of not to exceed twenty (20) days from the date hereof, tariff of rates and time schedules, such tariffs of rates and time schedules to be identical with those attached to the application herein, or rates and time schedules satisfactory to the Railroad Commission, and shall commence operation of said service within a period of not to exceed sixty (60) days from the date hereof.
- 3- 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.
- 4- No vehicle may be operated by applicants 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.

With respect to the transfer by said Martinez-Bay Point Stage Company of its operative right between Martinez and Bay Point to said E. H. Ward and H. J. Sutherland, as co-partners, doing business under the fictitious name of Contra Costa Transit Company, the authority herein granted is subject to the following conditions:

1. The consideration to be paid for the property herein authorized to be transferred shall never be urged before this Commission or any other rate fixing body as a measure of value of said property for rate fixing, or any purpose other than the transfer herein authorized.
2. Applicant, Martinez-Bay Point Stage Company, shall immediately withdraw tariff of rates and time schedules on file with the Commission covering service, certificate for which is herein authorized to be transferred. Such withdrawal to be in accordance with the provisions of General Order No. 51.
3. Applicant, Contra Costa Transit Company, shall immediately file, in duplicate, its own name, tariff of rates and time schedules covering service heretofore given by applicant.

Martinez-Bay Point Stage Company, which rates, shall be identical with the rates and time schedules now on file with the Railroad Commission in the name of Martinez-Bay Point Stage Company, or rates and schedules satisfactory in form and substance to the Railroad Commission.

4. The rights and privileges herein authorized may not be sold, leased, transferred nor assigned, nor service thereunder discontinued, unless the written consent of the Railroad Commission to such sale, lease, transfer, assignment or discontinuance has first been secured.
5. No vehicle may be operated by Contra Costa Transit Company unless such vehicle is owned by said applicant, or is leased by it 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 the date hereof.

Dated at San Francisco, California, this 18<sup>th</sup> day of January, 1927.

*E. J. [Signature]*  
*[Signature]*  
*Leon [Signature]*  
*[Signature]*  
Commissioners.