

Decision No. 19691**ORIGINAL**

## BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of WESTERN MOTOR TRANSPORT COMPANY for a certificate to operate auto stage line between Martinez and Stockton and intermediate points, via Brentwood, and between Brentwood and Tracy and intermediate points.

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 ) Application  
 ) No. 5928  
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In the Matter of the Application of STAR AUTO STAGE ASSOCIATION for certificate of public convenience and necessity to operate automobile passenger service between Oakland and Stockton, over the following route:  
 Oakland to Martinez via Franklin Canyon; from Martinez to Stockton via Byron Junction and Borden Highway; from Byron Junction to Byron and Tracy, and intermediate points, excepting local passengers between Oakland and Martinez and intermediate points.

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 ) Application  
 ) No. 6114  
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In the Matter of the Application of JAMES VASSALLO and GEORGE W. HICKS to transfer to Star Auto Stage Company the operative rights of the said George W. Hicks and James Vassallo over the route from Stockton to Byron, serving as intermediate stations the communities at Holt, Middle River and Old River.

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 ) Application  
 ) No. 6115  
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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.

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 ) Application  
 ) No. 10913  
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In the Matter of the Application of CONTRA COSTA TRANSIT COMPANY, a co-partnership consisting of E. E. 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.

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 ) Application  
 ) No. 10958  
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In the Matter of the Application of  
 COLBERG & COLBERG, doing business under  
 the name of CENTRAL TRANSIT COMPANY,  
 for a certificate of public convenience  
 and necessity to operate passenger and  
 express service between Stockton and  
 Antioch and way points. )  
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 ) Application  
 ) No.10926  
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In the Matter of the Application of  
 CALIFORNIA TRANSIT COMPANY, a corporation,  
 for a certificate of public convenience  
 and necessity to (a) consolidate its  
 operative rights and establish certain  
 through service over separate operative  
 rights, (b) extend its operative rights  
 from Oakland to San Francisco and (c)  
 to correct certain fares and establish  
 new rates, rules and regulations governing  
 the transportation of persons, baggage  
 and express. )  
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 ) Application  
 ) No.11005  
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Sanborn & Roehl, by E. E. Sanborn, A. B. Roehl, and  
 Delancey C. Smith for Applicant in Application No.5928,  
 and for Protestant, Western Motor Transport Company,  
 in Application No.6114.

H. H. Cogarty, L. Richardson, H.W.Hobbs and F.W.Meilke  
 for Southern Pacific Company, Protestant in Applications  
 Nos.5928, 6114, 10913, 10958, 10986 and 11005.

Jesse H. Steinhart and A.F.Bray for San Francisco-  
 Sacramento Railroad Company, Protestant in Applications  
 Nos.5928 and 6114.

Grover O'Connor, for Martinez-Bay Point Stage Company,  
 Protestant in Applications Nos.5928 and 6114.

E. J. Sinclair, for Ward's Auto Bus, Protestant in  
 Applications Nos.5928 and 6114.

Nutter, Hancock and Rutherford, by John Hancock, and  
 Harry A. Encell, for Applicant in Applications Nos.6114  
 and 6115, and for Star Auto Stage Association, Protestant  
 in Application No.5928.

W. V.Hill, for California Electric Railway Association.

Platt Kent and Jas. B. Duffy, for Atchison, Topeka &  
 Santa Fe Railway Company, Protestant in Applications  
 Nos.5928, 6114, 10913, 10958 and 10986,

Morrison, Dunne & Brobeck, by H. A. Judy, for San Francisco-  
 Oakland Terminal Railways.

A.B.Tinning, District Attorney, and J.F.Hoey, Deputy  
 District Attorney, for County of Contra Costa, Protestant  
 in Applications Nos.5928 and 6114.

Earl A. Bagby, for California Transit Co., Applicant in  
 Applications Nos.5928, 6114, 10913 and 11005; Protestant in  
 Applications Nos.10986 and 10958.

Chickering & Gregory, by W.C.Fox, Jr., for Applicant in Application No.10986, and Protestant in Applications Nos.5928, 10913 and 11005.

E. W. Hobbs, for Central California Traction Company. Protestant in Application No.11005.

Edward Stein, for American Railway Express Company, Protestant in Application No.11005.

C. W. Dooling, for San Francisco-Sacramento Railroad, Protestant in Applications Nos.10913 and 11005; for Contra Costa Transit Company, Applicant in Application No.10958 and Protestant in Applications Nos.5928, 6114 and 10913; for Martinez-Bay Point Stage Company, Applicant in Application No.10958 and Protestant in Applications Nos.5928, 6114 and 10913; and for Western Pacific Railroad Company, Protestant in Application No.11005.

Gwyn H. Baker, for Contra Costa Transit Company, Protestant in Applications Nos.5928, 6114 and 10913, Applicant in Application No.10958; for Ward Auto Stage Company, Protestant in Applications Nos.5928, 6114 and 10913.

H.J.Hoffman, for San Francisco, Napa & Calistoga Railway, Protestant in Application No.11005.

H.A. Butchard, for Sierra Railway Company of California, Protestant in Application No.10913.

H. C. Stanley, Assistant District Attorney, for San Joaquin County, Protestant in Applications Nos.5928, 6114, 6115, 10913, 10958 and 10986.

LOUTHER, Commissioner -  
HANDFORD, Examiner -

OPINION ON APPLICATIONS NOS.5928, 6114, 6115 and 10986. OPINION ON REHEARING ON APPLICATIONS NOS.10913, 10958 and 11005.

In Application No.5928, Western Motor Transport Company, a corporation, has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by it of an automobile stage line as a common carrier of passengers between Martinez and Stockton via Avon, Bay Point, Nichols, Pittsburg, Antioch, Oakley and Brentwood; and to coordinate the proposed service with that operated by applicant between Oakland and Martinez and intermediate points and between Vallejo, Napa and Martinez and intermediate points.

In Application No. 6114, Star Auto Stage Association has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by it of an auto stage service as a common carrier of passengers between Oakland and Stockton via Franklin Canyon; from Martinez to Stockton via Byron Junction and Borden Highway; from Byron Junction to Byron and Tracy; and including intermediate points on all routes. No local passengers are proposed to be handled between Oakland and Martinez and intermediate points.

In Application No. 6115, as amended, Star Auto Stage Association has petitioned the Railroad Commission for an order authorizing the transfer of the operating right for the conduct of an automobile stage line between Stockton and Byron, serving as intermediate points the communities of Holt, Middle River and Old River, said operating rights being those granted to George W. Hicks and James Vassallo by the order of the Railroad Commission in its Decision No. 6329 on Application No. 4398, as decided May 14, 1919. By the amended application Geo. W. Hicks and James Vassallo join in the request for authorization of the transfer.

Public hearings on Applications Nos. 5928, 6114 and 6115 were held at Antioch and San Francisco and the matters were submitted following the filing of briefs by counsel. On March 2, 1927, the Commission set aside the Order of Submission and reopened the matters for further hearing.

On January 26, 1927, California Transit Co., a corporation, successor in interest to R. R. Young, applicant in Application No. 10913 and protestant in Application No. 10958, filed an application for rehearing of that portion of Decision No. 17912 (denied January 18, 1927), which denied the petition of applicant in Application No. 10913 for passenger automobile stage service between San Francisco and Stockton and granted to Contra Costa Transit Company, applicant in Application No. 10958, the right to operate between Martinez and Byron. The Commission on March 2,

1927, granted the rehearing sought by California Transit Co.

In Application No. 10986, William C. Colberg and Henry J. Colberg, co-partners doing business under the firm name and style of Central Transit Company, have petitioned the Railroad Commission for an order that public convenience and necessity require the operation by them of an automobile stage service as a common carrier of passengers and express, for compensation, between Stockton and Antioch and the intermediate points of Holt, Middle River, Old River, Byron, Brentwood, Knightsen, and Oakley.

On April 7, 1927, San Francisco-Sacramento Railroad Company, protestant in Application No. 11005, filed its petition for rehearing of said application as decided by Decision No. 18107, decided March 28, 1927, the basis for said rehearing being an alleged erroneous finding that the public convenience and necessity requires the granting to applicant of a through route from Oakland to Sacramento. On April 29, 1927, Southern Pacific Company, protestant in Application No. 11005, filed its petition for the setting aside of Decision No. 18249, being Supplemental Order on Application No. 11005, as decided April 16, 1927. Petitioner alleges as its grounds for rehearing: (1) that there was no showing of public convenience and necessity justifying the operation of through automobile stage service between Oakland and Sacramento; (2) that there was no showing of public convenience and necessity justifying the operation of through automobile stage service between Sonoma, Jamestown, Oakdale, Stockton and Oakland and intermediate points on the one hand and San Francisco on the other; (3) that there was no showing of public convenience and necessity justifying a general consolidation and unification of the operative rights of California Transit Co. and its operation as one unified system of through service between all termini and intermediate points; and (4) that there was no justification for the granting of new certificates of public convenience and necessity in that neither

the application nor its amendments sought the issuance of a new certificate or certificates, nor the legalizing of unauthorized operations, nor was any proof made in the record as to public convenience and necessity requiring such operation, and specifically as regards (a) the operation of stages into and out the City of Lodi, (b) the serving of Lodi as a tariff point, (c) the operation of stages into or out of Shortway, Morrow Cove and South Vallejo, and (d) through stage service between Richmond and Martinez. On July 13, 1927, the Commission made its order granting the rehearing as prayed for by protestants San Francisco-Sacramento Railroad Company and Southern Pacific Company.

California Transit Co. on May 23, 1927, filed its supplemental and amended application to Applications Nos. 6114, 5928 and 10913, alleging its succession by purchase to the rights of applicants Star Auto Stage Association, Western Motor Transport Company, and R.R. Young, doing business under the fictitious name of Yosemite Transit. Applicant prays for an order granting to it under the amended and consolidated applications a certificate authorizing the carriage of passengers and express between San Francisco and Oakland on the one hand and Stockton on the other hand via Franklin Canyon, Martinez and the Borden Highway, serving all intermediate points, and consolidating such operative rights with all other operative rights of California Transit Co.'s present system.

Public hearings were held at San Francisco and Stockton at which the matters were consolidated for the receiving of evidence and for decision, and were duly submitted.

APPLICATION NO. 5928, WESTERN MOTOR TRANSPORT COMPANY;  
APPLICATION NO. 6114, STAR AUTO STAGE ASSOCIATION;  
APPLICATION NO. 10913, R. R. YOUNG; APPLICATION NO. 10958,  
CONTRA COSTA TRANSIT COMPANY.

California Transit Co., a corporation, as successor in interest to Western Motor Transport Company, applicant in Application No. 5928, Star Auto Stage Association, applicant in

Application No. 6114, and R. R. Young, applicant in Application No. 10913, by its supplemental and amended application to consolidate such applications and to establish service for the transportation of passengers, baggage and express by automobile stages, as a common carrier, for compensation, between San Francisco and Oakland on the one hand and Stockton on the other hand, via Franklin Canyon, serving as intermediate points Richmond Ferry, Richmond, West Berkeley, Albany, San Pablo Junction, Pinole, Franklin Junction, Martinez, Avon, Bay Point, Nichols, Pittsburg, Antioch, Oakley, Brentwood, Byron Junction, Old River, Middle River and Holt; to charge rates in accordance with schedules marked "Exhibits D1 and D2" as attached to the amended application; to operate on a schedule marked "Exhibit C" as attached to the amended application; using as equipment the standard type of motor stages as now operated over its general stage system.

California Transit Co., as the substituted applicant herein, relies as justification for the granting of the desired certificate on the following alleged facts:

- 1- That applicant is now operating into Martinez from all points between Oakland and Sacramento, including Napa, and is also operating frequent daily stage service between San Francisco, Oakland and Stockton; that applicant also maintains a large terminal for its stage operation at Stockton; and that the present application insofar as transportation between San Francisco and Stockton is concerned proposes a re-routing of a portion of the present stage service now furnished by the applicant.
- 2- That applicant proposes to furnish a more direct route for local travel between Richmond and Martinez, such portion of the application proposing a re-routing of the present service between Richmond and Martinez for the better accommodation of the traveling public in such territory.
- 3- That the various rail lines now operating in said territory do not furnish a complete service to intermediate points over said route; and that railroad depots are located at points far distant from the business center of cities and in some instances outside of city limits.
- 4- That the San Francisco-Sacramento Railroad Company operates between San Francisco and Sacramento with its Oakland depot approximately four miles from the business center of Oakland; that it serves neither Richmond or Stockton nor does it connect with its transportation facilities, the principal communities of the County of Contra Costa through which it passes.

5- That Colberg & Colberg operate a stage service between Stockton and Brentwood, but have no connections with transportation companies whereby passengers can be transported from Stockton to more western points of Contra Costa County beyond Brentwood.

6- That the operative rights of Beverly Gibson provide for an extension of the stage line operating on the so-called River Route between Sacramento and Rio Vista providing for an extension to Antioch and thence to Pittsburg, but said operative right only furnishes transportation over a few miles of the territory herein proposed to be served and which should have intercommunication.

7- That practically the same conditions prevail as those stated in the preceding paragraph in relation to the operative rights of two other stage lines operating over a small portion of the proposed route through Contra Costa County.

8- That public convenience and necessity demand the establishment of a transportation system between the termini of Martinez and Stockton, via Antioch and the Borden Highway, serving all intermediate points and that in the establishment of such service such system should harmonize with the operation of stages out of Martinez so as to furnish for passengers desiring transportation from or to the territory lying between Martinez and Stockton an efficient and convenient method of reaching the larger cities lying to the west of Martinez.

9- That applicant California Transit Co. is well fitted to carry on the proposed operation by reason of its previous experience, its equipment and its financial stability, as well as by reason of the fact that since it does operate to and from both ends of the proposed route, it can by coordination and consolidation so harmonize its operating schedules as to furnish direct and convenient transportation from the territory now proposed to be served to all the territory at present served by this applicant.

10- That conditions as shown at former hearings of applications made by predecessors of California Transit Co. justifying the necessity for the proposed operation still exist at the present time, and in a greater degree.

11- That the traveling public object to the inconvenience of changing from one stage to another, from stage to ferry, or from stage to train, but prefer whenever possible to be conveyed to destination without changing equipment and that California Transit Co. is the only transportation company that is able to render such service in the proposed territory for the principal points between which the proposed transportation is needed.

12- That the City of Stockton is a large center for the employment of labor and that Contra Costa County is an agricultural country, the need for the importation of labor centering in and about the City of Antioch and that firms engaged in the furnishing of labor, the laborers themselves, and the employers of labor demand frequent and convenient transportation by motor stage between these two centers, which transportation is not now available.



Counsel for protestants, San Francisco-Sacramento Railroad Company, Contra Costa Transit Company, Martinez-Bay Point Stage Company objected to the substitution of California Transit Co. as successor in interest to Western Motor Transport Company, applicant in Application No. 5928, Star Auto Stage Association, applicant in Application No. 6114, and R.R. Young, doing business under the fictitious name of Yosemite Transit, applicant in Application No. 10913. From the record herein, and after full consideration of the briefs submitted on this contention, we are of the opinion and find as a fact that California Transit Co., a corporation, is the successor in interest to the rights of Western Motor Transit Company, applicant in Application No. 5928, Star Auto Stage Association, applicant in Application No. 6114, and R.R. Young, doing business under the fictitious name of Yosemite Transit, applicant in Application No. 10913.

Mr. Geo. A. Curtis, a witness for applicant Western Motor Transport Company, is the manager of the Balfour-Guthrie Hotel at Brentwood. He testified that the president of his company favors the establishment of the proposed service, Martinez to Stockton, provided that there is assurance that it will be permanent. The Balfour-Guthrie Company cultivates about 13,500 acres of land employing 150 people. The population of Brentwood is estimated by witness as 250 people, and from 8 to 10 passengers travel daily between Brentwood and Stockton with some travel to Antioch, Pittsburg and Martinez. Complaint is made as to the time consumed in traveling to Stockton via Southern Pacific Company, which is the only direct transportation, the service of the Atchison, Topeka & Santa Fe Railway requiring passengers to use the stations of Oakley or Knightsen, which are 3½ and 5 miles distant from Brentwood. This witness is a member of the Chamber of Commerce of Brentwood, said organization having endorsed the proposed service.

Mr. J. T. Belshaw, a merchant at Antioch and a member of the Antioch Chamber of Commerce, testified in favor of the application of Western Motor Transport Company. Antioch passengers now use the lines of the Southern Pacific Company and Atchison, Topeka & Santa Fe Railway Company to Stockton.

The Southern Pacific Company's station at Antioch is approximately  $1\frac{1}{2}$  miles from the business center. To travel to Martinez, the county seat of Contra Costa County, passengers by stage are required to go from Antioch to Pittsburg, transfer to the San Francisco-Sacramento railroad to West Pittsburg, there change and go by railroad to Bay Point, at which station the stage of the Martinez-Bay Point Stage Company is taken to destination. The proposed service would be of advantage to Antioch, in the opinion of this witness, who does not consider the present transportation service adequate to Stockton and Martinez, particularly as to the latter point.

Mr. Geo. H. Shafer, President of the Brentwood Chamber of Commerce, testified that the train schedules of the Southern Pacific Company were not satisfactory and that the organization of which he was president endorsed the granting of the Western Motor Transport Company's application. It is this witness' estimate that the population of Brentwood is 425 and that 1200 people reside in the immediate vicinity and are tributary to Brentwood as regards their use of transportation facilities.

Mr. Joseph A. Jesse, constable at Oakley, testified that 1907 persons resided in his district which included Oakley and Knightsen. The Southern Pacific Company is three miles from Oakley, and Martinez is two miles from the Santa Fe depot at Oakley. This witness desires the establishment of the proposed service and knows of other residents of his community that favor it.

Mr. R. V. Davis, a banker at Antioch, testified that the present service between Martinez and Antioch was not satisfactory

due to the location of the Southern Pacific Station at Antioch being over a mile from the business center, and if the service of the Santa Fe were used the distance between the station of Muir and Martinez, requiring the use of jitney service at a cost of 50 cents.

This witness is of the opinion that there is no necessity for an extension of service west of Martinez but a need exists for service to Martinez.

Mr. Herbert A. West, Cashier of the First National Bank at Antioch, testified that the service between Antioch and Martinez was not satisfactory, there being too many changes required by existing stage lines, or if the Santa Fe trains were used there being necessary the employment of jitney service between Muir and Martinez at an expense of \$1.00. The witness would use the proposed service from Antioch to Martinez, Oakley, Brentwood and Byron should same be authorized.

Mr. Bert Gunzberger, a merchant at Antioch, testified the proposed service between Antioch and Martinez was desirable, as well as to intermediate points between Martinez and Stockton, the existing rail and stage facilities not being considered reasonably adequate.

Mr. C. A. Ricks, in the real estate business at Martinez, testified that the present service to Antioch, Byron, Brentwood and Oakley was not satisfactory and that he had heard complaints from his patrons regarding existing service.

Mr. Thomas D. Johnston, an Attorney at Martinez, testified that the present transportation facilities were inadequate between Martinez and points in eastern Contra Costa County.

Mr. A. J. Le Grand, Constable and Deputy Sheriff, residing at Byron, testified that existing service from Byron to Stockton, Martinez and Antioch was inadequate for the needs of the traveling public, and that he would use the proposed service should it be authorized.

Mr. Milton J. Doyle, a druggist at Antioch, testified the proposed service would be beneficial as regards a saving of time to travelers; that he had heard complaints from his patrons, and that he would personally use the proposed service, if authorized.

Mr. M. G. Azevedo, a barber at Antioch, testified that the present available service between Antioch and Martinez was not good. This witness further testified that the available service between Martinez and Oakland was fairly good and the need for additional service was not present.

Mr. Chas. A. French, a merchant at Brentwood, and Secretary of the Brentwood Chamber of Commerce, was of the opinion as an individual and as Secretary of the Chamber of Commerce, that the proposed service would be of material advantage to Brentwood in facilitating travel between Brentwood and Stockton, Antioch and Martinez.

Mr. I. L. Borden, a large land owner, testified that he owned Victoria Island and desired the additional service proposed to save the unnecessary distance travelers were obliged to go when enroute to or from Martinez, Bay Point, or Antioch or from Brentwood to Byron and Tracy.

Mr. Alfred S. Ormsby, an Attorney at Martinez, testified that the facilities for travel between Martinez and points in the eastern portion of Contra Costa County and to Stockton were inadequate. That the sentiment in his locality was much in favor of the establishment of stage service and increased transportation from Stockton to Oakland through the district comprising Martinez, Bay Point, Pittsburg, Antioch, Oakland, Brentwood and Byron. Witness' clients have frequently complained to him of the inadequate transportation facilities and of the poor service rendered by the Martinez-Antioch route, same requiring four changes enroute.

Mr. Volney Taylor, residing at Byron and farming 223 acres, testified as to the need of additional service which would be afforded by the granting of authorization between Stockton and Byron, Stockton being the point from which farm labor was secured.

Mr. E. B. Taylor, an Attorney at Martinez, and familiar with the local conditions at Byron, testified that the train service between Byron and Martinez was inadequate for the public. Also as to the difficulty in the securing of farm labor at Byron, witness being interested in a farm which employs 8 to 12 laborers regularly and which has a labor turnover of 45 to 50 men per season.

Mrs. Madge A. Ferrell, in the general merchandise business at Oakley, testified that the Santa Fe railroad served her community with one train each way per day. Witness in her trips to Martinez now uses her own automobile but would use a stage service if same were to be authorized.

Mr. John P. Connor, in the general merchandise business at Crockett, testified that the existing service from Crockett to Avon and Bay Point was very poor and not adequate for the public desiring to travel to or from the easterly portion of Contra Costa County.

Mr. F. D. Everman, Traffic Manager of applicant Western Motor Transport Company, testified as to investigation made of the proposed operation over the route sought by his company. Based on his knowledge gained from such investigation and his previous experience in automobile stage traffic he estimates that 200 passengers per day would be transported over the line between Stockton and Martinez, this including all local traffic intermediate between such points as well as such through business which might originate at or be destined to points west of Martinez on applicant's authorized line.

Three petitions addressed to the Board of Supervisors of Contra Costa County, and bearing 305 signatures requesting the approval of the application of the Western Motor Transport Company for authority to operate between Martinez and Stockton were filed as an exhibit herein. Certified copies of resolutions adopted by the Board of Directors of the Chamber of Commerce of Brentwood and the Board of Directors of the Chamber of Commerce of Antioch approving the application of Western Motor Transport Company

for service between Martinez, Antioch and Stockton and intermediate points were also filed herein.

The showing of applicant, Star Auto Stage Association, was based on the affirmative testimony offered in behalf of applicant Western Motor Transport Company, and as these matters have been consolidated for the purpose of receiving evidence and for decision, the testimony of one applicant as to public convenience and necessity must be considered as applicable to both.

The granting of Applications Nos. 5928 and 6115 is protested by Southern Pacific Company, San Francisco-Sacramento Railroad Company, The Atchison, Topeka & Santa Fe Railway, Martinez-Bay Point Stage Company, Ward's Auto Bus and the Board of Supervisors of Contra Costa County.

Mr. Edward J. Randall, residing at Concord and a member of the Board of Supervisors of Contra Costa County, and for many years Chairman of the Board of Trustees of Concord, testified regarding his familiarity with the territory in which operation was proposed. Witness is of the opinion that with the Martinez-Bay Point Bus Line connecting with all San Francisco-Sacramento trains at Bay Point there is no necessity for additional service between Martinez and Antioch, and no need for additional service between Martinez and Oakland.

Mr. C. E. Daley, City Clerk of the Town of Martinez, and Public Administrator of Contra Costa County, testified that he considered the existing transportation service between Martinez and the eastern part of Contra Costa County to be adequate when the Martinez-Bay Point Stage line was operating and connecting with other transportation service at Bay Point.

Mr. Robert Miller, operating taxi service between the Santa Fe station at Muir and Martinez, testified that his charge between such points was a minimum of \$1.00 for a single passenger, two or more passengers were assessed a charge of 50 cents each.

Mr. Ralph E. Wight, an Attorney at Martinez, and President of the Martinez Chamber of Commerce, testified that the service of the Martinez-Bay Point Bus Line in connection with the service

rendered by the San Francisco-Sacramento, Southern Pacific and Santa Fe Railroads was adequate. Witness stated, however, that a direct stage service as herein proposed would be more convenient for the traveling public.

Mr. Horace H. Haynes, residing at Pittsburg, and employed as purchasing agent for the Columbia Steel Company at that point, testified that he had served for four years on the Board of Trustees of the City of Pittsburg and was familiar with the transportation facilities afforded that community. Witness was of the opinion that the service of the San Francisco-Sacramento Railroad was adequate between Pittsburg and Oakland-San Francisco. The service rendered by Ward's Auto Bus Line is also satisfactory, although witness does not anticipate any diversion of business from the Ward Line by the authorization of the proposed service as regards operation between the Columbia Steel Company's plant and Antioch.

Mr. Fred S. Ramsdell, Superintendent of Schools of Pittsburg, testified that he considered the existing transportation facilities satisfactory and adequate.

Mr. Roy N. Wolfe, City Attorney of Pittsburg, testified that he had used the existing transportation service and had no complaint. Witness believed the proposed service might be a convenience.

Mr. John H. Myhall, Chairman of the Board of Supervisors of Contra Costa County and residing about one mile from Antioch, testified that he used Ward's Auto Bus Line between Pittsburg and Antioch, and the Southern Pacific Company for his trips to Oakland. Witness knows of no need for additional service, and is opposed to additional stage service as being bad for roads, adding to the hazard of travel and to the expense of road maintenance.

Mr. John J. Davi, in the real estate and insurance business at Pittsburg, testified that the service of San Francisco-Sacramento Railroad between Pittsburg and San Francisco-Oakland was adequate and satisfactory, also that of the Martinez-Bay Point Stage line. The witness was fully satisfied with existing service.

Mr. A. V. Mc Faul, a member of the Board of Trustees of Pittsburg, knew of no need of any additional service from Pittsburg to San Francisco-Oakland, Bay Point, Martinez or Antioch.

Mr. A. P. Butterworth, publisher of the Pittsburg Dispatch, testified that he knew of no need for additional service as proposed.

Mr. E. H. Ward, proprietor of Ward's Bus Line, and one of the protestants, testified as to his operation between Pittsburg and Antioch, meeting all trains of the San Francisco-Sacramento Railroad at Pittsburg, forty to fifty percent of his business originating with or being destined to such company. Witness has never had any complaint regarding his service upon which he lost money for three or four years due to unauthorized competition. He anticipates the establishment of the proposed service would deprive him of 40 percent of the business now enjoyed between Pittsburg and Antioch.

Mr. A. W. Smith, druggist and Justice of the Peace at Bay Point, testified that the bus service of the Martinez-Bay Point Stage Co. was satisfactory, as was also the train service of the San Francisco-Sacramento Railroad to San Francisco and Oakland.

Mr. L. F. Hines, operating the shipyard concessions at Bay Point, testified that he had not used the Bay Point-Martinez stage service but had used the service of the San Francisco-Sacramento Railroad to Oakland and San Francisco, finding it adequate and satisfactory, having or knowing of no complaint.

Mr. Richard E. Dow, Assistant General Superintendent of the General Chemical Company at Nichols, testified as to satisfactory service rendered by San Francisco-Sacramento Railroad between Nichols, Sacramento, Oakland, and San Francisco.

Mr. C. H. Osborne, Chief Clerk at the General Chemical Company's plant at Nichols, testified that the San Francisco-Sacramento Railroad service between Nichols and Oakland was adequate and satisfactory; that employees of the Chemical Co. preferred to use the Bay Point-Martinez Stage line, when same was operating, rather than the Southern Pacific trains.



Mr. W. J. Buchanan, Supervisor of District No. 4, and Chairman of the Board of Supervisors of Contra Costa County, residing at Pittsburg, testified that the establishment of additional stage lines would increase the hazards of traffic over the highways used.

Mr. C. O. Hayden, Supervisor of the Third District, Contra Costa County, and a resident of Martinez, testified that the Franklin Canyon Road was considered dangerous, that the objection of the supervisors was to the increasing of traffic on such road by the authorization of through service between Oakland and Stockton, it being witness' conclusion that no additional transportation facilities were necessary between Martinez and San Francisco. Witness is also a Trustee of the Town of Martinez and is of the opinion that existing transportation service between that community and the eastern portion of Contra Costa County had been satisfactory.

Mr. H. G. Krumland, employed as clerk in a general merchandise store at Byron, testified that he knew of no need for additional service between Byron and Stockton or from Byron to Martinez or to Oakland.

Mr. Otis Loveridge, Superintendent and Manager of the C.A. Holt Company, at Holt, and Mr. M.C. Preston, a banker at Byron, both testified that present transportation facilities in their communities were satisfactory in all directions.

Mr. William W. Morgan, a general merchant at Brentwood, testified that he had no necessity for additional transportation facilities from Brentwood toward the east, or from Byron or Brentwood toward the west.

Mr. James D. Donlon, in the ice and fuel business, at Antioch, testified as to his familiarity with the transportation facilities both easterly and westerly from Antioch, and was of the opinion that there was no necessity for additional facilities in either direction. Mr. William B. Juett, a butcher of Antioch, was also of the opinion that service from Antioch to eastern points was adequate.

The evidence of protestants, Southern Pacific Company, Atchison, Topoka & Santa Fe Railway Company and San Francisco-Sacramento Railroad was contained in exhibits which will be hereafter considered.

The joint timetable filed as an exhibit by the rail carriers shows the following round trips daily as being available between the following points:

<u>Between</u>	<u>Round Trips</u>
Oakland and Martinez	10
" " Bay Point	16
" " Nichols	13
" " Pittsburg	16
" " Antioch	15
Pittsburg and Antioch	2
Nichols and Pittsburg	1

Exhibits filed by protestant Southern Pacific Company show the ticket sales for local passengers carried by such company between Richmond and Stockton, both inclusive, for a three months period to have been 689, or an average of but 7.65 per day.

Petitions were filed, signed by 281 residents of Contra Costa County, protesting against the granting to Western Motor Transport Company, or any other auto stage company, of certificates for the operation of stages over the county roads. The petitions recite that there is no public need for the establishment of stage lines as adequate transportation now exists; stage lines are a menace to public safety and other traffic using the highways; and the tax-payers of Contra Costa County do not believe the highways of the county should be used by auto stage lines until compensation for such use is made.

During the progress of these proceedings the Commission on Applications Nos. 9892 and 5274 held special hearings at San Francisco and Los Angeles on the question of the combining of operative rights which had been separately granted and thereby establishing a through service. Application No. 5928 was joined in such proceedings and in the Commission's Decision No. 9892, (C.R.C. 20, Page 1038), is referred to as follows:

"The Commission held special hearings for the consideration of this question at both San Francisco and Los Angeles, in which Application No. 5928 was joined because a similar issue had developed in that proceeding. This proceeding, Application No. 5928, had no other connection with the matters now under discussion, and will not be further referred to, herein. The principles herein set forth, however, may be considered applicable to the decision in that case."

Western Motor Transport Company by the Commission's Decision No. 10073 on Application No. 7340, was authorized to transfer to California Transit Co. all its operative rights, with the exception of the operative right between Redco and Livermore as granted by the Commission's Decision No. 7340 on Application No. 5274; and all of its property or assets of every kind and nature, excepting only its franchise as a corporation.

California Transit Co., a corporation, is successor in interest to Star Auto Stage Association, the association having been authorized to transfer all its assets (with the exception of certain operative rights for the conduct of branch lines) to Star Auto Stage Company by this Commission's Decision No. 8150 on Application No. 5163, and Star Auto Stage Company having been authorized to issue stock in payment for the assets acquired. Star Auto Stage Company, by a decree of the Superior Court of San Joaquin County, dated April 18, 1921, was authorized to change the name of the corporation to California Transit Co.

The protest of the Contra Costa County Board of Supervisors as expressed by their petition for a reopening of these proceedings, their individual testimony and the petitions requesting denial of the applications as circulated by the District Attorney's office are principally against the establishment of any through service between Oakland and Stockton, via Martinez, and against the establishment of any stage lines to be operated over county roads. The first objection is met by the evidence herein which shows no necessity for additional service between Oakland and Martinez, either locally or as a portion of a through route, beyond that at present available by existing transportation facilities. Regarding the second item of objection, considerable evidence was introduced

relative to the effect of stage operation on the destruction of various classes of improved highways, but such evidence has no substantial weight or material bearing on the issues here presented. As regards operation over the Contra Costa County highways, it appears that by Decisions No.5967, dated December 3, 1918, and No.6011, dated December 21, 1918, on Application No.4208, Fred V. Fish, Albert Pietronave, Walter Williams and Percy L. Bliss, a co-partnership, operating under the fictitious name of Bay Shore Stage Company, were authorized to operate a passenger stage service between Oakland and Martinez, serving as intermediate points the communities at Richmond, San Pablo, Tank Farm, Pinole, Rodeo, Torrey, Crockett and Port Costa Junction. Among the permits granted by the political subdivisions through which the route passed, such permits having been necessary under the provisions of Chapter 213, Statutes of 1917, prior to its amendment by Chapter 280, Statutes of 1919, appears the permit granted by the Board of Supervisors of Contra Costa County by its resolution dated September 16, 1918. A minute order of the Contra Costa Board of Supervisors also appears under date December 16, 1918, authorizing the transfer of the permit formerly granted to a new partnership. Transfer of this operative right was made to the Western Motor Transport Company with the approval of the Railroad Commission as contained in its Decision No.8490 on Application No.6401, decided December 23, 1920.

The record in those proceedings as regards the through service between Stockton and Oakland, via Martinez, is conclusive that public convenience and necessity are adequately cared for by the service offered by existing transportation lines, rail and stage. The evidence does not support the contention that there is need for additional service between Oakland and Martinez, either locally or as a portion of a through route, Oakland to Stockton. Such portions of the applications will therefore be denied in the accompanying order.

There appears, however, an affirmative showing of a need for the establishment of service between Martinez and Stockton, such

service serving the intermediate points of Avon, Bay Point, Nichols, Pittsburg, Antioch, Oakley and Brentwood only when passengers originate at or are destined to points east of Antioch. The service of the Ward Auto Line between West Pittsburg and Antioch is, according to the record herein, generally satisfactory, such complaint as exists having to do with the annoyance incidental to the necessity for transfer to connecting carriers and sporadic delays at the transfer points. The service of the Bay Point-Martinez stage line has not been satisfactory but from the record herein, road conditions have been a material factor in such line's inability to render adequate service. Both these lines, by the order herein, will be protected as regards the local business for which they were established but the evidence herein justifies a through service between Martinez, the county seat of Contra Costa County, and Stockton, the county seat of San Joaquin County, as well as a better method of transportation between Martinez and the easterly portion of Contra Costa County which would be served by a through route between Martinez and Stockton. This service is not now available without the necessity for changes, and when available with changes, is not at convenient hours.

By stipulation, applicant California Transit Co. waived the portion of its application proposing local service between Stockton and Brentwood and intermediate points, such territory being served by Colberg & Colberg, operating under the name and style of Central Transit Company.

The record shows applicant California Transit Co. to be best fitted by financial responsibility, character of equipment and operating experience to undertake the service which will herein be authorized. Under such conditions the certificate heretofore granted to E.H. Ward and E.J. Sutherland, as co-partners doing business under the firm name and style of Contra Costa Transit Company, by this Commission's Decision No. 17912 on Application No. 10913, as decided January 18, 1927, and now on rehearing, granting an operative right for the operation 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, will be canceled and annulled.

After full consideration of the evidence, exhibits and record herein, we conclude and hereby find as a fact that public convenience and necessity require the establishment by California Transit Co. of an automobile stage line as a common carrier of passengers between Martinez and Stockton, via Avon, Bay Point, Nichols, Pittsburg, Antioch, Oakley, Brentwood, and over the Borden Highway to Stockton, but that no passengers should be carried locally between Martinez and Antioch and intermediate points, unless such passengers originate at or are destined to points east of Antioch, nor locally between Stockton and Brentwood and intermediate points, unless such passengers originate at or are destined to points west of Brentwood.

APPLICATION NO. 6115, JAMES VASSALO and GEORGE W. HICKS to transfer operative rights to STAR AUTO STAGE ASSOCIATION.

As regards Application No. 6115, Hicks and Vassallo to transfer operative rights for a passenger stage line from Stockton to Byron to Star Auto Stage Company.

The operative rights herein proposed to be transferred were those acquired by James Vassallo by the authority contained in this Commission's Decision No. 6329 on Application No. 4398, decided May 14, 1919. It appears that shortly after the granting of the application and before operation was commenced, the major portion of the road over what is known as the Borden Highway was impassable, fires in the peat lands having destroyed bridges and portions of the road. No service was ever rendered by Hicks and Vassallo and, although testimony indicated that at the time of the hearing the road was open for travel, no operation was ever commenced under the authority conferred by Decision No. 6329, nor have any tariffs or time schedules been filed in accordance with the Commission's requirements and regulations. Under the state of fact, as disclosed by the record herein, there is nothing before

the Commission upon which to base an authorization for transfer, such operative rights as may have been conferred not having been exercised and therefore not existing.

We recommend an order denying the transfer.

APPLICATION NO. 10986, COLBERG & COLBERG, doing business under the name of CENTRAL TRANSIT COMPANY.

Applicants in this proceeding, following the stipulation heretofore referred to in the consideration of Applications Nos. 5928, 6114, 10913 and 10958 have filed a written request for a dismissal of this application. The order will provide for a dismissal of this proceeding.

APPLICATION NO. 11005, CALIFORNIA TRANSIT CO.

In the rehearing of this application testimony was received regarding the contention by protestant Southern Pacific Company that no authority existed for the serving of Lodi by California Transit Co. Four witnesses who formerly were employed as stage drivers between Stockton and Lodi, and Stockton and Sacramento gave testimony as to the operation given and as to the serving of Lodi as an intermediate point on the routes between Stockton and Sacramento. From such evidence it appears as a fact that applicant California Transit Co., through its predecessor in interest, Star Auto Stage Association, did operate out of Stockton over the Cherokee Lane road to Lodi and from Lodi by way of Smith's Lake to Woodbridge and thence to Forest Lake. Also that it operated via the so-called Sacramento Road via Henderson to Lodi and from Lodi by the lower Sacramento Road or via the road via Smith's Lake to Woodbridge and thence via Forest Lake. The matter of the operation from Forest Lake via the Cherokee Lane Road to Lodi received the attention of the Commission in its consideration of Application No. 13428 and the order in Decision No. 19300, decided January 30, 1928, declares that public convenience and necessity requires operation by California Transit Co. of automobile stage service between Stockton and Sacramento and

California Transit Co. is thereby granted a certificate as follows:

"II. Between Stockton and Sacramento by way of the following routes: (a) via Forest Lake to Woodbridge, to Lodi, to Henderson, to Stockton and reverse; (b) via Cherokee Lane road from Forest Lake to Lodi, to Henderson, to Stockton and reverse; (c) via Cherokee Lane road from Forest Lake to Stockton direct and reverse, omitting service to Lodi except for flag stop on main highway."

No evidence was presented regarding other matters upon which rehearing was requested in this application, and the matter was submitted on the record as heretofore made. Although briefs were to be filed by counsel, the only brief that has been presented is that filed by counsel for applicant.

After a careful review of all the evidence, exhibits and record upon which the Commission based its Decisions Nos. 18107, dated March 28, 1927, and 18249, dated April 16, 1927, we find no justification for any change in the opinion of the Commission as contained in its Decision No. 18107 or the order as contained in its Decision No. 18249 and we recommend that such opinion and order be affirmed.

#### O R D E R

Public hearings having been held on the above entitled proceedings, the matters having been consolidated for the purpose of receiving evidence and for decision, the matters having been duly submitted, the Commission being now fully advised and basing its order on the conclusions and findings of fact as set forth in the preceding opinion,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity requires the operation by California Transit Co., a corporation, successor



in interest to Western Motor Transport Company, a corporation, applicant in Application No.5923, Star Auto Stage Association, applicant in Application No.6114, and R. R. Young, applicant in Application No.10953, of an automobile stage line as a common carrier of passengers between Martinez and Stockton, via Avon, Bay Point, Nichols, Pittsburg, Antioch, Brentwood and the Borden Highway; that no local service over such route is required between Martinez and Antioch, excepting for passengers originating at or destined to points east of Antioch, nor locally between Stockton and Brentwood and intermediate points, unless such passengers originate at or are destined to points west of Brentwood, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and the same hereby is granted to California Transit Co., a corporation, (successor in interest to Western Motor Transport Company, a corporation, Star Auto Stage Association and R. R. Young), for the operation of an automobile stage line as a common carrier of passengers between Martinez and Stockton, via Avon, Bay Point, Nichols, Pittsburg, Antioch, Brentwood and the Borden Highway, provided, however, that no local service over such route shall be rendered in the carriage of passengers between Martinez and Antioch and points intermediate thereto, unless such passengers originate at or are destined to points on the route east of Antioch, nor locally between Stockton and Brentwood and intermediate points, unless such passengers originate at or are destined to points west of Brentwood,

IT IS HEREBY ORDERED that Application No.6115 be and the same hereby is denied.

IT IS HEREBY ORDERED that the following portion of the order as contained in this Commission's Decision No.17912 on Application No.10952 and associated applications Nos.10684, 10913, 10734 and 10808 be and the same hereby is revoked, canceled and annulled.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY FURTHER DECLARES that public convenience and necessity require the operation by E. H. Ward and H. J. Sutherland, as copartners 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, copartners 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 copartnership 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 H. J. Sutherland, as copartners 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 copartners 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. "

IT IS HEREBY ORDERED that in accordance with the written request of applicant Colberg & Colberg, doing business under the name of Central Transit Company, Application No. 10986 be and the same hereby is dismissed.

IT IS HEREBY ORDERED that the order in Decision No. 18249 on Application No. 11005, as decided April 16, 1927, be and the same hereby is affirmed, said order reading as follows:

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation by California Transit Company, a corporation, of an automobile stage service for the transportation of passengers and baggage, over the following routes:

(a) - Between Rodeo and Vallejo, serving as intermediate points the communities of Oleum, Shortway, Morrow Cove and South Vallejo, and between Crockett and Vallejo, serving as intermediate points the communities of Tormey, Shortway, Morrow Cove and South Vallejo, both of said routes via Shortway and Morrow Cove and ferry boats operating between said points, in connection with its consolidated operations herein authorized.

(b) - Between Oakland and Sacramento and intermediate points now served via Vallejo as hereinafter specified, authority being hereby expressly given, to serve said termini and intermediate points by means of a direct through service without interchange or transfer of passengers or baggage at Vallejo, or at any other intermediate point.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY FURTHER DECLARES that public convenience and necessity require the operation by California Transit Company, a corporation, of an automobile stage service for the transportation of passengers, baggage and express (subject to a weight limit of 100 pounds per package), over the following route:

Between San Francisco and Oakland, not as a separate operative right, but in connection with and as a part of applicant's unified

and consolidated operations as herein authorized; and in this respect, between San Francisco and all points on applicant's system as consolidated herein, except over the following routes, to-wit: between San Francisco and Oakland, on the one hand, and Napa, Martinez, Vallejo or Sacramento, via Vallejo, respectively, or intermediate points, on the other hand; provided that no passengers or baggage shall be transported to or from San Francisco, originating at or destined to points west of Santa Rita.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and the same is hereby granted said California Transit Company for the establishment and operation of the services hereinabove described, subject to the conditions hereinafter set forth.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY FURTHER DECLARES that public convenience and necessity require the consolidation and unification of the operative rights of said California Transit Company as one unified system of through service for the transportation of passengers and baggage between all the termini and intermediate points served by and along its present several routes, except as herein expressly limited, which routes are as follows:

(1) Between Oakland and Sacramento, serving as intermediate points the communities of West Berkeley, Albany, El Cerrito, Richmond, San Pablo, Tank Farm, Pinole, Franklin Junction, Rodeo, Oleum, Shortway, Morrow Cove, South Vallejo, North Vallejo (Vallejo), Florsden, Napa Junction, Sacramento Junction, Creston, Cordelia, Suisun, Fairfield, Vacaville, Sub-station, Dixon, and Davis;

(2) Between Oakland and Martinez, serving as intermediate points the communities of West Berkeley, Albany, El Cerrito, Richmond, San Pablo, Tank Farm, Pinole, Franklin Junction, Rodeo, Oleum, Shortway, Tormey, Crockett and Port Costa;

(3) Between Oakland and Napa, serving as intermediate points the communities of West Berkeley, Albany, El Cerrito, Richmond, San Pablo, Tank Farm, Pinole, Franklin Junction, Rodeo,

Oleum, Shortway, Morrow Cove, South Vallejo, North Vallejo (Vallejo), Flodden, Napa Junction, Sacramento Junction, Soscol, and Napa Hospital, excepting service locally between North Vallejo and Napa and intermediate points (subject to reservations set forth in the foregoing opinion).

(4) - Between Napa and Sacramento, serving as intermediate points the communities of Napa Hospital, Soscol, Sacramento Junction, Creston, Cordelia, Suisun, Fairfield, Vacaville, Substation, Dixon and Davis.

(5)- Between Sacramento and Stockton via the following routes, to-wit:

(A)- Via Forest Lake, Cherokee Lane, Lodi, and Henderson, serving as intermediate points the communities of Elk Grove, McConnell, Arno, Galt, Lodi and Henderson;

(B)- Via Forest Lake, Woodbridge, Lodi and Henderson, serving as intermediate points the communities of Elk Grove, McConnell, Arno, Galt, Woodbridge, Lodi and Henderson;

(C)- Via Forest Lake and Cherokee Lane Road direct to Stockton (flag Lodi on highway), serving as intermediate points the communities of Elk Grove, Mc Connell, Arno, Galt and Lodi (flag on highway);

(6)-Between Stockton and San Jose, serving as intermediate points the communities of French Camp, Lathrop Corner, San Joaquin Bridge, Banta, Tracy, Standard Oil, Mountain House, Altamont, Ulmar, Livermore, Pleasanton, Sunol, Mission San Jose, Warm Springs and Milpitas;

(7)-Between Stockton and San Francisco, serving as intermediate points the communities of French Camp, Lathrop Corner, San Joaquin Bridge, Tracy, Standard Oil, Mountain House, Altamont, Ulmar, Livermore, Pleasanton, Santa Rita, Dublin, Hayward and Oakland; also between Stockton and San Francisco, serving the same intermediate points excepting Pleasanton and/or Hayward;

(8)-Between Stockton and Manteca, serving as intermediate points the communities of French Camp, Hedgeside, Lathrop Corner and West Manteca; also between Stockton and Manteca, serving as intermed-

iate points the communities of French Camp, Hedgeside and Turner Station.

(9) - Between Stockton and Carl Inn, serving as intermediate points the communities of Collegeville, Escalon, Oakdale, Orange Blossom Ranch, Knights Ferry, Tuolumne Inn, Curtain Ranch, Keystone, Yosemite Junction, Chinese Camp, Shaymut, Jacksonville, Stevens Bar, National Mine, Moccasin Creek, Priest's Station, Big Oak Flat, Groveland, Second Grody, Big Creek, Smith Ranch, Ranger Station, Buck Meadows, Colfax Springs, South Fork, Berkeley Camp, Sunset Camp and Crockers, the service, however, between Groveland and Carl Inn and to intermediate points between said last two termini being seasonal and to be rendered during the open season of each year, approximately between June 1st and September 15th.

(10) - Between Stockton and Tuolumne, serving as intermediate points the following communities: Collegeville, Valley Home, Oakdale, Orange Blossom Ranch, Knights Ferry, Tuolumne Inn, Curtain Ranch, Keystone, Yosemite Junction, Jamestown, Sonora, Standard Road and Ralph; also between Stockton and Tuolumne, serving the same last mentioned intermediate stations and in addition thereto the community of Standard;

(11) - Between Stockton and Modesto, serving as intermediate points the communities of French Camp, Hedgeside, Lathrop Corner, Munter Corner, (West Manteca), Manteca, Calla, Weston, Ripon, Salida; also between Stockton and Modesto, serving as an intermediate point the community of Turner Station, in addition to the intermediate points last above set forth, and excepting the communities of West Manteca and Lathrop Corner.

(12) - Between Tracy and Fresno, serving as intermediate points the communities of Yernalis, Westley, Patterson, Crows Landing, Newman, Custine, Volta, Los Banos, Santa Rita Ranch Junction, Dos Palos, Oxalis, Firebaugh and Mendota; also between Tracy and Fresno, serving as intermediate points the same communities above described as lying between Tracy and Los Banos, and in addition thereto the following communities, - Santa Rita Ranch Junction, Chowchilla Road

Junction, Chowchilla, Califa, Berenda, Madera, Herndon;

(13) - Between Los Banos and Merced, serving as intermediate points the communities of Santa Rita Ranch Junction and Chowchilla Road Junction;

(14) - Between San Francisco and Bakersfield, serving as intermediate points the communities of Oakland, Canyon Inn, Dublin, Santa Rita, Livermore, Ukiah, Altamont, Mountain House, Standard Oil, Tracy, San Joaquin Bridge, West Manteca, Manteca, Calla, Weston, Ripon, Salida, Modesto, Cores, Esmar, Keyes, Turlock, Delhi, Livingston, Arena, Atwater, Buhach, Merced, Athlone, Minturn, Chowchilla, Fairmead, Berenda, Madera, Borden, Irrigosa, Herndon, Biola Junction, Fresno, Malaga, Fowler, Star, Selma, Kingsburg, Traver, Goshen Junction, Plaza, Tulare, Tipton, Pixley, Earlimart, Delano, McFarland, Famosa, Kimberlona, Lerdo and Saco;

(15) - Between Fresno and Bakersfield, serving as intermediate points the communities of Malaga, Fowler, Star, Selma, Kingsburg, Traver, Goshen Junction, Plaza, Visalia, Farmersville, Exeter, Lindsay, Strathmore, Porterville, Terra Bella, Ducor, Richgrove, Delano, McFarland, Famosa, Kimberlona, Lerdo and Saco;

(16) - Between Visalia and Tulare, serving as an intermediate point the community of Mooney's Grove;

(17) - Between Fresno and Dinuba, serving as intermediate points the communities of Malaga, Fowler, Parlier, Lacjac Avenue and Reedley; also between Fresno and Dinuba, serving as intermediate points, the following communities: Malaga, Fowler, Star, Selma, Parlier, Lacjac Avenue and Reedley;

(18) - Between Dinuba and Visalia, serving as intermediate points the communities of Sultana, Orosi, Cutler and Yettam Junction.

Provided, however:

(1) - That the consolidation of the route between Oakland and Napa shall be without prejudice to the determination of pending proceedings affecting said operative right;

(2) - That the route between Pinole and Martinez, via Franklin Canyon, is excluded from this consolidation, this decision being made entirely without prejudice as to the determination of all questions affecting said route:

(3) - That this decision excludes all matters affected by Applications Nos. 5928, 6114 and 10913, and the so-called Morse lines leased to applicant pursuant to Decision No. 14917, Application No. 11004, being rendered without prejudice to the future consolidation of any operative rights granted therein.

(4) - That nothing herein is to be construed as affecting decisions of the Railroad Commission of the State of California rendered after the submission of this application and affecting the operative rights, routes, termini or intermediate points mentioned in this application.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY FURTHER DECLARES that public convenience and necessity require the consolidation and unification of the operative rights of said California Transit Company as one unified system of through service for the transportation of express upon its passenger cars only, (subject to a uniform maximum weight limit of 100 pounds per package applicable throughout the system except where express rights do not exist), between all the termini and intermediate points served by and along its present several routes, in this order last hereinabove described, except that no right to transport express is herein granted over or along the following routes, either as separate routes or as part of applicant's consolidated system, to-wit:

- (a) Between Oakland and Martinez and intermediate points,
- (b) Between Oakland and Napa and intermediate points,
- (c) Between Oakland and Vallejo and intermediate points
- (d) Between Vallejo and Sacramento and intermediate points.

IT IS HEREBY FURTHER ORDERED that a certificate of public convenience and necessity be and the same is hereby granted to said California Transit Company consolidating and unifying the operative rights and routes herein described, permitting said California Transit Company to operate the same as one unified system and



authorizing the operating of through service for the transportation of passengers and baggage between all termini and all intermediate points served by and along its present several routes or operative rights hereinabove described, (except as hereinabove expressly limited); also authorizing the operation of through service for the transportation of express between all the termini and all intermediate points served by and along its present several routes or operative rights hereinabove described, except the following, to-wit:

- (a) Between Oakland and Martinez and intermediate points,
  - (b) Between Oakland and Napa and intermediate points,
  - (c) Between Oakland and Vallejo and intermediate points,
  - (d) Between Vallejo and Sacramento and intermediate points,
- subject to the conditions hereinafter set forth.

IT IS HEREBY FURTHER ORDERED that said California Transit Company be and it is hereby authorized to establish and put into effect immediately the rates, fares, rules and regulations applicable to and governing the transportation of passengers, baggage and express over and throughout its system as consolidated, (being limited as to express as hereinabove set forth), which were proposed herein by said applicant, including a fare of 25¢ per passenger for the transportation of passengers between Oakland and San Francisco and the proposed zone basis for express rates as hereinabove referred to.

IT IS HEREBY FURTHER ORDERED that in all other respects said application be and it is hereby dismissed without prejudice."

The authority hereby granted to California Transit Co., a corporation, is subject to the following conditions:

1- That the transportation of express matter as authorized under Application No. 11005 within the limit of 100 pounds herein fixed shall be limited to transportation on passenger cars used in the operations of the California Transit Co. over the unified system as herein authorized.

2- Applicant shall file its written acceptance of the certificates herein granted within a period of not to exceed ten (10) days from the date hereof.

3- Applicant shall file, in duplicate, within a period of not to exceed thirty (30) days from the date hereof tariff of rates, fares and time schedules, such tariffs of rates, fares and time schedules to be similar to those submitted by applicant at the hearings of these applications, or rates, fares 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.

4- 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.

5- No vehicle may be operated by California Transit Co., a corporation, applicant herein, 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 purposes, other than hereinabove stated, the effective date of this order is hereby fixed as twenty (20) days from the date hereof.

Dated at San Francisco, California, this 2<sup>d</sup> day of

May, 1928.

Leon Whitall  
Charles  
Ernest  
Paul  
M. J. C.  
COMMISSIONERS.