

Decision No. 11972

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of an Investigation on the Commission's own motion into the practices and operations of the line of the PICKWICK STAGES SYSTEM, a corporation, extending from San Francisco to the California-Oregon State Line north of Cole, California.

ORIGINAL

Case No. 2442.

Warren E. Libby and Frank B. Austin for the Pickwick Stages System.

Earl A. Bagby, for the California Transit Company.

H. W. Hobbs, for the Southern Pacific Company, and Southern Pacific Motor Transport Company.

DECOTO, Commissioner -

OPINION and ORDER.

This proceeding, instituted by the Commission on its own motion, is an investigation by the Commission into the practices and operations of Pickwick Stages System, a corporation, operator of an automotive passenger stage service between San Francisco and a point on the Oregon-California State line north of Cole, California, to determine whether such operations are in any manner illegal or unlawful, and an order to show cause directing Pickwick Stages System to appear before the Commission and show cause why certain operating rights should not be revoked.

A public hearing was held, testimony taken, an order of submission made and the matter is now ready for decision.

The records of the Railroad Commission, with reference to operations by Pickwick Stages north of San Francisco, were by stipulation entered into at the hearing made part of the record in this proceeding. These records show that Pickwick Stages, Northern Division, Inc., predecessor in interest to Pickwick Stages System was by Railroad Commission Decision No. 7209, dated March 2, 1920, and issued

on Application No. 5081, granted a certificate of public convenience and necessity to operate an automotive service for the transportation of passengers and express between San Francisco and the California-Oregon line, north of Cole. Certain restrictions as to local service between Oakland and Davis were contained in said decision. In the opinion preceding the order the Commission, in describing the operation sought to be performed by applicant, recites:

"Pickwick Stages, Northern Division, proposes to charge rates in accordance with its schedule marked Exhibit A, and filed at one of the hearings in these proceedings, to operate on a schedule of one round trip daily between San Francisco and Portland, Oregon, serving as intermediate the following communities in the State of California: Oakland, Martinez, Benicia, Fairfield, Vacaville, Dixon, Davis, Woodland, Yolo." -----

In a subsequent decision, No. 14464, dated January 17, 1925, and issued on Application No. 8067, which is an application for an order of the Commission authorizing Pickwick Stages System to operate between Los Angeles and the Oregon line, the Commission in denying Pickwick authority to link up and join its northern California right with its Los Angeles-San Francisco right specifically declared that the order therein granted Pickwick no authority to operate between San Francisco and Cole a service in any manner "greater or different than the operation as authorized under Decision No. 7209." Map 8 in applicant's Exhibit No. 7, filed in Application No. 8067 and designated by applicant's "Sketch of Line of Pickwick Stages, Nor. Div. Inc., in California" shows Benicia as a point of service. Benicia, it is to be noted, is one of the intermediate points named in Decision No. 7209 authorizing the service between San Francisco and Cole, and is a point on Carquinez Straits opposite Martinez, also named, the two being connected by Ferry.

Upon the hearing of Applications Nos. 4686, 4684 and 5081 before Examiner Handford on February 21, 1920, Mr. Wren, president of Pickwick Stages, Northern Division, testified as follows:

Q. Mr. Roehl: Please be a little more specific in that route.

A. Well, we follow the Bay Road.

Q. Through Rodeo?

A. Oakland, Berkeley and out that way.

Q. Rodeo or Martinez Ferry?

A. Martinez.

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Q. What you are asking is a certificate of public convenience and necessity from San Francisco to points north by way - - -

A. By way of Oakland and the Martinez Ferry."

It would appear then that this record definitely establishes the route over which Pickwick proposed to operate between San Francisco and Cole, as a route via Martinez and Benicia and not via Rodeo and Vallejo.

F. D. Everman, operating superintendent of the northern division of the California Transit Company, which operates through Martinez, among one of many points in the bay and river districts, testified that after March 2, 1920, the date of the decision granting the San Francisco-Cole certificate, he saw cars, which he subsequently learned were Pickwick cars, operating through Martinez and Benicia. He said he had trailed one of these cars over the Martinez-Benicia Ferry from Benicia to Oakland. Franklin Canyon road, witness said, was used after leaving Martinez.

Mr. C. F. Wren, president of Pickwick Stages System, testified that his company did not use the route through Martinez in the operation between San Francisco and Cole.

W. F. Lemon, service inspector employed by the Railroad Commission, testified that he had made a trip on a Pickwick Stage from San Francisco to Woodland and that the stage passed through the towns of Berkeley, Richmond, San Pablo, Mira Vista, Pinole, Rodeo, Selby, over Carquinez Bridge and through Vallejo, via 5th Street, Alameda Street, thence via Napa Road to a point about two miles beyond Napa Junction, thence via Soscal school house to Cordelia, thence to Willotta, Fair-

field, Vacaville, Dixon and to a point approximately 2 miles south of Davis and on to Woodland. It is to be noted that none of the communities, Vallejo to Cordelia, both inclusive, is named in the Commission's description of the service proposed to be given by Pickwick in Application No. 5081 on which the San Francisco-Cole certificate was issued. Likewise it is to be noted that the stage boarded by Mr. Lemon did not pass through either Benicia or Martinez, both of which points are named in said description. In this proceeding Mr. Wren, President of the Pickwick Stages System, a corporation, testified that the stages of this corporation had operated over the route via Vallejo each and every day of the year immediately preceding December 15, 1927.

Clearly, then, Pickwick Stages System either did for a time operate its service via Benicia and Martinez and did without securing the necessary authority from the Railroad Commission abandon the service through Martinez and Benicia, points named in its application for a certificate to operate between San Francisco and Cole, and routed its stages through communities, by a route not authorized, or it applied for a certificate via Martinez, Martinez Ferry and Benicia and when such certificate was granted never operated via Martinez but operated via Rodeo ferry and Vallejo in violation of the certificate. After a careful review of the evidence adduced in this proceeding, I recommend the issuance of an order revoking, annulling and setting aside the certificate of public convenience and necessity and directing Pickwick Stages System to cease and desist its operations between San Francisco and the California-Oregon line north of Cole, California, and between intermediate points.

An order to this effect will be entered herein.

O R D E R .

The case as above numbered and entitled having been duly heard and submitted, the Commission now being fully advised, and basing the following order on the findings of fact and conclusions contained in the opinion preceding this order,

Now, therefore, it is hereby ordered that Pickwick Stages System, a corporation, be and it is hereby ordered to cease and desist its operations as an automotive passenger stage corporation between San Francisco and the California-Oregon line north of Cole, California, and between intermediate points and that the certificate of public convenience and necessity heretofore granted by this commission in Decisions numbers 7209 and 14464 be and it is hereby revoked, annulled and set aside.

It is hereby further ordered that Pickwick Stages System shall immediately file supplements to its tariffs and time schedules which supplements shall cancel rates and schedules covering service to points between San Francisco and the Oregon line heretofore served under authority of the certificate herein revoked, annulled and set aside.

The effective date of this order shall be September 1, 1928.

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

July , 1928.

Leon White  
Chas. J. ...  
Frank ...  
Thos. ...  
M. A. ...  
COMMISSIONERS.