

Decision No. 20267

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of PICKWICK STAGES SYSTEM, a corporation, for a certificate of public convenience and necessity to extend and operate its automobile stage service as a common carrier of passengers and express between San Francisco and Santa Rosa and intermediate points and to connect such operations with its operations from San Francisco north to Eureka via Redwood Highway, and to sell through tickets to and from the points herein applied for to and from points south of San Francisco.

ORIGINAL

Application No. 13447

Warren E. Libby and Frank B. Austin, by Frank B. Austin, for Applicant, Pickwick Stages System.

Edward Stern, for Protestant, American Railway Express Company.

W. J. Cummings, for Northwestern Pacific Railroad Company

BY THE COMMISSION -

OPINION ON REHEARING

On March 29, 1928, American Railway Express Company, protestant in Application No. 13447, filed its petition for rehearing and for the setting aside and modification of Decision No. 19469, as decided March 12, 1928. Argument on the petition for rehearing was heard by Commissioner Carr on April 11, 1928, and on May 8, 1928, the Commission made its order granting a rehearing.

Public hearings were conducted by Examiner Handford at San Francisco, the matter was duly submitted and is now ready for decision.

The application for rehearing is based principally on the ground that the decision heretofore rendered in this matter is contrary to and not based on the evidence submitted.

We have carefully reviewed the evidence heretofore of record and the testimony of the witnesses presented on rehearing.

Applicant herein desires to establish express service between San Francisco and Santa Rosa in connection with its passenger service between San Francisco and Eureka, having authority for the carriage of express between Santa Rosa and Crescent City under the provisions of Decision No.17078 on Application No.12927, as decided July 3, 1926, and to consolidate such proposed operative right with the rights now held under the foregoing authorization.

We have carefully reviewed the evidence and exhibits as presented at the original hearings on this proceeding, together with the record established on rehearing.

The schedules now available for the transportation of express to points on the Redwood Highway beyond Willits are as follows:

<u>Northbound</u>			
<u>N.W.P.R.R.</u>		<u>PICKWICK STAGES</u>	<u>SYSTEM</u>
Leave San Francisco	7:45 A.M., 3:15 P.M. 8:30 P.M.		
Arrive Ukiah	12:05 P.M. 7:33 P.M. 1:10 A.M.	Leave Ukiah	12:30 A.M. 12:40PM
Arrive Willits	1:25 P.M. 2:30 A.M.	Leave Willits	1:10 A.M. 1:40PM

<u>Southbound</u>			
Leave Willits	3:15 A.M. 2:10 P.M.	Arrive Willits	12:15 A.M. 1:40 P.M.
Leave Ukiah	4:25 A.M. 11:15 A.M. 3:21 P.M.	Arrive Ukiah	1:00 A.M. 2:40 P.M.
Arrive San Francisco	9:05 A.M. 3:32 P.M. 7:32 P.M.		

By the terms of an agreement dated November 4, 1926, between American Railway Express Company and Pickwick Stages System (Protestant's Exhibit No.1), Pickwick Stages System is obligated

to "call at the office of the express company in Eureka, California, Ukiah, California, and Willits, California, daily or as often as the stages of the stage company shall depart from said Eureka, California, Ukiah, California, and Willits, California, at such time or times each day as the said stages are scheduled to leave said Eureka, California, Ukiah, California, and Willits, California, and remove from and receipt to the express company for freight packages consigned to addresses on the route of the stage

company, at the time paying to the express company all amounts and charges, (excepting C. O. D. charges) due on said freight packages and to promptly deliver said packages to the rightful consignees as addressed, taking proper receipts from the consignees therefor, and to preserve and properly care for said receipts and to hold same accessible to the express company at any and all times.

The record shows the agreement as hereinabove partially outlined to have been ignored by the applicant herein insofar as it refers to the transfer at Willits by stages being obliged to call at the office of the express company for the receipt of packages. Had this been done practically all the complaints of the public as to delayed transportation of express matter from San Francisco would have been obviated and a reasonable and satisfactory service would have been available at rates generally less than those herein proposed by the applicant. Shippers and receivers of express, not being conversant with an interchange agreement existing between the applicant and American Railway Express Company, naturally favor any proposed expedited service for their consignments, but the record herein does not justify the granting of the proposed extension of service when there already exists a through route by a combination of the carries under an agreement to which the applicant is a party and regarding which it has heretofore failed to perform its expressed obligation.

On the state of facts as shown by the record herein and that amplified by rehearing, we are of the opinion and hereby conclude that the order heretofore made in this proceeding by Decision No.19469, as decided March 12, 1928, should be canceled and annulled, and that the application should be denied.

O R D E R

American Railway Express Company having filed application for rehearing in the above entitled proceeding, argument thereon having been held, a rehearing having been granted, public hearings

having been held, the matter having been duly submitted and the Commission being now fully advised and basing its opinion on the statements of fact and the conclusion therefrom as set forth in the opinion which precedes this order,

IT IS HEREBY ORDERED that the order in Decision No.19469 on Application No.13447, as decided March 12, 1928, be and the same hereby is canceled and annulled,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity do not require the extension by Pickwick Stages System of its present service between San Francisco and Eureka so as to enable it to transport express matter in packages not exceeding 100 pounds each in weight between San Francisco and points north of Santa Rosa, and from points intermediate between San Francisco and Santa Rosa and points north of Santa Rosa, with no local service between San Francisco and Santa Rosa and intermediate points, and the consolidation of such extension with the operations now conducted by applicant under authorization of this Commission in Decision No.17078, and

IT IS HEREBY ORDERED that this application be and the same hereby is denied.

Dated at San Francisco, California, this 26th day of September, 1928.

Leon White
C. S. Seaman
Samuel Scott
Paul S. Lovell
M. J. Carr
COMMISSIONERS.