

Decision No. 20322

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application)
of PICKWICK STAGES SYSTEM, a cor-)
poration, for permission to aban-)
don the operation of its automobile)
stage service as a common carrier)
of passengers, baggage and express,)
between Buellton and Los Olivos and)
intermediate points.)

APPLICATION NO. 14851.

Warren E. Libby and Frank B. Austin, for
Applicant.

BY THE COMMISSION:

O P I N I O N

Applicant herein seeks authority to abandon its automobile stage service as a common carrier of passengers, baggage and express between Buellton and Los Olivos and intermediate points.

A public hearing herein was held by Examiner Williams at Santa Ynez.

At the hearing applicant amended the application by including in the abandonment that portion of the highway between Los Olivos and the Coast Highway, in addition to the operation between the termini named.

Applicant operates local service over the route from Buellton to Solvang, Santa Ynez and Los Olivos, which routing was a part of the original coast state highway. This was a

prescriptive right subsequently confirmed by Decisions Nos. 10009 and 14464. In October, 1927, by Decision No. 18885, applicant was permitted to lease the portion between Buellton and Los Olivos to E. C. Craig, who at that time was operating a limited service between Caviota and Los Olivos and the intermediate points named. In January, 1928, this decision was set aside and further hearing was held, and the application to lease was denied by Decision No. 19530 on Application No. 14049 and Case No. 2450. This denial was based on the palpable fact that applicant Pickwick Stages System intended to divest itself of its obligation to operate said service, and that the proper action was to apply for an abandonment of service rather than a lease. Thereupon applicant filed the present application for authority to abandon the service.

It appears from the testimony that originally this was the only route traversed by the Coast Highway, but that in 1922 there was constructed a new State highway between Buellton and a point six miles north, which, by its construction, shortened the State highway a distance of about eight miles, and thereafter traffic used the new highway instead of the old. At the same time applicant Pickwick Stages System was permitted to use the new highway and operate over the old highway for local purposes only.

At the time the present application was filed, E. C. Craig was operating over the old route as far as Los Olivos, but since that time he has, by authority of Decision No. 20010 on his Application No. 13063, been permitted to abandon all service. In the original certificate issued to Craig, by Decision No. 17638, dated November 18, 1926, he was authorized

only to transport passengers between Gaviota and Los Olivos and intermediate points upon the stages used by him in carrying United States mail, and the certificate contained the provision that it automatically expired whenever Craig ceased to have authority to transport United States mail. The certificate was revoked upon his showing that the mail contract had expired and had been awarded to another carrier. Therefore, at the time of the hearing of the present application, there remained no other public carrier of passengers between the points affected except applicant, and the only automotive freight service remaining is that of Soren Sorenson.

Applicant produced in support of the application, C. E. Chambers, assistant superintendent of operations of Pickwick Stages System, who testified that he had been employed previously as a driver for the applicant for nine years over the Coast Route, and that originally the route began six miles south of what is now Buellton and thence to Solvang, Santa Ynez and Los Olivos and the present State Highway. At that time Buellton did not exist, but was merely a construction camp for the State highway work. It was then known as Buell Flate. He also testified that during the last two years applicant had operated a 14-passenger stage between Buellton and Los Olivos daily, but had discontinued the use of this vehicle when permitted to lease to Craig. When this decision was set aside, applicant provided a Buick sedan under lease from O. R. Skinner, and this service has been maintained daily on schedule ever since.

Mr. Chambers testified that from July 24 to August 22, this vehicle had carried ten passengers, two from Buellton

to Los Olivos and return, three from Buellton to Solvang and one return, and that the total passenger revenue for the period aggregated \$5.10. All of these passengers were transients except one. The schedule of this vehicle was co-ordinated with other schedules on the main line of the state highway in both directions. Under the lease of the vehicle from Skinner, applicant paid \$2.80 daily as mileage charge and 70¢ daily for the service of Skinner, making a total of \$3.50 a day in the operation. The cost under the use of the 14-passenger stage had been \$6.41 per day. The actual cost of the service between July 24 and August 22, 1928, inclusive, was \$185.69, with a revenue of only \$5.10, making a total loss of \$180.59 for the transportation of ten passengers. When Craig ceased operation, Mr. Chambers testified, he had asked Sorenson to take over the passenger-carrying right, but Sorenson had refused.

Mr. Chambers further testified that the losses sustained in this operation during all of 1927 and a portion of 1928 were proportionately the same as those sustained during the period for which the exhibit was filed. According to the exhibit, the passenger revenue per mile amounted to \$.00336, the cost of operation being approximately \$.20 per mile.

E. C. Craig of Santa Ynez, formerly operating a service between Gaviota and Los Olivos, testified that he served the same points as those involved in the present application, and his traffic amounted to from one to three passengers a week; that no independent passenger line, unsupported by other traffic, could possibly break even with such patronage, and that he believed there was no public need for the continuation of the

service of the Pickwick System.

O. R. Skinner of Buellton, whose vehicle is leased to the Pickwick for this operation, testified that subsequent to August 22 and up to September 1 he had carried but one passenger in the service, this passenger traveling from Buellton to Solvang on a through ticket. Mr. Skinner was equally positive that no passenger operation can be sustained by such patronage.

It appears from the testimony that the route over which service has been maintained is an abandoned route of the Coast Highway; that the population tributary for a distance of fourteen miles does not exceed 1,000 persons, and that practically all use private cars in traveling to and from the main State highway.

Although applicant posted notice of the application to abandon in various places and at all the points served and at its ticket-selling offices, no one appeared to oppose the granting of the application; and Mr. Chambers testified that he had talked to a number of persons in the several communities affected, and no opposition to the discontinuance of the service was expressed.

Under the showing presented by applicant, it would be an unreasonable burden on the operations of applicant to continue this losing service, especially as it has to be maintained for very meager patronage at the cost of other patrons of applicant.

We therefore find as a fact that public convenience and necessity do not require the continuance of this service between termini and intermediate points and that the

applicant should be permitted to abandon the same. In this connection, Los Olivos will not be left without transportation, nor will the nearby communities, either, as the Pacific Coast Railway has its terminus at Los Olivos and maintains a mixed train daily in and out of this terminus, connecting with the State highway at Wignore station or points further west and north.

O R D E R

Pickwick Stages System, a corporation, having made application to the Railroad Commission for authority to abandon its passenger, baggage and express service between Buellton and Los Olivos and points intermediate, and between Los Olivos and the junction of the Los Olivos road and the Coast Highway, a public hearing having been held and the matter having been duly submitted and now being ready for decision,

IT IS HEREBY ORDERED that applicant Pickwick Stages System, a corporation, be and it is hereby authorized to discontinue said service, as authorized and/or required by Decisions Nos. 10009, 14464 and 19530 of this Commission, within ten (10) days from date hereof, and that all rights to conduct such operations as granted by said Decisions, or otherwise, be and the same hereby are revoked.

IT IS HEREBY FURTHER ORDERED that said Pickwick Stages System, a corporation, shall immediately file supplements

to tariffs and time schedules on file in its name with the
Railroad Commission, said supplements to withdraw and cancel said
tariffs and time schedules.

Dated at San Francisco, California, this 15th day
of October 1928.

Leon Whitwell

C. C. Seavey

Thomas D. Smith

M. A. [unclear]
COMMISSIONERS.