

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

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.

Case No. 2442.

Warren E. Libby, for the Pickwick Stages System.
Earl A. Bagby, for the California Transit Company.
Roscoe J. Anderson, for certain citizens of Shasta and Siskiyou Counties, interested parties.
W. T. Belieu, for certain citizens of Willows, Norman, Maxwell and Williams, interested parties.
H. W. McGowan, for certain citizens of Willows, interested parties.
A. H. Ludeman, for certain citizens of Red Bluff and Corning, interested parties.

DECOTO, COMMISSIONER:

OPINION ON PETITION FOR REHEARING.

On July 2, 1928, the Commission rendered and filed its opinion in this case and thereafter the Pickwick Stages System, a corporation, filed its application for rehearing. The case was set for argument and argued at length by the parties appearing.

In Decision No. 7209 the Commission used the following language: "The Railroad Commission hereby declares that public convenience and necessity require the operation by the Pickwick Stages, Northern Division, of an automobile stage line as a common carrier of passengers and express packages between San Francisco, California, and the California-Oregon line, north of Cole *****." This language prescribes no route and names no cities through which the service is routed. The only information as to the route to be followed that can be obtained from this decision is found in the opinion preceding the order as follows:

"Pickwick Stages, Northern Division, proposes to

charge rates in accordance with a 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, Blacks, Dunnigan, Arbuckle, Williams, Willows, Germantown, Corning, Tehama, Proberta, Red Bluff, Cottonwood, Redding, Baird, Delta, Castella, Dunsmuir, Sisson, Weed, Gazelle, Yreka, Montague, Ager, Klamath, Hot Springs, Hornbrook and Cole ***."

Pickwick Stages claim that it never has operated via Martinez and Benicia. However that may be, it is undisputed that for some years this company has routed its stages via Vallejo and the Sacramento wye to Fairfield and from that point on has followed the routing above mentioned. It seems to me that reading the two portions of the decision above quoted that it was the plain intention of the Commission that the route for which the certificate was being granted was through Martinez and Benicia.

It is well settled that an operator cannot obtain a certificate by travelling a given route, neither can it acquire any additional rights by travelling over a route not described in the opinion granting its certificate of public convenience and necessity. Carelessness on the part of operators in failing to apply to the Commission for change of route is no excuse for illegal operation even though the Commission may not have taken speedy action toward compelling applicant to desist. This company has carelessly if not wilfully violated the rules and orders of the Commission and it seemed that some drastic action was necessary to bring it to a realization of its full responsibility to the Commission and to the public it

serves. The action of the Commission in this case in revoking operating rights of this company was fully warranted, but its order of revocation, having had the desired effect, namely, the awakening of the officers and agents of Pickwick Stages System to a proper sense of their responsibility, the Commission is now of the opinion, in view of the change of attitude on the part of the officers of this company, that its previous order in Decision No. 19,978 should be revoked and a new order made herein and the order herein will so provide.

O R D E R .

It is therefore ordered:

1. That rehearing herein be denied.
2. That Decision No. 19978 of this Commission be and the same is hereby set aside and annulled.
3. That, pending determination by this Commission of the merits of Application 14063, which is an application by the Pickwick Stages System, a corporation, to route its stages from Oakland via Carquinez Bridge to Vallejo, thence to the Sacramento Wye and thence to Fairfield and North as above set forth in the excerpt from Decision No. 7209, Pickwick Stages System, a corporation, route its stages according to the opinion and order in Decision No. 7209, to-wit: via Oakland, Martinez, Benicia, Fairfield, Vacaville, Dixon, Davis, Woodland, Yolo, Blacks, Dunnigan, Arbuckle, Williams, Willows, Germantown, Corning, Tehama, Proberta, Red Bluff, Cottonwood, Redding, Baird, Delta, Castella, Dunsmuir, Sisson, Weed, Gazelle, Yreka, Montague, Ager, Klamath, Hot Springs, Hornbrook and Cole and thence to the California State line.

5. It is hereby further ordered that Pickwick Stages System, a corporation, shall immediately file supplements to its tariffs and time schedules, which shall comply with the opinion and order made herein.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

The effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 29th day of April, 1929.

Thos D. Smith
Chauncy
Emmetts
Leon Whitall

COMMISSIONERS.

I concur in that portion of the opinion which defines the authorized route of Pickwick Stages System as ^{Martins and} via Benicia; and in the order, on the assumption that its language means that the Company is required to confine its operations to the route for which it has received authorization until such time as it may be certificated to operate over another route.



Commissioner.