

23317

Decision No. \_\_\_\_\_

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of BEVERLY GIBSON, for a certificate of public convenience and necessity to (a) operate an auto-stage line for the transportation of passengers, baggage and express, for compensation, and as a common carrier, between Sacramento and San Francisco, California, and intermediate points, via Walnut Grove, Antioch, Pittsburg, and Willow Pass Road, to Concord; also via Walnut Grove, Rio Vista, Antioch, Pittsburg, and Bay Point, to Concord; thence via Walnut Creek, Lafayette, and the Tunnel Road to Berkeley and Oakland, and thence by Southern Pacific automobile ferries to San Francisco, in conjunction with, and as an extension and enlargement of, the transportation service now being rendered by applicant between Sacramento and Bay Point, California, and intermediate points; and (b) consolidate its present operative rights and establish certain through service thereover; and (c) consolidate its present operative rights with the operative rights sought to be acquired herein, and establish certain through service thereover.

ORIGINAL

Application No. 14026.

In the Matter of the Application of CALIFORNIA TRANSIT CO., a corporation, for a certificate of public convenience and necessity (a) to reroute a portion of its service between Oakland and Martinez via Franklin Canyon, (b) to render certain local service between Martinez and Antioch, and (c) to consolidate the Martinez-Stockton operative rights with the operative rights of the remainder of applicant's system.

Application No. 14912.

Sanborn & Roehl & Smith, by A. B. Roehl, for applicant in Application No. 14026 and for protestant Beverly Gibson in Application No. 14912.

Earl A. Bagby, F. D. Everman, W. F. Fielder and Richard N. Mather, for applicant in Application No. 14912.

H. W. Hobbs and R. J. Grady for protestant Southern Pacific Company in both applications.

L. N. Bradshaw, Gwyn H. Baker and A. S. Hutchinson, for Sacramento Northern Railway, Martinez - Bay Point Stage Co. and Western Pacific Railroad Co., protestants in both applications.

Platt Kent, H. W. Hobbs and L. N. Bradshaw, for Central California Traction Co., protesting both applications.  
Gwyn H. Baker, for Rio Vista Transit Co. and Ward Auto Stage Co., protestants.  
A. B. Tinning, District Attorney of Contra Costa County, by J. F. Hoey, Deputy, for Contra Costa County, protesting both applications.  
Edward Stern, for Railway Express Agency, Inc., protesting both applications.  
L. R. Everett and W. F. Brooks, for The Atchison, Topeka & Santa Fe Railway Co., protestants.

BY THE COMMISSION:

O P I N I O N

Application No. 14026 requests a certificate of public convenience and necessity permitting

(1) Operation of an auto stage line for the transportation of passenger, baggage and express for compensation, and as a common carrier, between Sacramento and San Francisco and intermediate points; and

(2) The consolidation and unification of all of applicant's existing operative rights; and

(3) The consolidation of such rights as may be granted herein with the operative rights between Sacramento and San Francisco and intermediate points and the operation of the whole of the unified transportation system.

Application No. 14912 requests the Commission to issue its certificate granting authority to applicant to

(1) Reroute a portion of its service between Oakland and Martinez, via Franklin Canyon, and

(2) Remove the restriction against rendering local service between Martinez and Antioch; and

(3) Consolidate the Martinez-Stockton operative right with the operative rights of the remainder of applicant's system, permitting the rendition of through stage service

over the junction point of Martinez; and.

(4) Adopt tariffs, rates, rules and regulations covering said operations as proposed in the application and the transportation of baggage and express in connection with said operation.

The two applications were consolidated for hearing and decision, public hearings were held before Examiner Gannon at Isleton, Walnut Grove, Antioch, Pittsburg, Martinez, Orinda, Sacramento and San Francisco, and the matters were duly submitted. We shall discuss the more essential details of each application separately and set forth a general view of the testimony offered in support of each.

Beverly Gibson, applicant in Application No. 14026, operates a stage line for the transportation of passengers, baggage and express between Sacramento and Bay Point and intermediate points, via Walnut Grove, Rio Vista and Pittsburg; between Sacramento and Stockton and intermediate points, via Thornton and Lodi; and between Stockton and Walnut Grove and intermediate points, via Lodi and Thornton. He also operates between Rio Vista and Suisun, between Sacramento and Winters, and between Sacramento and Folsom, but with these latter operations we are not directly concerned. By his application he seeks authority to extend his service from Bay Point to San Francisco, via Concord, Walnut Creek, Lafayette, Orinda, Berkeley and Oakland.

The present operation between Sacramento and Bay Point consists of two schedules daily each way. It is proposed to establish four schedules daily from Sacramento to San Francisco, and one from Walnut Grove to San Francisco, with five schedules daily from San Francisco to Sacramento. Of the westbound trips the one originating at Walnut Grove and one of the schedules from Sacramento will operate to Bay Point and thence via Concord, as outlined above. The remaining three trips will use the Willow Pass road from

Pittsburg to Concord and thence on to the bay region. Every alternate trip, starting with the first in the morning, will serve Orinda, and reach Oakland via the Fish Ranch road. The remaining two trips will use the Tunnel Road.

Of the eastbound trips three will operate over the Willow Pass Road from Concord to Pittsburg, the remaining two going via Bay Point. Three trips, beginning with the first schedule, will serve Orinda by using the Fish Ranch Road. The remaining two trips will be via the Tunnel Road.

As to this feature of the application there is an abundance of testimony by a multiplicity of witnesses and within the limits of this decision we can only summarize the evidence, much of which is necessarily cumulative.

The testimony of public witnesses from Walnut Grove, Isleton, Courtland, Hood, Freeport and Ryde may well be considered as a whole inasmuch as they all reside in communities lying in what is known as the delta region of the Sacramento River, and their transportation needs are largely affected by the same conditions. Their desire for the proposed extension is predicated on an alleged inconvenience of transferring from stage to train at Bay Point, and the absence of a through service to points in the bay area, principally Oakland and San Francisco. These communities had been served by the old "Fort Sutter" and "Capital City," passenger boats rendering an overnight service between Sacramento and San Francisco, but these boats were replaced by new river steamers on June 1, 1927, which make no intermediate stops. The record shows that for the most part residents of the delta region now go either in their own cars or by stage to Rio Vista Junction and there board the electric train for Oakland or San Francisco. Those residing close to Sacramento drive to that point and use either the

electric train or the boat if they desire through service. Many use, and probably will continue to use, their own automobiles in traveling to and from the bay cities.

There was some testimony indicating a need for service for the transportation of ranch hands back and forth, but it appears a good proportion of this class of labor provides its own means of transportation. Antioch and Pittsburg witnesses would use the service only occasionally and they could see no objection to operating busses on the Tunnel Road.

The testimony of Concord witnesses is far from convincing as to need for the service. The record shows that they might use the service, that the train service is satisfactory, that most of them drive their own cars and that they want all the transportation they can get.

Walnut Creek witnesses favored the service on the theory that it would help to develop the territory between Walnut Creek and Oakland; others who testified would continue to use their own cars and were not particularly interested in public transportation. There was some objection to using the Sacramento Northern because it required Oakland passengers to detrain at Fortieth and Shafter Streets and then take another car down town. A few Lafayette witnesses testified that they would use the proposed service for packages and for personal transportation of themselves and families. Two witnesses would use it once a week; another makes four or five trips a week to the bay cities but owns and drives an automobile.

The town of Orinda, Contra Costa County, located on the Tunnel Road midway between Lafayette and Berkeley, has no public transportation of any kind. It is approximately five miles off the Sacramento Northern electric line. At the hearing held at this point a large number of witnesses appeared and testified as to the need for bus service. About half of them were housewives whose testimony usually went to the necessity for a service

to provide transportation for servants between Oakland and Orinda. A goodly number were engaged in real estate and promotional projects. There is a considerable amount of travel back and forth to the bay cities and the record shows that practically all the residents of Orinda drive their own cars.

We have so far attempted to draw a composite picture of the transportation requirements of the territory between Sacramento and the bay cities involved in this application, as expressed by public witnesses from the various communities. In addition to such testimony, there were resolutions and petitions endorsing the application from the Japanese Association of Courtland, Delta Farm Bureau of Courtland, Delta Progress Club of Walnut Grove, Orinda Improvement Association, Residents of Orinda, Contra Costa Board of Realtors and Walnut Creek Chamber of Commerce. The latter organization had originally passed a resolution opposing the application.

As to the extension from Bay Point to San Francisco, the application is opposed by various protestants, chiefly Sacramento Northern Railway, which operates an electric line between Sacramento and Oakland, serving all points between Bay Point and Oakland proposed to be served by the applicant, with the single exception of Orinda.

This rail line maintains a schedule of seven daily trains from Sacramento to San Francisco, six from San Francisco to Sacramento, and one from San Francisco to Bay Point. All of these trains give service to and from Bay Point, Concord, Walnut Creek and Oakland. There is also direct rail communication between Bay Point and the bay cities by The Atchison, Topeka and Santa Fe Railway and Southern Pacific via Richmond. The Sacramento Northern also serves Antioch in conjunction with Ward's Auto Stage Line, which connects with all trains at Pittsburg.

Joint fares are maintained on traffic to and from Sacramento and to and from the bay cities. Approximately three commutation trains are maintained running on convenient schedules morning and evening and serving points between Pittsburg and San Francisco, including St. Mary's College. These trains are operated at an out-of-pocket loss and undoubtedly could not be operated at all if one-way or round-trip passenger business were to be diverted to another carrier.

In a former proceeding (Application No. 10879) the applicant herein sought permission for the extension of his service from Curtis Landing to Oakland. At the hearing in said proceeding he amended his application by the substitution of Bay Point for Oakland as the proposed terminal. The opinion and order in that proceeding (Decision No. 17280) authorized the extension to Bay Point with a restriction against the transportation of either passengers or express between Sacramento, on the one hand, and Antioch, Pittsburg and Bay Point on the other hand, and with a further restriction against local service between Antioch, Pittsburg and Bay Point. Express packages were limited to 50 pounds each.

Applicant testified in the present proceeding that he abandoned the idea of extending his service beyond Bay Point under the former application because of the opposition of Sacramento Northern.

It appears from the testimony that immediately after the rendition of Decision No. 17280 the Sacramento Northern, through its then Manager, Harry Mitchell, attempted to negotiate with Beverly Gibson for joint fares, through rates and direct connections between the rail and stage lines at Bay Point. Apparently no effort was made to coordinate the service at that point and passengers were subjected to serious inconvenience both in long delays while waiting to make connections, and

frequently by just missing connections. The blame for this unfortunate situation is laid at the door of applicant Gibson by Sacramento Northern, and the latter in turn is held responsible by applicant. It is not necessary for us to determine where the culpability rests, since neither party to the controversy was bound in the matter by any order of this Commission.

According to the exhibits before us, the present passenger service between Sacramento and Oakland and San Francisco consists of 34 daily schedules to San Francisco and

33 to Oakland, distributed among the various carriers as follows: 18 daily trains via either Sacramento Northern or Southern Pacific Benicia route, 4 daily trains via Southern Pacific or Western Pacific via Stockton, and 12 daily bus schedules to San Francisco and 11 to Oakland. In the opposite direction, the number of schedules is the same with one less train schedule via Benicia and one more via Stockton. These schedules are as of June 16, 1930, and reference to current time tables indicates an increase in the number of schedules since that date. There is also an overnight through passenger and freight steamer service, daily except Sunday, in both directions between Sacramento and San Francisco.

The testimony shows that during the past ten years Sacramento Northern has suffered a steady decline in its operating revenue, the sharpest drop occurring in 1929. Freight revenues have barely held their own and apparently under present economic conditions can not be relied on to help out passenger revenues. For the year 1928, its freight revenues were 98.2 per cent of what they were in 1920, while passenger revenues had dropped to 53.2 per cent of 1920. During a typical month (November 1929) 63.7 per cent of seats were occupied on its main line through



trains, while commute trains showed the following figures: Concord 73.1 per cent; Pittsburg 80.3 per cent; St. Mary's 46.8 per cent. Over 60 per cent of the passengers using Sacramento Northern trains between the bay cities and Contra Costa County points are commuters who require frequent schedules and low commute fares.

The protest against that portion of the application emanated chiefly from Sacramento Northern. At Pittsburg, witnesses from Pittsburg, Concord, Walnut Creek, Antioch and Bay Point testified generally that the service of the electric line was adequate and satisfactory as to schedules and seating capacity of trains. The prevailing opinion among these witnesses was that there exists no need for auto stage service between those points and Oakland and San Francisco. Many of them were of the opinion that bus operation on the Tunnel Road was not safe.

We are unable to conclude from the record herein that public convenience and necessity require the extension of applicant's service from its present terminus at Bay Point to Oakland and San Francisco. Except for the withdrawal of over-night boat service between Sacramento River points and San Francisco, the transportation situation is no different than it was in 1926 when applicant apparently was sufficiently impressed with Sacramento Northern's objection to the proposed extension to amend that feature out of its application. No new reason is alleged for the service at this time which would warrant the Commission in authorizing the extension beyond Bay Point. Criticism of present service seems to be confined to the inconvenience of transfer from stage to electric train, and vice-versa, at Bay Point, and in a lesser degree to the lack of public transportation for Orinda. These complaints in and of themselves would scarcely justify the inauguration of a new bus service, particularly when the difficulties

complained of are easily susceptible of adjustment in so far as the transfer is concerned. As to Orinda, it does not appear from the exhibits nor from the testimony that the time schedules are so arranged as to fit the transportation necessities of that community, even assuming such necessities to exist. For example, the Orinda workman going to his labors in Oakland or San Francisco cannot get a stage earlier than 9:00 o'clock in the morning, reaching Oakland at 9:30, and San Francisco at 10:15. As to the household servants, concerning whose transportation needs there was much testimony, they may leave Orinda at 4:20 in the afternoon arriving in Oakland at 5:30, or on the following schedule leave Orinda at 7:45 arriving in Oakland at 9:00 p. m. Returning, they would be compelled to leave Oakland not later than 7:00 p. m. We can conceive that if there were a substantial demand for bus service between Orinda and the bay cities it would necessarily have to be a frequent local service, adjusted to meet the particular demands of the residents of that community, rather than part of a through service. It must also be borne in mind that Orinda is not on the main route of applicant and would necessitate a digression from the main highway of probably half a mile.

Communities in the delta region are provided with amply satisfactory service to the bay region. The testimony shows that residents of Freeport, Clarksburg, Hood, Franklin and Courtland quite generally drive to Sacramento and there avail themselves either of Southern Pacific, Sacramento Northern or California Transportation Company facilities.

Residents of Walnut Grove, Ryde, Isleton and Rio Vista desiring to travel either towards the bay area or to Sacramento by public convenience may do so by using Rio Vista Transit Company, a stage line operating between Isleton, Rio Vista and Rio Vista

Junction, transferring its passengers at the latter point to Sacramento Northern with which it maintains direct connections and joint fares for points north and south. Pittsburg is also reached by this route by means of a branch of Sacramento Northern involving transfer at West Pittsburg. At Pittsburg a transfer is again made to Ward's Auto Stage, which operates between Pittsburg and Antioch, serving the industrial district between those points. This bus line makes nine round trips daily and connects with all Sacramento Northern trains at Pittsburg, maintaining through fare arrangements with the electric lines. The route between Antioch and Bay Point is served by Southern Pacific and The Atchison, Topeka & Santa Fe.

A petition signed by 92 residents of Rio Vista and 25 residents of Isleton was filed as an exhibit and sets forth that the signers travel between Rio Vista and the bay cities over the joint route of Rio Vista Transit Company and Sacramento Northern and find such service "entirely satisfactory."

A review of the rather exhaustive record in this proceeding inevitably leads us to the conclusion that there is no need of additional transportation service between Sacramento and the bay cities, and that such service as is given is satisfactorily rendered, with the exception hereinbefore noted of connections at Bay Point. The proposed schedules of applicant to a considerable degree parallel those of existing carriers and would constitute an unnecessary and wasteful duplication of transportation service.

The railroads are generally accepted as the fundamental and essential transportation agencies of the country and so long as they are doing their full duty by the public they are entitled to protection against loss of revenue by competition. That doctrine has been firmly established by this Commission in its earlier decisions and has been subsequently reaffirmed in a long

line of decisions affecting other utilities as well. Here it is peculiarly applicable to the situation of the electric line operating between Sacramento and Oakland with respect to the transportation requirements between these points and between Bay Point and the bay cities. It is not contended that the service of the electric line is inadequate or inefficient; rather is it the plea of applicant that he be permitted to provide another method of transportation between points where existing lines are affording adequate service.

What is said above regarding the transportation of passengers applies with equal force to the carrying of express packages. American Railway Express protests the application and points out that it offers frequent collection and delivery service to Walnut Creek, Concord, Pittsburg, Antioch and Sacramento and that it carries express to Bay Point, Rio Vista, Isleton, Courtland, Hood, Locke and Walnut Grove.

We find from a careful consideration of the testimony that public convenience and necessity does not require the extension of applicant's line from Bay Point to Oakland and San Francisco, and that that portion of the application should be denied. However, the Commission believes that both applicant and Sacramento Northern can do much to relieve an inexcusable situation which has arisen as a result of poor connections at Bay Point as between the stage line and the railroad. In accordance with this belief, we urge that Beverly Gibson and Sacramento Northern, at the earliest possible opportunity, devise and inaugurate a plan of co-ordinating their time schedules and service at Bay Point so that there shall be no further cause for complaint on the part of the traveling public.

The application which we have been considering also requests an in lieu certificate of public convenience and necessity consolidating and unifying all of applicant's existing

operative rights, as heretofore alluded to, and establishing through service thereunder. The consolidation would permit the operation of through stages without change between Sacramento and Stockton, via Thornton.

Applicant's present operative rights are generally as follows:

(1) Between Sacramento and Bay Point, via Walnut Grove, Rio Vista and Pittsburg.

(2) Between Stockton and Walnut Grove, via Lodi, Woodbridge and Thornton.

(3) Between Rio Vista and Suisun, via Denverton and Solano City.

(4) Between Franklin and Walnut Grove, via Thornton.

(5) Between Sacramento and Winters, via Davis.

(6) Between Sacramento and Represa, via Mills Road and Folsom.

(7) A freight right between Sacramento and Rio Vista, via Hood, Walnut Grove, Ryde and Isleton.

The testimony with respect to the consolidation feature of the application goes chiefly to the situation growing out of the Sacramento-Stockton operation. Beverly Gibson, Jr., son of the applicant and associated with his father in the conduct of the business, testified that passengers desiring to travel from Sacramento to Stockton are sold two tickets - one from Sacramento to Thornton and the other from Thornton to Stockton. At Thornton passengers and their baggage are transferred from one stage to another. This is necessitated by the fact that there are involved two separate and distinct operating rights which do not permit the operation of through stages. During an average month 830 passengers were thus transported between Sacramento and Stockton, and 295 passengers between Sacramento and Lodi, all of them being

required to transfer at Thornton. Express packages are handled in the same manner, with a resultant increase in rates due to a second handling of all shipments. The witness testified that there have been a great many complaints over this method of operation and there is some testimony in the record to this effect. Also it appears that a substantial saving could be effected in operating costs if this transfer could be eliminated and through stages operated instead.

The Commission is of the opinion that the public interest will be better served by the elimination of the transfer at Thornton and that the operation of through stages between Sacramento and Stockton will not adversely affect other public carriers. Further, we believe the record fully justifies a consolidation of all applicant's operative rights into one unified system. The benefits flowing from such unification are so apparent, and have been so frequently set forth in our decisions, that we feel no necessity exists for their restatement here.

We will therefore grant a new certificate of public convenience and necessity embracing all the operative rights of applicant, howsoever acquired, and consolidating such rights into one complete system for the transportation of passenger, baggage and express; under a standard set of tariffs, rules and regulations.

Beverly Gibson is hereby placed upon notice that "operative rights" do not constitute a class of property which should be capitalized or used as an element of value in determining reasonable rates. Aside from their purely permissive aspect, they extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly may be changed or destroyed at any time by the state which is not in any respect limited to the number of rights which may be given.

We shall now discuss Application No. 14912 which was heard in conjunction with the Beverly Gibson matter.

In this application Pacific Greyhound Lines, Inc., a corporation, substituted by order of the Commission as party-applicant in the above entitled proceeding, seeks the removal of certain restrictions now imposed on its operations between Martinez and Stockton, the consolidation of this operative right with the operative rights of the remainder of its system, and the re-routing of a portion of its service between Oakland and Martinez via Franklin Canyon.

By our Decision No. 19691 applicant was granted authority to operate between Martinez and Stockton over a designated route, with the proviso 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. This Martinez-Stockton right was to be maintained as a separate right and not operated as part of the main system.

While the hearings in the present application were in progress, applicant, in a separate proceeding, requested and was granted permission to temporarily suspend its passenger stage service between Martinez and Stockton (Decision No. 22621 dated July 1, 1930). The temporary suspension was granted upon a showing that over a period of 18 months the service was operated at a loss of 10 cents per mile.

We believe the removal of the restriction against local service between Martinez and Antioch and the consolidation of the operation between Martinez and Stockton with the remainder of applicant's system will offer to the public a more simplified and complete transportation system, and will not in any way affect the service now being rendered by existing carriers. At the same time,

it will permit applicant to effect certain economies in its operations over this unit of its system. A passenger desiring to travel between Antioch and Martinez and intermediate points has now the choice of two rail lines, neither of which furnishes convenient schedules, and three local stage lines, with a total lack of coordination as between these. The service is not satisfactory though it may answer the requirements of individual groups, as for example, Ward's Auto Stage Line, which aims to serve only the industrial district of Pittsburg. It has been the policy of this Commission to encourage service uniform in its performance from terminal to terminal and restricted only in accordance with the requirements of the traveling public.

The service as at present conducted requires the operation of a stage into Martinez from the east and a change to the westbound stage and vice versa. The application contemplates the operation of a through stage, thus doing away with the change at Martinez.

Applicant also requests authority to reroute a portion of its service between Oakland and Martinez so as to operate via Franklin Canyon. Witnesses from Martinez, Bay Point, Pittsburg, Antioch and Oakland testified generally that the present route via Crockett is winding and hazardous, and that the Franklin Canyon route offers a good, wide highway practically devoid of curves. There seems to be no question that the latter route is preferable from an operating standpoint and witnesses from this community testified that the Crockett route was very seldom used by local residents. We believe the showing is conclusive as to the necessity for the rerouting via Franklin Canyon.

We find, therefore, from a review of the testimony affecting this application that public convenience and necessity require



(1) The removal of the restriction against the rendering by applicant of local passenger service between Martinez and Antioch and points intermediate thereto, unless such passengers originate at or are destined to points east of Antioch, which restriction forms a part of the order in Decision.No. 19691 (31 C.R.C. 690).

(2) The consolidation of applicant's operative right between Martinez and Stockton with the operative rights of the remainder of its system.

(3) The rerouting of a portion of applicant's service between Oakland and Martinez via Franklin Canyon.

Pacific Greyhound Lines is hereby placed upon notice that "Operative rights" do not constitute a class of property which should be capitalized or used as an element of value in determining reasonable rates. Aside from their purely permissive aspect, they extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be changed or destroyed at any time by the state which is not in any respect limited to the number of rights which may be given.

#### O R D E R

Public hearing having been held in the above entitled proceedings and the matters having been submitted on briefs,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation of an automotive passenger stage service for the transportation of passengers, baggage and express between the following points, serving all intermediates between said points:

(1) Between Sacramento and Bay Point, via Walnut Grove, Rio Vista and Pittsburg.

(2) Between Stockton and Walnut Grove, via Lodi, Woodbridge and Thornton.

(3) Between Rio Vista and Suisun, via Denverton and Solano City.

(4) Between Franklin and Walnut Grove, via Thornton.

(5) Between Sacramento and Winters, via Davis.

(6) Between Sacramento and Represa, via Mills Road and Folsom.

IT IS HEREBY ORDERED that an in lieu certificate of public convenience and necessity for such a service, to be operated as a consolidated, unified system, be and the same is hereby granted to Beverly Gibson, said operating rights to be subject to the following conditions:

(1) That no single piece of express weighing in excess of 100 pounds shall be transported and the transportation of express shall be limited to passenger vehicles operated under said certificate.

(2) That no passengers nor express shall be transported between Sacramento on the one hand, and Antioch, Pittsburg and Bay Point on the other hand, nor transported locally between Antioch, Pittsburg and Bay Point, or any of said towns.

(3) That the operating right between Rio Vista and Suisun, via Denverton and Solano City, shall be subject to our order in Decision No. 23282 on Application No. 17020.

(4) That within twenty (20) days from the date hereof said Beverly Gibson shall file an acceptance of the certificate herein granted, said acceptance to contain the declaration that the certificate herein granted is accepted in lieu of all operating rights heretofore granted to or acquired by Beverly Gibson between the points hereinabove named, all of said original operating rights being hereby revoked.

(5) That applicant Beverly Gibson shall file, within thirty (30) days from the date hereof a tariff of rates and rules and regulations which shall in form and substance be identical with the tariff and rules and regulations covering service affected by the order herein, now on file with the Railroad Commission in the name of Beverly Gibson, in so far as they are applicable to the service herein authorized.

(6) That applicant Beverly Gibson shall file such time schedules as are required by the Railroad Commission to cover the service herein authorized.

(7) 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.

(8) No vehicle may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by him under a contract or agreement on a basis satisfactory to the Railroad Commission.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY FURTHER DECLARES that public convenience and necessity require the operation of an auto trucking service for the transportation of freight between Sacramento and Rio Vista and all intermediate points via Hood, Walnut Grove, Ryde and Isleton, and

IT IS HEREBY FURTHER ORDERED that a certificate of public convenience and necessity for such a service be and the same is hereby granted to Beverly Gibson, subject to the following conditions:

(1) That within twenty (20) days from the date hereof said Beverly Gibson shall file an acceptance of the certificate herein granted, said acceptance to contain the declaration that the certificate herein granted is accepted in lieu of all operating rights heretofore granted to or acquired by Beverly Gibson between the points hereinabove named, all of said original operating rights being hereby revoked.

(2) That applicant Beverly Gibson shall file, within thirty (30) days from the date hereof a tariff of rates and rules and regulations which shall in form and substance be identical with the tariff and rules and regulations covering service affected by the order herein now on file in the name of Beverly Gibson with the Railroad Commission, in so far as they are applicable to the service herein authorized.

(3) That applicant Beverly Gibson shall file such time schedules as are required by the Railroad Commission to cover the service herein authorized.

(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 applicant herein unless such vehicle is owned by said applicant or is leased by him under a contract or agreement on a basis satisfactory to the Railroad Commission.

IT IS HEREBY FURTHER ORDERED that that part of Application No. 14026 requesting authority to operate between Bay Point and San Francisco and intermediate points be and the same is hereby denied.

IT IS HEREBY FURTHER ORDERED that the application of Pacific Greyhound Lines, Inc., successor in interest to California

Transit Co., for an order

(a) Eliminating restriction on local service between Martinez and Antioch heretofore established by Decision No. 19691.

(b) Rerouting a part of its service between Oakland and Martinez so as to permit service via Franklin Canyon, and

(c) Consolidating operating right between Martinez and Stockton and rerouting via Franklin Canyon with main system as established by Decisions Nos. 23244, 23301 and 23667 on Application No. 16989,

be and the same is hereby granted, and

IT IS HEREBY FURTHER ORDERED that a certificate of public convenience and necessity covering said changes in service be and the same is hereby granted to Pacific Greyhound Lines, Inc. subject to the condition that applicant shall, within thirty (30) days make such tariff and time schedule filings as are necessary to cover service changes herein authorized, and shall also file, within fifteen (15) days, an acceptance of said certificate as an enlargement of existing rights and not as new or separate rights.

For all other purposes the effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 3rd  
August  
day of ~~June~~, 1931.

C. Seaver  
Leon Whittell  
W. J. C.  
M. B. Harris  
Fred G. Stewart  
Commissioners.