

ORIGINAL

In the Matter of the Application of  
the PICKWICK STAGES, NORTHERN DIVISION,  
a corporation, for a certificate of  
public convenience and necessity to  
operate stage service between Los  
Angeles and San Francisco and  
intermediate points.

Application No. 5421.

N. C. Folsom and C. F. Wren for Applicant  
S. V. Wright for J. E. Price  
J. F. Frick for L. & J. Stage Line; Red Star  
Line; Webb Stages; E. C. Craig; Bell &  
Canfield.  
H. A. Encell for Pacific Auto Stage Company;  
Mathen & Lopez, Proprietors, White Star  
Line; Clement Brothers, Proprietors  
Yellow Pennant Line; Peerless Auto  
Stages; and Henry T. Campbell.  
E. E. Wade for Southern Pacific Company.  
Geo. G. Seidelmann for Auto Transit Company.  
J. E. McCurdy for Peninsular Rapid Transit  
Company.

BY TELECOMMISSION:

OPINION AND ORDER ON ORDER TO SHOW CAUSE  
ON PROPOSED MODIFICATION OF PRIOR ORDER

In the above entitled proceeding as filed herein on January 30, 1918, the Railroad Commission made its order by Decision No. 5107 under date February 5, 1918, declaring that public convenience and necessity required the operation by applicant of an automobile stage service as a common carrier of passengers and express packages between Los Angeles and San Francisco; the order providing that same should not become effective until said applicant should have filed with this Commission certified copies of permits from the governing bodies of all

political subdivisions through which the proposed line would operate between Los Angeles and San Francisco. Under date of May 22, 1918, the Commission issued an order setting a further hearing on the application herein for the purpose of hearing argument upon the question as to whether, under Chapter 213, Statutes of 1917, and the order previously made by Decision No. 5107 as decided February 5, 1918, applicant was required to obtain permits from such political subdivisions of this state through which applicant proposed to operate but within the limits of which applicant did not propose to take on or discharge any passengers or express packages. After hearing the Railroad Commission under date July 17, 1918, by its Decision No. 5589, issued a supplemental opinion finding that the statute required a permit from "each political subdivision within or through which applicant intends to operate." Under date October 21, 1918, by its Decision No. 5861, the Railroad Commission issued its First Supplemental Order declaring that certified copies of local permits as issued by the various political subdivisions between Los Angeles and San Francisco had been duly filed with the Railroad Commission in accordance with the provisions of Section 3 of Chapter 213, Statutes of 1917.

On June 8, 1921, the Railroad Commission issued an Order to Show Cause herein directing applicant to appear before it and show cause, if any it had, why an amendment and modification of the provisions of the second paragraph of the order as heretofore issued by Decision No. 5107 under date February 5, 1918, should not be made by adding the words "and intermediate points" after the clause, "That public convenience and necessity require

the operation by Pickwick Stages, Northern Division, a corporation, of an automobile stage service as a common carrier of passengers and express packages between Los Angeles and San Francisco."

A public hearing on the Order to Show Cause was held by Examiner Handford at San Francisco, at which time evidence was received and the matter was duly submitted on briefs filed by interested counsel.

At the hearing on the order to show cause it was agreed that the matter should be confined to the record heretofore made in this proceeding and the briefs to be filed herein by interested counsel.

Application No. 3421 was originally filed by Pickwick Stages, Northern Division, under date December 31, 1917, the applicant being a co-partnership consisting of Charles F., Stella T., and Edith A. Wren. At the hearing on the application on February 4, 1918, the presiding commissioner allowed an amendment to the application as filed January 30th, 1918, which substituted the Pickwick Stages, Northern Division, a corporation, for the partnership applicant and expanded the territory sought to be served from Atascadero to San Francisco and intermediate points to between Los Angeles and San Francisco and intermediate points.

A condition in the order of this Commission as issued on Application No. 3436, (Decision No. 5070 dated January 25, 1918), being an application for authority to issue stock by the Pickwick Stages, Northern Division, a corporation, contained the following clause:

"(3).- The authority herein granted shall not become effective until Pickwick Stages, Northern Division, a corporation, has obtained all necessary permits from public authorities and a certificate of public convenience and necessity from the Railroad Commission as provided for in Chapter 213, Laws of 1917."

The provisions of Chapter 213, Statutes of 1917, from which this Commission obtained jurisdiction over the regulation of automobile stage companies, made it necessary for all new transportation companies proposing to operate after the effective date of the enactment to secure a certificate of public convenience and necessity from the Railroad Commission and also permits from the governing bodies of all political subdivisions in the state through which a route passed. There was no method by which a change in ownership of operative rights could be made; an individual could not transfer to another individual, or to a partnership or corporation, without the necessity of securing a new certificate of public convenience and necessity and all the local permits as required by the statutory enactment. This statutory requirement, upon which authority the Railroad Commission based the condition in its Decision No. 5079 on Application No. 3436 as above referred to, made it necessary for the applicant corporation herein to amend its application in accordance with the service proposed to be given and to secure all local permits from the governing bodies of the various political subdivisions.

The original application filed herein referred to the intermediate points proposed to be served between Atascadero and San Francisco as those then on file with this Commission by Pickwick Stages, Northern Division, (a co-partnership.) The tariff on file was Supplement No. 1 to C. R. C. No. 2 of Pickwick Stages, Northern Division, issued December 15, 1917, and effective December 20, 1917, and naming One-way and Round-Trip fares between San Francisco and Atascadero and intermediate points and

between points between San Francisco and Atascadero and points between Atascadero and Los Angeles. This tariff cancelled the fares previously shown in Section 5 of Tariff C. R. C. No. 4 and Section 4 of Tariff C.R.C. No. 5 issued by the Western Auto Stage Company, Inc. The intermediate points shown between San Francisco and Atascadero were San Jose, Gilroy, San Juan, Salinas, Soledad, King City, San Lucas, San Ardo, Bradley, San Miguel and Paso Robles. The intermediate points shown between Atascadero and Los Angeles were San Luis Obispo, Pismo, Arroyo Grande, Santa Maria, Los Alamos, Los Olivos, Santa Ynez, Solvang, Gaviota, Capitan, Santa Barbara, Carpinteria, Ventura, Oxnard, Camarillo and Newberry Park.

In the amended application herein as filed January 30, 1918, applicant filed a statement of rates and points to be served between San Francisco and Atascadero and, as regards the territory between Los Angeles and Atascadero, the proposed rates and schedules to serve the same points as then on file with the Railroad Commission by Pickwick Stages, Northern Division, a co-partnership. The intermediate points proposed to be served between San Francisco and Atascadero were San Jose, Gilroy, San Juan, Salinas, King City, San Lucas, San Ardo, Bradley, San Miguel and Paso Robles. Applicant qualified the intermediate points proposed to be served by suitable designations on the exhibit containing proposed rates that no local passengers should be carried between the following points, San Francisco and San Jose; Gilroy and San Jose; San Juan and San Jose; San Juan and Gilroy. Applicant also set up a proposed qualification that between the following points applicant did not hold itself out to handle local passengers

but that such would be handled if they offered for passage and if there were vacant seats available in the cars of applicant at the time schedules left any of the following qualified points: between Salinas and Gilroy; Salinas and San Juan; King City and Salinas; San Lucas and King City; San Ardo and King City; San Lucas and San Ardo; Bradley and King City; Bradley and San Lucas; Bradley and San Ardo; San Miguel and San Lucas; San Miguel and San Ardo; Paso Robles and San Ardo; Atascadero and San Ardo; San Miguel and Bradley; Paso Robles and Bradley; Paso Robles and San Miguel; Atascadero and Bradley; Atascadero and San Miguel; Atascadero and Paso Robles.

The application of Pickwick Stages, Northern Division, a corporation, was not for the establishment of any new service over the route between Los Angeles and San Francisco and intermediate points, such service having previously been given first between the two terminals by the Western Auto Stage Company. Later the Western Auto Stage Company reduced its operation to service between Atascadero and San Francisco and intermediate points, the service on the portion of the route between Los Angeles and Atascadero being cared for by Pickwick Stages, Northern Division, a co-partnership. Upon the withdrawal of the service of the Western Auto Stage Company between Atascadero and San Francisco, the Pickwick Stages, Northern Division, a co-partnership, filed tariffs and schedules identical with those previously filed, and of record, in the name of the Western Auto Stage Company and the cancellation of the Western Auto Stage Company's tariffs and schedules was effective on the same date as that made effective by the tariffs and time schedules of the

Pickwick Stages, Northern Division, a co-partnership. Due to the requirement in the order of the Commission (Decision No. 5070 on Application No. 3435, as decided January 30, 1918,) the Pickwick Stages, Northern Division, a corporation, were required to secure a new certificate of public convenience and necessity and local permits from the governing bodies of all political subdivisions through which the route passed in order that the conditions of the above mentioned order might be complied with and for the reason that, as hereinabove stated, there was no provision in the statutory enactment known as Chapter 213, Laws of 1917, whereby a transfer could be made of the operative rights of any then existing stage line.

In view of the fact that the service as proposed by this applicant was not a new service but a continuation by the applicant corporation herein, we are of the opinion and hereby find as a fact that insofar as such establishment of service did not exceed that heretofore given or serve points beyond those specifically exempted in the exhibit attached to the amended application herein, or points qualified as to service proposed to be given as contained in said exhibit, that to such extent the order of the Commission contained in its Decision No. 5107 on Application No. 3421, as decided February 5, 1918, should be amended to include, with such qualifications as are above referred to, the intermediate points to be served.

O-R-D-E-R

A public hearing having been held on the order to show cause as issued by the Railroad Commission under date June 8, 1921, directing applicant herein to appear before it to show cause, if any it had, why an amendment and modification

of the order heretofore made herein February 5, 1918 (Decision No. 5107), should not be made so that the terms of the certificate of public convenience and necessity contained in said order should conform to the facts as contained in the record in said proceeding; the matter having been duly submitted, and the Commission being fully advised, and basing its order upon the findings of fact as set forth in the opinion preceding this order--

IT IS HEREBY ORDERED, that the second paragraph of the order heretofore made herein February 5, 1918 (Decision No. 5107), be, and the same is hereby, amended to read as follows:

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation by PICKWICK STAGES, NORTHERN DIVISION, a corporation, of an automobile stage service as a common carrier of passengers and express packages between Los Angeles and San Francisco, and the following intermediate points, to-wit: San Jose, Gilroy, San Juan, Salinas, Soledad, King City, San Lucas, San Ardo, Bradley, San Miguel, Paso Robles, Atascadero, San Luis Obispo, Pismo, Arroyo Grande, Santa Maria, Los Alamos, Los Olivos, Santa Ynez, Solvang, Gaviota, Capitán, Santa Barbara, Carpinteria, Ventura, Oxnard, Camarillo and Newberry Park; subject to the conditions and upon the limitations as follows:

1. No local service between either of said termini and any of said intermediate points, or between any of said intermediate points, shall be rendered by said Pickwick Stages, Northern Division, a corporation, the applicant herein, under the authorization herein granted, except as such local service may be furnished by said applicant on its through automobile stages operated in connection with its through service between Los Angeles and San Francisco; and said applicant shall not operate any automobiles or auto stages for the purpose of rendering such local service, or



any part thereof, in any manner independently of its through operations.

2. No local business, whatsoever, in the transportation of passengers or express packages shall be conducted by said applicant under the authorization hereby conferred between San Francisco and San Jose, inclusive; between Gilroy and San Jose, inclusive, and between San Juan and Gilroy, inclusive.

Provided, that this declaration shall not become effective until said Pickwick Stages, Northern Division, a corporation, has secured from the Railroad Commission a supplemental order herein reciting that the said Pickwick Stages, Northern Division, a corporation, has filed herein certified copies of permits from the governing bodies of all political subdivisions through which the proposed line will operate between Los Angeles and San Francisco; and, provided further, that the rights and privileges herein granted may not be assigned or transferred unless the written consent of the Railroad Commission to such assignment or transfer has first been secured.

IT IS HEREBY FURTHER ORDERED, that the terms of the order heretofore made herein February 5, 1918 (Decision No. 5107), shall, in all other respects, remain in full force and effect.

IT IS FURTHER ORDERED, that the applicant herein shall, within ten (10) days from the effective date of this order, cancel all time schedules and tariffs covering operations between Los Angeles and San Francisco and intermediate points, the authority for which is hereby conferred, and file new time schedules and tariffs consistent with the provisions of this order.

The effective date of this order is hereby fixed as  
July 6, 1922.

Dated at San Francisco, California, this 22nd day  
of June, 1922.

W. B. Brundage  
Livingston Martin  
Charles H. Kewell

J. F. Brundage  
Commissioners.