

enger was compelled to make the trip from Lakeport to Calistoga by a private conveyance. Complainant further alleges that it is able to handle all passenger traffic between Calistoga and Lake County points during the winter and summer and that there is only business enough to support one company. Complainant requests general investigation by the Railroad Commission into the methods and practices of the defendant company and the revocation of the license of the White Transportation Company to carry passengers from Calistoga, in Napa County, to Lake County points.

Defendant filed its answer denying the material allegations of the complaint.

A public hearing was held at Calistoga on April 22, 1918, the matter was duly submitted and is now ready for decision.

The White Transportation Company, a corporation, has operated a stage line for the transportation of passengers and baggage from Calistoga to points in Lake County since May 17, 1915. Regular daily service during the summer season has been given to Toll House, Mira Vista, Shady Brook, Arcadia, Middletown, Mt. St. Helena, Siegler, Adams, and Hoberg's. Special service has been given during the summer season to Kelseyville, Howard, Anderson, Harbin, Coyote, Spring Hill Farm, Lakeport and Lower Lake whenever passengers offered to be transported to or from such points. During the winter seasons of 1915-16 and 1916-17 service was not given as a regular carrier. The jurisdiction of the Railroad Commission over transportation companies of this character was imposed by the provisions of Chapter 213, Laws of 1917. Subsequent to the effective date of such legislative enactment the Railroad Commission issued its instructions, rules and regulations for the filing of tariffs and time schedules, and as to the conduct of the

business of this class of transportation companies. These rules and regulations require the filing of time schedules and the strict observance of same. On October 6, 1917, the Secretary of the White Transportation Company addressed a communication to the Railroad Commission requesting authority to discontinue service during the period from November 1, 1917 to April 1, 1918, inclusive, for the reason that the travel between Calistoga and Lake County points was in slight volume during such months and that a toll of \$2.50 per car per round trip required to be paid for the passage of automobile stages over the Mt. St. Helena Toll Road, such toll being assessed whether passengers were carried or not. The Railroad Commission under date October 11, 1917 advised the White Transportation Company if discontinuance of service was desired, that before permission would be granted to resume service that an application for a certificate of public convenience and necessity would require to be made to and granted by the Railroad Commission and also permits would require to be secured from the governing bodies of all political subdivisions, all in accordance with the provisions of Chapter 213, of the Laws of 1917. Upon receipt of the Railroad Commission's letter advising circumstances under which the service could be withdrawn for the winter season of 1917-18, Mr. I. Sutcliffe, Secretary and Manager of the White Transportation Company called at the office of the Railroad Commission and conferred with Mr. W. J. Handford, the Railroad Commission's Service Inspector, regarding the matter of the proposed suspension of service. Mr. Sutcliffe contended that the operation of the line would not be justified during the months for which suspension of operation had been requested and claimed that often trips would require to be made in protecting the schedule that would not be patron-

ized by anyone, and further directed attention to the toll charge of \$2.50 per round trip which would add expense and would require to be paid. Mr. Sutcliffe did not desire to relinquish the right to operate and be compelled to secure a certificate of public convenience and necessity from the Railroad Commission and permits from the governing bodies of all political subdivisions as required by the provisions of Chapter 213, Laws of 1917, before being permitted to resume operations for the summer season of 1918. It was agreed in conference between Mr. Sutcliffe representing the White Transportation Company and Mr. Handford as Service Inspector for the Commission that the White Transportation Company would have its stages meet all trains at Calistoga and if any passengers offered for transportation to make the trip, and that as regards passengers from Lake County points that arrangements would be made that whenever a passenger notified the Calistoga headquarters of the White Transportation Company that they desired to make the trip from Lake County points to Calistoga that a stage would be sent in to furnish the desired service. The understanding was distinct as to the procedure that was to be followed, and Mr. Sutcliffe, as Manager of the White Transportation Company fully agreed to protect the service in the manner above stated. Local Passenger Tariff No. 2 was issued by Mr. I. Sutcliffe as General Manager of the White Transportation Company under date October 20, 1917, and was filed with the Railroad Commission bearing effective date of November 1, 1917. This tariff specified the stations of Arcadia, Coyote Valley, Kelseyville, Lakeport, Lower Lake, Middletown and Mt. St. Helena as those to and from which service would be available daily from November 1, 1917 to March 31, 1918, inclusive. The stations of

Adams Springs, Anderson Springs, Bonanza, Harbin, Hobergs, Howard Springs, Mira Vista, Seigler Springs, Spring Hill Farm, Shady Brook and Salamina were designated as points that were "shut down from November 1st, to April 1st." It is understood that these stations were not those to which regular service was to be required.

Witnesses for the complainant testified that they had been at the stations of the San Francisco, Napa and Calistoga Railway and the Southern Pacific Company in Calistoga during the months of November, 1917 to March, 1918, inclusive, and that on many occasions there were no stages of the White Transportation Company at the station to meet the incoming trains, nor was there any representative of the White Transportation Company present at the station at the time of train arrival to direct prospective passengers to the stages of that Company. Mr. K. White, Agent of the San Francisco, Napa and Calistoga Railway, testified that the stages of the White Transportation Company had not met all trains arriving at Calistoga, that the representatives of the White Transportation Company had not met all trains, and that on an average of once or twice a week during the winter season intending passengers had inquired as to the whereabouts of the White Transportation Company's stages some of such passengers holding tickets for transportation over the stages of the defendant company. Solicitors for resorts adjacent to Calistoga who met trains of the Southern Pacific Company and those of the San Francisco, Napa and Calistoga Railway also testified as to being present at the arrival of trains and that such trains were not met by the representatives or stages of the defendant company, and that inquiries had been made of them as

to the location of the stages or office of the White Transportation Company.

Mr. I. Sutcliffe, Secretary and Manager of the White Transportation Company testified that the terms of the arrangement for the protection of the schedules between Calistoga and Lake County points had been communicated to the local manager of the Company at the Calistoga headquarters and that the local manager had been instructed to see that the agreed service was rendered to the traveling public. Statements were presented as exhibits indicating the toll bills paid on machines of the White Transportation passing over the toll road between Middletown and Calistoga during the months of November, 1917 to March, 1918, inclusive. These statements indicate the following trips upon which toll was paid during the months referred to.

	Up	Down	Total Trips
November, 1917	25	26	51
December, 1917	18	19	37
January, 1918	17	14	31
February, 1918	10	9	19
March, 1918	<u>12</u>	<u>11</u>	<u>23</u>
	82	79	161

A statement was also furnished indicating that the expense of keeping up the service during the months above mentioned had resulted in a net loss of \$1,364.51, such statement including no charges for depreciation, taxes, general or traveling expenses. The following record of tickets sold was furnished :

	One Way Tickets	Round Trip Tickets
November, 1917	4	14
December, 1917	5	20
January, 1918	4	2
February, 1918	2	1
March, 1918	<u>16</u>	<u>8</u>
	31	45

All the tickets sold, except six round trips, were issued by the local manager of the White Transportation Company at Calistoga, the round trip tickets being sold in San Francisco, four by the Monticello Steamship Company and two by the ticket agency of Peck-Judah Company.

After careful consideration of all the evidence in this proceeding I am satisfied that the White Transportation Company has not protected the arrangement made with the Railroad Commission in October, 1917 regarding the furnishing of service during the winter months between Calistoga and Lake County points. The arrangement was specific that all trains should be met by a machine that persons desiring passage could be transported to their destinations in Lake County. The fact that trips were made to and from Lake County points at hours other than the scheduled leaving time, either with or without passengers, has no bearing on the matter of the protection of regular scheduled trips whenever passengers offered desiring to patronize such trips. The evidence of a number of witnesses is conclusive that the stages did not meet the trains in accordance with the agreement under which the White Transportation Company were permitted to reduce their winter operations to a minimum, and that intending passengers arriving at Calistoga via the trains of the San Francisco, Napa and Calistoga Railway were often unable to find the stages of the White Transportation Company or any representative of that Company, although making inquiry for such stages or representatives and in some cases holding tickets over the White Transportation Company line.

Considerable testimony was introduced at the hearing relative to the advantages accruing to the resorts of Lake County by reason of the competition afforded by the operation

of the White Transportation Company. This testimony has no bearing upon the issues involved in this case, the matter to be determined is not the public convenience or necessity for the service.

- I find as a fact that the White Transportation Company did not protect the arrangement made with the Railroad Commission for the scheduled service that was to be operated during the months of November, 1917 to March, 1918, inclusive, and recommend the following form of order.

O R D E R

A public hearing having been held in the above entitled proceeding, the matter having been duly submitted and the Commission being fully advised and basing its order on the findings of fact as set forth in the opinion which precedes this order,

IT IS HEREBY ORDERED that effective immediately upon the service of this order the operation of the automobile stage line of the White Transportation Company between Calistoga and Lake County points be discontinued, and not resumed until a certificate of public convenience and necessity will have been obtained from the Railroad Commission and permits from the governing bodies of all political subdivisions through which the routes pass, as required by the provisions of Chapter 213, Laws

of 1917.

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.

Dated at San Francisco, California, this 17th day of May, 1918.

Max Thelen

Alvin Gordon

Frank R. Dolan

Commissioners.