

ORIGINAL

Decision No. 5717.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of)
S. C. CLARK for certificate of public)
convenience and necessity to operate)
passenger and express service between) Application No. 3999.
Sacramento and Plymouth.)

S. Luke Howe for Applicant.

Chas. B. Harris for Talbot & Ainsworth, Protestants.

BY THE COMMISSION

O P I N I O N

S. C. Clark has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of an automobile stage line as a common carrier of passengers and express packages between Sacramento and Plymouth and intermediate points.

A public hearing was held at Sacramento before Examiner Handford on August 22, 1918, the matter was duly submitted and is now ready for decision.

Applicant proposes to charge rates in accordance with a schedule filed as Exhibit "A" with the application in this proceeding and to operate on a schedule of one round trip daily between Sacramento and Plymouth serving also the intermediate communities at Walsh Station, Slough House, Bridge House, and Michigan Bar.

The equipment proposed to be used in the service consists of one Ford Touring Car, 22 horse-power, seating five passengers including driver, licensed by State Motor Vehicle

Department under License No. 335496.

Applicant has secured permits in accordance with the provisions of Section 3 of Chapter 213, Laws of 1917, from the Boards of Supervisors of the Counties of Sacramento and Amador; from the Board of Trustees of the City of Plymouth; and from the City Commission of the City of Sacramento, and same have been filed in this proceeding.

Applicant has operated over the route herein sought in connection with a sub-contract for the carriage of United States mail having been employed by J. E. Tilden and later by a Mr. Butler. During the period when employed by Mr. Tilden applicant also carried passengers as a common carrier until his attention was called by an inspector of the Railroad Commission to the violation of the law whereupon the carriage of passengers was discontinued.

The portion of the line between Sacramento and Bridge House is productive of a considerable amount of traffic at certain seasons, particularly at the time of the hop harvest when there is a large movement of hop pickers during a period of a few weeks. This traffic offers in considerable quantity and without advance notice and during the period of the hop harvest requires the use of extra equipment. It also appears that laborers are transported to mines and to other points beyond Plymouth by their employers and without charge, but many of these laborers do not remain with the concerns with which they engage and are compelled to defray their own transportation on their return to Sacramento.

Testimony on behalf of applicant indicated that the present line has been observed to permit overcrowding of cars by reason of passengers sitting on doors of cars and standing.

on running boards, in violation of the regulations of the Railroad Commission's regulations against over-crowding. A witness formerly employed as manager of the Sacramento office of the Star Auto Stage Association testified that the stages operated on the Sacramento-Plymouth Division of the Association did not give adequate service and that frequently it was necessary to refund the amount patrons had paid for tickets because there was no space remaining in the cars at the time of their scheduled departure.

Talbot and Ainsworth, operating the Sacramento-Plymouth Division of the Star Auto Stage Association oppose the granting of a certificate and claim to be in position to handle all the traffic between Sacramento and Plymouth excepting during the hop-picking season. Protestants are operating re-constructed Ford cars, one of nine passenger and three of six passenger capacity, two of the cars being used regularly and the others being held in reserve for break-downs or overflow loads. Protestants claim to have an investment of \$8,000.00 in their stage business and that the authorization of a competing line would result in the ultimate loss of such investment. The receipts of protestants for a period of seven months ending July 31, 1918 amounted to \$6,500.00, operating expenses \$3,405.00 and net income of \$3,095.00 or an average net return of \$442.00 per month. The amount shown as operating expense does not cover any allowance for depreciation nor interest on capital invested in the business. Protestants admit overloading of cars and state that it is often impossible to prevent same for the reason that passengers present themselves at intermediate points and insist on being furnished service, and that the

travel is of such intermittent character that it is impossible to provide extra equipment without adequate notice. Protestants have assumed the burdens of a common carrier and must comply fully with the rules and regulations of the Railroad Commission which provide that no overcrowding of cars may be permitted and that no passengers may be carried on any portion of an automobile other than on the seats. Protestants were fully informed at the hearing on this application as to the necessity for full compliance with the operating rules of the Railroad Commission and further complaints should not be necessary in the matter of overcrowding.

Applicant herein proposes to operate a Ford Automobile having a seating capacity of but four passengers, and has made no arrangement for any reserve equipment to replace the one vehicle in case of accident or needed repairs or in case business offered in excess of the capacity of the single car. We are of the opinion that this is not a sufficient equipment to justify a showing of ability to serve as a common carrier or to maintain a regularly scheduled service which would be of advantage to the traveling public.

As the Commission has previously stated in its decisions involving applications for certificates of public convenience and necessity to operate stage lines as a common carrier of passengers, the desire of an applicant to enter the business is not a controlling factor in the approval of an application, especially when a route is served by an established company. The evidence in this proceeding clearly indicates that the protestants, Talbot and Minsworth, have ample equipment to satisfactorily serve the needs of the traveling public desiring to use stage service between Sacramento and Plymouth

and ability to secure further equipment should such be necessary to serve the demands of traffic and prevent overloading, and they will be required to satisfactorily meet the public necessity and eliminate overloading in future operation.

After careful consideration of all the evidence in this proceeding we are of the opinion and find as a fact that the public convenience and necessity does not require the operation by S. C. Clark of an automobile stage line as a common carrier of passengers between Sacramento and Plymouth and intermediate points.

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 finding of fact as set forth in the preceding opinion,

IT IS HEREBY ORDERED that this application be and the same hereby is denied.

Dated at San Francisco, California, this 26th day of August, 1918.

Chas. W. Edgerton
H. D. Loveland
Chas. Gordon

Commissioners.