

ORIGINAL

Decision No. 5116

Decision No. _____.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application)
of DAMIE HALSTEAD for certificate)
of public convenience and necessity)
to operate passenger and express)
service between Hamilton City and)
Chico.)

Application No. 4023.

Lon Bond and Deirup and Deirup by
John Deirup, for Applicant

M. W. Heaton for Guy Heaton,
Protestant.

BY THE COMMISSION

O P I N I O N

Mrs. Damie E. Halsted has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by her of an automobile stage line as a common carrier of passengers and express matter between the City of Chico, County of Butte, and Hamilton City, County of Glenn.

A public hearing was held by Examiner Handford at Chico on September 13, 1918, the matter was duly submitted and is now ready for decision.

Applicant proposes to charge rates in accordance with a schedule marked exhibit "A" and filed with the application in this proceeding, and to operate three round trips per day between Chico and Hamilton City, using as equipment one Studebaker Automobile of seven-passenger capacity and one Ford Automobile of five-passenger capacity.

Witnesses for applicant testified that in their opinion the existing authorized lines are not able to satisfactorily handle the passenger traffic between Chico and Hamilton, especially during the season of the year when the sugar factory of the Sacramento Valley Sugar Company at Hamilton City is in operation, that overloading of cars has been noticed and that passengers desiring transportation over the stages of the existing authorized line have been left at Hamilton City for the reason that the stage was loaded to capacity. The population of Hamilton City is normally about six hundred persons, but during the season when the sugar factory of the Sacramento Valley Sugar Company is in operation there is an additional floating population of approximately two hundred persons.

The granting of the desired certificate is opposed by Guy Heaton who is operating a stage line between Chico and Hamilton City under the regulations of the Railroad Commission, and witnesses appearing in behalf of protestant testified that the present service is adequate and satisfactory for the demands of the traveling public over the proposed route. Protestant, Heaton, operates three stages, one of six-passenger capacity and two of four passenger capacity each. Protestant alleges that the present service of three round trips per day is adequate and satisfactorily meets the demands of the traveling public. There was submitted in support of protestant's testimony a number of trip cards as made out by drivers of protestants cars and covering the period from August 7 to August 31, 1918, inclusive. This record shows that during the period above-mentioned a total of 230 passengers were carried from Chico to Hamilton City and that 236 seats out of a total seating capacity of 466 were

unoccupied. From Hamilton City to Chico a total of 226 passengers were carried and 240 seats out of a total seating capacity of 466 were unoccupied. The record shows but 49.4% of the seating capacity to have been occupied between Chico and Hamilton City and but 48.5% of the seating capacity to have been occupied between Hamilton City and Chico. Single car operation was in evidence on all but four days during the above-mentioned period, and on the four days an extra car was operated to care for the needs of the traffic. All witnesses were in agreement as to the present travel conditions representing the heaviest travel of the year, and that during the winter months the travel was in considerably lessened volume.

The applicant herein has operated a so-called taxi-service between Hamilton City and other points, principally to Chico, and has conducted such service on a basis of charging a fare of \$1.00 per passenger between Chico and Hamilton, such fare being the same as the stage fare charged by the line operated by the protestant, Heaton. It appears that while the time of departure of the so-called taxi-service heretofore operated by the applicant has not been upon any regularly fixed schedule that the service that has been rendered has been practically a stage service in that the patronage of individual travelers has been solicited. In the opinion of the Commission a legitimate taxi-cab or "for rent" service contemplates the renting of the entire car on either an hourly, trip or mileage basis, and the rental should cover the entire car irrespective of the number of persons comprising the "for rent" load. When individual passengers are charged a flat rate each under the guise of taxi-service the evident intent is an evasion of the provisions of

Chapter 213, Laws of 1917, and of the regulations of the Railroad Commission. Legitimate taxi-cab service is a matter not under the regulation of the Railroad Commission by the authority conferred by the Legislature under the provisions of Chapter 213, Laws of 1917, but it is essential that such taxi-cab service be conducted upon a proper basis and we do not consider that the assessment or solicitation of individual fares constitutes a legitimate taxi-cab service as contemplated by the Legislature in its enactment of Chapter 213, Laws of 1917.

After careful consideration of all the evidence in this proceeding we are of the opinion that the public convenience and necessity over the route between Chico and Hamilton City is amply cared for by the authorized stage lines now operated by Guy Heaton and E. P. Chrissinger, the former operating three round trips daily and the latter one round-trip daily. The protestant, Heaton, has ample equipment to satisfactorily serve the public need and in case of an unusual amount of travel offering must arrange to meet his obligation as a common carrier and provide extra cars to care for the public demand. The evidence in this proceeding does not indicate that any demand for service has existed which could not be satisfactorily cared for, but if such occurs in future, it is the duty of the established stage lines to provide such additional equipment that will answer the needs of the traveling public.

We are of the opinion and find as a fact that the public convenience and necessity do not require the establishment of an additional stage line between Chico and Hamilton as prayed for by the applicant herein.

O R D E R

Mrs. Damie E. Halstead having petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by her of an automobile stage line as a common carrier of passengers and express matter between the City of Chico, Butte County, and Hamilton City, Glenn County; a public hearing having been held, 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 opinion which precedes this order,

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

Dated at San Francisco, California, this 18th day of September, 1918.

Edwin C. Egan
H. D. V. Leland
Wm. Gordon
Fran. R. Deobry

Commissioners.