

ORIGINAL

Decision No. 5957.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application)
of CHRIS HANSEN and ELMER HANSEN)
for certificate of public conven-)
ience and necessity to operate)
passenger auto stage service between)
the City of Sacramento and Del Paso)
Heights.)
.....)

Application No. 4156.

C. E. Gilmore for Applicant.

W. A. Latta representing F. F. Atkinson and
E. M. Mitchell for A. M. Fowler, Protestant.

J. R. Wilson for Sacramento Northern Railroad,
Protestant.

BY THE COMMISSION

O P I N I O N

Chris Hansen and Elmer Hansen, partners in business, have petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by them of an automobile stage service as a common carrier of passengers between Sacramento and Del Paso Heights and intermediate points.

A public hearing was held by Examiner Handford at North Sacramento on November 21, 1918, the matter was duly submitted and is now ready for decision.

Applicants propose to charge rates in accordance with a schedule marked exhibit "A" and filed with the application in this proceeding and to operate on a schedule of thirteen round trips daily serving the intermediate communities at North

Sacramento, Arcade and Country Club.

The equipment proposed to be used consists of two specially constructed passenger stages, with Dodge Commercial Chassis, 50 H. P., and with seating capacity of twelve passengers each.

Applicants arranged for the purchase of the operative rights of Carl Brusso who formerly held certificate of public convenience and necessity from the Railroad Commission covering operation between Sacramento and Del Paso Park, but whose operative rights were cancelled account repeated violation of the regulations of the Railroad Commission regarding overloading of equipment beyond the rated seating capacity of his stages.

Applicants assumed that by the purchase of the supposed right from Mr. Brusso that all requirements of the law and the regulations of the Railroad Commission had been met, and the operation was commenced and continued until same was ordered suspended by the Railroad Commission pending the securing of a certificate of public convenience and necessity from the Railroad Commission and permits from the governing bodies of all political subdivisions through which the route passed.

The route now requested by applicants is different from that formerly operated by Brusso in that the northerly terminus is proposed to be Del Paso Heights instead of Del Paso Park, although the privilege of serving the point known as Country Club is requested on a schedule of two round trips daily.

The intermediate community of North Sacramento furnishes the majority of business as this community is ⁱⁿadequately served by the electric trains of the Sacramento Northern Rail-

road which serves the community at North Sacramento by its main line and also by a branch line known as the Swanston Branch. A service of eight round trips daily is available on the Swanston Branch and serves patrons residing in the easterly portion of the district. A service of eleven trains north bound and nine trains south bound is available on the main line and such service renders accommodation to the residents of the westerly portion of the community at North Sacramento..

The community at North Sacramento is settled over a considerable area and the lines of the Sacramento Northern Railroad are located closely adjacent to the east and west boundaries of North Sacramento and serve only a small portion of the community whereas the stage operation on the county highway passes directly through the most thickly settled portion of the community and the stage lines are therefore patronized due to the frequency of service offered and the close proximity of the stage route to the residents of the larger portion of North Sacramento. Train service on the line of the Sacramento Northern has recently been curtailed, especially on the Swanston Branch, and while train service is also available on the line of the Southern Pacific at the Station of Ben Ali but three south bound and four north bound trains are available for the use of the public and these trains serve but a limited portion of the community in that the Station of Ben Ali is located a considerable distance from the geographical center of North Sacramento.

At the hearing on this application witnesses testified as to the necessity for the stage service, as proposed by the applicant, and the desire of the community for better service

than had been heretofore accorded by the lines of A. M. Fowler and Carl Brusso.

It was also shown that the stage service was considerably improved and that no particular cause for complaint existed when the combined service of A. M. Fowler and the Hansens was operative, but that when the Hansens were ordered to discontinue their operation until such time as the provisions of Chapter 213, Laws of 1917, would have been complied with, the service that was rendered by the Fowler line was not satisfactory and considerable evidence was introduced as to the alleged unreliability of the Fowler line and as to the character of operation which was considered dangerous as at present conducted.

The matter of the operation, in violation of the Commission's regulations, is not a subject at issue in this proceeding. If operation, in violation of published schedules and the rules and regulations of this Commission regarding safety are violated by a stage line operator, the remedy is a complaint to this Commission and not an attempted adjustment on the basis of another line being authorized to compete with a view to correction of practices which are in violation of the law or of this Commission's operating rules and regulations.

No definite data was furnished by the applicants nor the protestants to enable a complete analysis of the traffic conditions and the prospective revenue to be derived from stage operation between Sacramento and North Sacramento, although protestant, Fowler, testified that at the time the Hansens began their unauthorized operation his receipts decreased from an average of \$12.65 per day to \$9.80 per day, and that after the

Hansens discontinued operation pending a hearing on this proceeding, his receipts increased to an average of \$16.65 daily.

The granting of this application is protested by the Sacramento Northern Railroad and A. M. Fowler.

The Sacramento Northern Railroad protests for the reason that the proposed northerly terminus of the line at Del Paso Heights would interfere with the patronage enjoyed by that company from the residents in such district; and it was stated by Mr. J. R. Wilson, Traffic Manager of the Sacramento Northern Railroad, that the present schedule of local trains (five round trips daily) operated on the main line and terminating at the station of Elverta, such trains serving the stations of North Sacramento and Del Paso, (which also would be served by the proposed route herein applied for), had not been a source of profit and that if further encroachment on the limited business now enjoyed on such trains were to be made, his company would of necessity be compelled to apply to the Railroad Commission for permission to discontinue some of these local trains.

He also directed attention to the fact that commutation rates were effective on such line and that the trains, while few in number, were so scheduled that they serve the majority of their patrons having employment in the City of Sacramento and residing at suburban points between Elverta and Sacramento. Mr. Wilson's objection, on behalf of his company, did not extend to the proposed service as regards the community at North Sacramento but solely to the encroachment on the business of his company at the station of Del Paso, the community at that point consisting of approximately seventy-five families

now served by the Sacramento Northern and who would have their option of continuing such service or patronizing the stage line should this application be granted.

A. M. Fowler, as protestant, described the conditions under which his operation was conducted and the equipment used in the protection of his schedules. At the present time his operation covers twenty-two round trips per day, the scheduled operation beginning at Ben Ali at 6:05 A. M. and the last trip being operated from Sacramento at 11:25 P. M. Protestant claims to have endeavored faithfully to satisfactorily handle the business and is of the opinion that there is not sufficient traffic available to justify additional service. No definite record was available as to the volume of business or the number of passengers carried, although a statement introduced in behalf of applicant indicated that Carl Brusso, when operating over the same route in competition with the Fowler line, and for a period from July, 1917, to July, 1918, inclusive, averaged in cash fares the sum of \$505.64 per month.

After careful consideration of all the evidence in this proceeding, we are of the opinion and find as a fact that the present stage service operated by A. M. Fowler between Sacramento and Del Paso Park is not adequate to satisfactorily handle traffic offering between Sacramento and North Sacramento.

Applicants have requested a certificate of public convenience and necessity between Sacramento and Del Paso Heights, but in view of the present need for additional and satisfactory automobile stage service between Sacramento and North Sacramento, and of the protests of the Sacramento Northern regarding

the granting of a certificate covering the portion of the line between North Sacramento and Del Paso Heights,

We are of the opinion that this declaration should be granted as regards the portion of the line from Sacramento to North Sacramento with the proviso that two round trips may be made to the terminus known as Country Club.

O R D E R

Chris Hansen and Elmer Hansen, partners in business, having petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by them of an automobile stage service as a common carrier of passengers between Sacramento and Del Paso Heights and intermediate points, 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 preceding opinion.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by Chris Hansen and Elmer Hansen, partners in business, of an automobile stage line as a common carrier of passengers between Sacramento and North Sacramento and Country Club; provided, however, that this declaration shall not become effective until said Chris Hansen and Elmer Hansen shall have secured from the Railroad Commission a supplemental order herein reciting that said Chris Hansen and Elmer Hansen have filed herein certified copies of permits from the Board of Supervisors of the County of Sacramento and the City Commission of the City of Sacramento; and provided,

further, that the rights and privileges herein granted may not be transferred nor assigned unless the written consent of the Railroad Commission to such assignment or transfer has first been procured.

IT IS HEREBY ORDERED that no vehicle may be operated under this certificate unless such vehicle is owned by the applicants herein or is leased by such applicants under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 29th day of November, 1918.

Edwin O. Edgerly
H. H. Loveland
Wm. Gordon
Frank A. Wiley

Commissioners.