

Decision No. 6386

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the matter of the application
of W. R. KING for a certificate
of public convenience and necessity
to operate a passenger auto stage
line between the City of San Rafael
and Sonoma Valley, with a terminus
in Sonoma Valley at Morris Home
Farm.)
) Application No. 4566.

In the matter of the application
of FRED W. BOYNTON, JAMES BAINES and
STEVE ANAZITOS, partners in business
under the name of SAN RAFAEL AND
SONOMA VALLEY AUTO STAGE LINE for
certificate of public convenience
and necessity to operate passenger
and small parcels service between
Agua Caliente in Sonoma County, and
San Rafael in Marin County.)
) Application No. 4589.

Jacobs and Oliver by Jas. M. Oliver
for W. R. King, applicant.
J. W. Ford for Fred W. Boynton, James
Baines and Steve Anazitos, applicants.
C. E. Smith for United States Railroad
Administration, Northwestern Pacific
Railroad, protestant.
Thos. P. Boyd for Boyes Hot Springs
Company.

BY THE COMMISSION:

ORDER

W. R. King has petitioned the Railroad
Commission for an order declaring that public convenience
and necessity require the operation by him of an automo-
bile stage line as a common carrier of passengers between
the city of San Rafael and Morris Home Farm and intermediate

points.

Fred W. Boynton, James Baines and Steve Anazitos, partners in business under the name of San Rafael and Sonoma Valley Auto Stage Line, have petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by them of an automobile stage line as a common carrier of passengers and small parcels between Agua Caliente and San Rafael and intermediate points.

A public hearing on the above applications was conducted by Examiner Handford at San Rafael on June 2, 1919, at which time it was stipulated by counsel representing applicants that the matters be considered together, both applicants desiring a certificate over the same route. The matters were duly submitted and are now ready for decision.

Applicant King, proposes to charge rates in accordance with a schedule as amended at the hearing, and to operate on a schedule of seven round trips, daily except Sunday, and on a schedule of nine round trips on Sundays and holidays, serving as intermediate points the communities at Ignacio, Black Point, Sears Point, Embarcadero (Schellville), Sonoma City, El Verano and Boyes Springs. The equipment proposed to be used consists of two seven-passenger automobiles, other equipment to be added as the demands of traffic may warrant.

Applicants Boynton, Baines and Anazitos, propose to charge rates in accordance with a schedule marked Exhibit "A" and filed with their application in this proceeding and to operate on a schedule of two round trips, daily except Sunday, and on a schedule of four round trips on Sundays, serving the intermediate communities of Ignacio, Black Point, Sears Point, Schellville, Sonoma, El Verano, Boyes Springs and Fetters Springs. The equipment proposed to be used consists of one Auto Stage with especially

constructed body having a seating capacity of twelve to fourteen passengers, and one Chalmers Touring car, seven passenger capacity, additional equipment to be provided if the demands of traffic will warrant.

Witness for applicants testified as to the unreliable service of the trains of the Northwestern Pacific Railroad serving Sonoma Valley, particularly as to their arrival on other than schedule time. Trains are stated to be from ten minutes to one and one-half hours late in arriving, equipment is stated to be of antiquated type and without comfortable seating arrangements. Testimony indicates that the matter of inadequate and inconvenient transportation had been the subject of complaint to the management of the Northwestern Pacific Railroad and that no attention had been paid to such complaints nor had any interest been displayed toward a correction or adjustment of the various causes of complaint. The normal population of the Sonoma Valley which would be served by the authorization of a stage line over the route as sought by applicants herein, is stated to be between 3,500 and 4,000 persons, which number is practically doubled during the summer months due to the several springs and vacation resorts which attract many visitors during the summer months. A petition was presented asking the authorization of a stage line which was signed by every resort owner which would be served, representing a capacity of entertainment for 2,625 guests and caring for an average of 48,300 guests per year. Other petitions were filed, also requesting the establishment of a stage line signed by 157 persons, all residents of Sonoma Valley.

The evidence clearly indicates that the residents and resort proprietors of Sonoma Valley along the route for which applicants desire a certificate to operate are desirous of an automobile stage service to supplement the inadequate and indifferent train service regarding which complaint has been made without results as to improvement or readjustment.

The interested applicants are both financially able and willing to establish a stage line and if authorized will make such additional schedules and additions to equipment as the requirements of travel may justify. The public convenience and necessity for the establishment of a stage line over the route herein sought is clearly established by the evidence in this proceeding. It does not appear, however, that two competing lines should be authorized in the same territory, both applicants being able and willing to establish a service that will be satisfactory to the public, and it will therefore be necessary to select the applicant best fitted to perform the duties of a common carrier. The question of schedules and equipment may be eliminated, both applicants having stipulated their willingness to furnish such equipment and to operate same on such frequency as the demands of traffic may justify. The matter of rates at which applicants propose to furnish the service to the public should, therefore, receive consideration and such proposed rates, together with those now existing on the Northwestern Pacific Railroad, are as follows:

Between	W. R. King	Boynton, Baines & Anazitos	N.W.P. R.R.
San Rafael and Ignacio	\$0.30	\$0.25	\$0.25
" " Black Point	0.50	0.40	0.35
" " Sears Point	0.50	0.50	0.50
" " Schellville	0.75	0.60	0.75
" " Sonoma	1.00	0.75	0.85
" " El Verano	1.00	0.75	0.90
" " Boyos Springs	1.10	0.75	0.90
" " Fetters "	1.10	0.75	0.95
" " Agua Caliente	1.10	0.75	0.95
" " Morris Home Farm	1.10	-----	-----

All other things being equal, the public is entitled to transportation at the lowest rate consistent with proper service, and as in this proceeding the testimony indicates that the applicants are both reliable and financially able to furnish the

character of service that should be given by automobile stages over the route as herein applied for, the rates as proposed by applicants, Boynton, Baines and Anazitos, are the most favorable for the public as such rates in practically every instance are lower than those of the Northwestern Pacific Railroad and in all instances lower than those proposed by the applicant King.

Neither of the applicants have as yet secured the local permits from the governing bodies of the political subdivisions through which the proposed route will pass which are required by the provisions of Section 3 of Chapter 213, Laws of 1917, although such permits have been applied for.

After careful consideration of all the evidence in this proceeding we are of the opinion that the application of Boynton, Baines and Anazitos should be granted, and that of King should be denied, for the reason that while both applicants apparently possess equal financial responsibility to satisfactorily conduct the business of an automobile stage line as a common carrier under the provisions of Chapter 213, Laws of 1917 and the subsequent rules and regulations of the Railroad Commission, the applicants Boynton, Baines and Anazitos, are willing to undertake the service at more satisfactory rates of fare for the public from whom their compensation will be derived.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by Fred W. Boynton, James Baines and Steve Anazitos, partners in business under the name of San Rafael and Sonoma Valley Auto Stage Line, of an automobile stage line as a common carrier of passengers and packages between San Rafael and Agua Caliente and intermediate points; provided, however, that this declaration shall not become effective until said Boynton, Baines and Anazitos shall

have secured from the Railroad Commission a supplemental order herein reciting that said Boynton, Baines and Anaxitos have filed herein certified copies of permits issued by the Boards of Supervisors of the Counties of Sonoma and Marin, from the Council of the City of San Rafael and the Board of Trustees of the City of Sonoma in accordance with the provisions of Section 3 of Chapter 213, Laws of 1917; 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 transfer or assignment 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.

IT IS HEREBY FURTHER ORDERED that the application of W. R. King for certificate of public convenience and necessity to operate an automobile stage line as a common carrier of passengers between San Rafael and Morris Home Farm, and intermediate points, be and the same hereby is denied.

Dated at San Francisco, California, this 5th day of June, 1919.

Edwin O. Edgerton
H. J. ...
H. J. ...

Commissioners