

ORIGINAL

Decision No. 6562

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, light freight)
and baggage service between Sacra-)
mento and Plymouth and way stations)
and return.)

Application No. 4655.

Chas. M. Beckwith and Martin I. Welch for Applicant.

Harris and Lewis, by Ralph L. Lewis, for Talbot and
Ainsworth, Protestants.

C. D. Gulick for Star Auto Stage Association.

BY THE COMMISSION

O R D E R

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, baggage and light freight between Sacramento and Plymouth and intermediate points.

A public hearing was conducted by Examiner Handford at Sacramento on July 16, 1919, 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 on a schedule of one round trip daily serving the intermediate communities at Walsh's Station, Slough House, Michigan Bar and Forest Home. The equipment proposed to be used consists of one Chandler Automobile, 29 H.P.,

seven passenger capacity.

Applicant is engaged in the carriage of United States mail between the termini on the proposed route under a contract and desires to transport passengers, packages and light freight in connection with the carriage of mail, alleging that the service rendered by the stage line now operating between Sacramento and Plymouth is not satisfactory and is inadequate for the needs of the traveling and shipping public.

Witnesses testifying in support of application stated that at certain seasons of the year the service rendered by the existing stage line was not satisfactory, overloading having been observed and in some instances passengers were not able to secure accommodation, particularly as regards the intermediate station of Slough House and for passengers desiring service from such point to Sacramento. In some instances parties residing or in business at Slough House have used their own vehicles to transport passengers who were unable to secure stage accommodation and who were compelled to reach Sacramento without delay. Witness^{es} residing at other points along the proposed route testified as to the inadequacy of the service given by the existing stage line and as to their opinion that the public necessity required additional service particularly as regards service from intermediate points to Sacramento.

The granting of this application is opposed by Talbot and Ainsworth, a co-partnership, operating under the tariff and schedule filings of the Star Auto Stage Association, such filings having been regularly made at the time the provisions of Chapter 213, Laws of 1917, became effective placing the matter of automobile stage regulation under the jurisdiction of the Railroad

Commission. Protestants claim that the service heretofore rendered has been adequate and satisfactory, that overloading has not been permitted, that cars have been operated out of the Sacramento terminal to care for overflow loads and that such cars have been sent to Slough House to pick up passengers who might not be able to secure passage on the regular stages account no vacant seats remaining when the regular stages reached that point. Protestants further allege that sufficient business does not exist along the route for which applicant seeks authorization to justify the establishment of another stage line. Protestants claim the business on this line for the fiscal year ending June 30, 1919, returned a gross revenue of \$15,236.40 with an operating expense during the same period of \$8,356.72. The operating expense includes the items of tires, taxes, insurance, licenses, repairs, hired drivers and attorney's fees, but makes no allowance for the wages of the co-partners (both of whom devote their entire time to the business) or for depreciation or interest return on capital investment. While the business may not be one of substantial profit, it is nevertheless the duty of the operators who have dedicated their service and that of their equipment to the public use to give adequate and proper accommodation to the public and the evidence in this proceeding shows that satisfactory service has not been rendered and that all parties desiring transportation have not been able to secure it upon demand, and we are of the opinion and find as a fact from the evidence in this proceeding that the public convenience and necessity require the establishment of an additional stage line over the route heretofore served by the protestants, Talbot and Ainsworth.

At the hearing on this application it was developed that the co-partnership of Talbot and Ainsworth had supposed that they were operating under their own tariff and schedule filings with the Railroad Commission instead of the filings made by the Star Auto Stage Association; that the Star Auto Stage Association had supposed that they had cancelled the tariff and schedule filings covering the route between Plymouth and Sacramento and that Talbot and Ainsworth were operating under their own filings with the Railroad Commission. The situation, as developed by the evidence, is that the Star Auto Stage Association is desirous of being relieved of the obligations imposed by schedule and tariff filings; Talbot and Ainsworth are operating without lawful filing of tariffs and schedules or a certificate of public convenience and necessity as required by the provisions of Chapter 213, Laws of 1917, as amended by Chapter 280, Laws of 1919. It was stipulated that immediate action would be taken by the Star Auto Stage Association and Talbot and Ainsworth to place their affairs on a proper basis in accordance with the statutory law and the regulations of the Railroad Commission.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by S. C. Clark of an automobile stage line as a common carrier of passengers, baggage and light freight between Sacramento and Plymouth and intermediate points; provided, however, 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 secured.

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

Dated at San Francisco, California, this 12th day of *August*, 1919.

H. J. Loveland
Frank R. Perkins
Dwight Martin

Commissioners.