

ORIGINAL

Decision No. 1643.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of)
 CHARLES C. TANNER for certificate of)
 public convenience and necessity to)
 operate passenger automobile service) Application No. 4761.
 between San Francisco and Los Angeles.))

Charles C. Tanner in propria persona.

J. E. McCurdy for El Dorado Stage Company,
 Protestant.

Charles F. Wren for Pickwick Stages-Northern
 Division- Protestant.

H. T. Hennessey for Southern Pacific Railroad.

BY THE COMMISSION

ORDER

Charles C. Tanner has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of an automobile passenger service between San Francisco and Los Angeles.

A public hearing on this application was conducted by Examiner Handford at San Francisco on August 21, 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 between terminals at hours desired by prospective patrons serving only the hotels of the "Linnard System" at Del Monte, Santa Barbara, Pasadena, Los Angeles and San Francisco; it being a requirement that a minimum of six passengers shall offer for transportation before

any trip will be made, using as equipment 1-Twin-Six Packard and such other equipment as the necessities of traffic may demand.

Applicant proposes a service for the guests of the "Linnard System" of hotels; such hotels being located at San Francisco, Santa Barbara, Pasadena, Los Angeles and Del Monte and the service proposed being exclusively for the guests of these hotels and their friends, and not for the general public. Frequently guests at the hotels in the "Linnard System" desire to tour California and prefer automobile transportation but do not care to patronize existing stage lines for the reason that parties are arranged by such guests and it is their desire to change location practically at their own convenience and without any regularly scheduled hour of departure. Individual parties frequently combine to the capacity of one or more machines, and the regular rental service is often prohibitive in that a return haul cannot always be arranged upon short notice and therefore the entire rental expense of rent cars requires to be arranged covering both going and returning trips, and the return trip is often made without any patrons. Applicant does not propose to compete with any existing transportation carriers, either by automobile or rail, but to establish a service primarily for the accommodation of the guests of the "Linnard System" of hotels and their friends and acquaintances who might desire to accompany them on trips for which authorization is requested. Applicant states that it will be an absolute requirement for prospective patrons to be bona-fide guests of the "Linnard System" of hotels with permission to take with them such friends or acquaintances on any

of the trips and the certificate in this proceeding will be so conditioned.

Applicant has proposed rates which are greatly in excess of the rates of the established stage lines serving the points for which service is requested and also greatly in excess of the fares charged by the rail lines, the fares proposed being as follows:

Between Del Monte and San Francisco	\$ 12.50
Between Del Monte and Santa Barbara	\$ 35.00
Between Del Monte and Santa Barbara, Pasadena or Los Angeles	\$ 35.00
Between Santa Barbara and Pasadena or Los Angeles	\$ 10.00
Between San Francisco and Santa Barbara, Los Angeles or Pasadena	\$ 35.00

All fares are on a one way basis, no round trips being proposed and no reduced fares for children under twelve years.

The service, proposed by applicant, is somewhat unusual but authority for its establishment is requested to meet a particular demand on the part of patrons of the "Linnard System" of hotels, who may be touring California and who desire to change location to hotels of the "Linnard System" by automobile and practically at hours suiting the convenience of such guests. The service proposed meets a condition between the regular transportation service offered by the stage and rail lines serving these points and the service as rendered by a rent car and is not that of a common carrier but rather falls within the category of a transportation company, as defined by the provisions of Chapter 213, Laws of 1917, as amended by Chapter 280, Laws of 1919; such amendments becoming effective as of July 22, 1919, the particular clause being that contained in paragraph "C" of Section 1 which defines a transportation company to be;

"every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing, any automobile, jitney bus, auto truck, stage or auto stage used in the business of transportation of persons or property, or as a common carrier, for compensation, over any public highway in this state between fixed termini or over a regular route, and not operating exclusively within the limits of an incorporated city or town or of a city and county.."

The applicant herein is, in the opinion of the Railroad Commission, a transportation company in that the service proposed is between fixed termini. It is also, to a considerable extent, over a regular route and either reason, or a combination of both, would place the character of service as proposed by the applicant directly under the jurisdiction of this Commission as Section 5 of Chapter 213, Laws of 1917, as amended, requires a transportation company, before beginning to operate for the transportation of persons or property, for compensation, on any public highway in this state to first obtain from the Railroad Commission a certificate declaring that public convenience and necessity require such operation.

The granting of this application is not opposed by any of the existing transportation companies, either rail or automobile; provided, that applicant, if the certificate were granted, conforms strictly to the conditions upon which this application is sought particularly as to the restricted service to be given only to bona-fide guests of the "Linnard System" of hotels; the maintenance of the rates of fares as proposed and the confining of the operation to direct routes between the points to be served and applicant, at the hearing on this application,

agreed to so maintain the proposed service and rates and the certificate in this proceeding will be so conditioned.

After careful consideration of the evidence in this proceeding, the Commission is of the opinion that the service offered is desirable and will furnish a satisfactory service to the particular portion of the public for which such service is proposed to be inaugurated and we are of the opinion that the application should be granted.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by Charles C. Tanner of an automobile passenger service between San Francisco and Los Angeles serving as intermediate points the hotels of the "Linnard System" located at San Francisco, Santa Barbara, Pasadena, Los Angeles and Del Monte; provided, however, that the rates of fare, as shown in exhibit "A" attached to the application in this proceeding and as hereinabove more specifically referred to, shall not be changed at any time unless formal application shall have been made therefor and permission so to change granted by this Commission after a public hearing; that the service to be given shall be exclusively for bona-fide guests of the "Linnard System" of hotels, their friends and acquaintances; that the route to be followed between San Francisco and Los Angeles shall be over the coast highway with such detour as may be required to reach the intermediate station of Del Monte and such detour may be accomplished either via Salinas or via Santa Cruz; and provided, further, that the rights and privileges hereby 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 local service may be conducted under the authority conferred by this certificate to or from any point other than the hotels of the "Linnard System" located at the points hereinabove specified, i.e., San Francisco, Santa Barbara, Pasadena, Los Angeles and Del Monte; and that no vehicle may be operated under this permit 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 5th day of September, 1919.

Edwin C. Egan
H. D. Loubert
Waring M. ...

Commissioners.