

Decision No. 7140.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the Matter of the Application of )  
F. A. WILSON AND COMPANY for certi- )  
ficate of public convenience and )  
necessity to operate passenger and ) Application No. 4955.  
express service between San Francisco )  
and Carmel and intermediate points. )

Timothy Healy for Applicant.

N. C. Folsom for Pickwick Stages, Northern  
Division, Protestant.

L. V. Klein for N. V. Enyoart, Protestants.

Carmel Martin for F. M. Littlefield and G. R.  
Carpenter and C. O. Gould, Proprietor,  
Carmel Stage Line, Protestant.

Cyril Appell for United Railroads of San  
Francisco.

T. H. Hepple for Ralph Hepple, G. H. Harter  
and L. V. Matheu, Protestants.

F. V. Austin for United States Railroad  
Administration, Southern Pacific Railroad,  
Protestant.

BY THE COMMISSION:

O R D E R

F. A. Wilson, P. B. Mahoney and F. M. Haley, partners in  
business proposing to operate under the fictitious name of F. A.  
Wilson and Company, 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 express between San Francisco and Carmel and intermediate points.

A public hearing on this application was conducted by Examiner Handford at San Francisco on February 7, 1920, at which time the matter was duly submitted for decision.

Applicants propose to charge rates in accordance with a schedule marked exhibit "A" and attached to the application in this proceeding; to operate on a schedule of one round trip daily, using as equipment four-seven passenger automobiles as described in exhibit "C" attached to the application in this proceeding.

Applicant relies as justification for the granting of the certificate herein sought upon the alleged fact that no through stage service exists between San Francisco and Carmel and that stage lines now operating locally over portions of the through route herein sought do not make connections which would offer the public a continuous service. Witnesses for applicants residing at Pacific Grove and Monterey testified as to the convenience that would be offered prospective patrons of the through line herein proposed although all witnesses testified as to the adequacy of the facilities of the Southern Pacific Railroad as regards service now available by such route between Monterey and San Francisco. The testimony indicates that additional service, as proposed by the applicant herein, would be desirable in that another method of transportation by a through route would be available for the communities at Carmel and Monterey. A statement signed by the President and Secretary of the Monterey Chamber of Commerce was presented

certifying that such Chamber of Commerce had endorsed the application herein, the endorsement being qualified, however, as to a through line service between San Francisco and Del Monte, Monterey and Carmel, the endorsement not to include any service between Monterey and Salinas which service was recorded by the Monterey Chamber of Commerce as being ample and satisfactory at the present time.

At the hearing on this application it was stipulated by applicants that no authority was sought for the establishment of any local service and that the application should be considered on the basis of through service between San Francisco and the communities at Del Monte, Monterey and Carmel.

This application is protested by the Pickwick Stages, Northern Division; M. V. Enyeart; F. M. Littlefield; G. R. Carpenter; C. O. Gould; Ralph Hepple; G. H. Harter; V. W. Mathen; and the United States Railroad Administration on behalf of its lessor the Southern Pacific Railroad.

The objections on the part of protestants Enyeart, Littlefield, Carpenter, Gould, Hepple, Harter and Mathen are eliminated by the stipulation of applicant that a through service only is desired and that no authority for the carriage of passengers locally over portions of the route as served by such protestants is desired.

Pickwick Stages, Northern Division, protest the granting of this application on the basis that such protestant operates service between San Francisco and Los Angeles and that patrons desiring automobile transportation to Monterey could be served by using the line of this protestant between Salinas and San Francisco transferring at Salinas to or from one of the two lines now operating between Salinas and Monterey and conducted

by protestants Littlefield and Carpenter. This protestant stated its desire, if the public demanded service by automobile stage between San Francisco and Monterey, to join with the existing authorized lines between Salinas and Monterey in a through route and joint rate on the basis of travel being made at Salinas. It was stated that some negotiations had already been made with one of the operators of the local lines between Monterey and Salinas and that, if such negotiations were unsuccessful, the Railroad Commission would be asked to investigate the matter of the necessity for the establishment of a through route and joint rate between San Francisco and Monterey. and, if such investigation justified, the Commission would be asked to establish by its order the through route and joint rate between such points.

This application is protested by the United States Railroad Administration on behalf of its lessor, the Southern Pacific Railroad, on the basis that adequate train service is at present available for the public desiring transportation between San Francisco and Monterey; such service being rendered at reasonable rates. This protestant claims to be able to take care of all passengers or traffic offering between the points proposed to be served by applicant with the exception of Carmel and the evidence in this proceeding indicates that service between Monterey and Carmel is cared for by a stage line making reasonable connections with the trains of the Southern Pacific Railroad at Monterey.

After careful consideration of all the evidence in this proceeding, we are of the opinion that applicants herein have not presented evidence in this proceeding which would justify the granting of the application. The evidence indicates that

the convenience of a portion of the public desiring stage transportation between San Francisco, Del Monte and Carmel would be served by the establishment of the proposed route; that it is the desire of the Chamber of Commerce of Monterey and residents of such community that this stage service be established for the reason that it would make it possible for the public to have another method of transportation between the points proposed to be served. There is no evidence before the Commission which indicates that there is any necessity for the establishment of this service, no testimony being presented that would indicate the probable number of patrons desiring such service.

As the Commission has frequently stated in its decisions on applications for certificates of public convenience and necessity to operate automobile stage lines as common carriers of passengers, an affirmative showing must be made as to the public convenience and necessity to be served. It is incumbent upon applicants in proceedings of this nature to make an affirmative showing that the transportation facilities offered by existing authorized carriers are insufficient, unsatisfactory or do not in any other manner meet the requirements and demands of the traveling public and in this proceeding we find from the evidence that all witnesses testifying in behalf of applicant universally commend the service of the protestant, the Southern Pacific Railroad, as being adequate and satisfactory. The public desiring transportation by automobile stage between San Francisco, Del Monte, Monterey and Carmel can at the present time secure such accommodation with a minimum of inconvenience by the use of the stages of the Pickwick Stages, Northern Division, between San Francisco and Salinas, by the use of

either of two lines now operating between Salinas and Monterey and, as regards the community at Carmel, by the use of the stage line operating between Monterey and Carmel. A number of stage lines operating between San Jose and Salinas as well as three lines operating between San Francisco and San Jose can be utilized as regards the territory between San Francisco and Salinas if the through service of the Pickwick Stages, Northern Division, is for any reason not desired as regards the territory between San Francisco and Salinas. The use of a combination of these lines would probably not be convenient for the public but the lines are available for use if for any reason the public or any portion thereof did not desire the service of the Pickwick Stages, Northern Division.

The evidence in this proceeding does not warrant the Commission granting the order herein sought for the reason that there is no showing that existing lines are unable to furnish transportation by automobile stage over the route herein sought and, if a through route and joint rate is desired by the public, and existing stage lines can not themselves agree on an adjustment of schedules and rates which will make possible a through route and joint rate between the points sought to be served by applicant, Complaint to the Commission that a through route and joint rate is necessary will receive investigation and an order of the Commission will issue based on the evidence adduced at a public hearing. The remedy for the adjustment of conditions which may not be desired by the public is not the establishment of a competing line thereby dividing the traffic to the extent that existing authorized lines are unable to render the character of service demanded by the public and re-

quired by the regulations of this Commission.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity do not require the operation by F. A. Wilson, P. B. Mahoney and F. M. Haley, partners in business, of an automobile stage line as a common carrier of passengers and express between San Francisco , Del Monte, Monterey and Carmel and,

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

Dated at San Francisco, California, this 13<sup>th</sup> day of February, 1920.

Edwin O. Edgerton

H. D. Leonard

H. W. Anderson

Commissioners.