

ORIGINAL

Decision No. 7209.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

oooOooo

In the Matter of the Application of C. R. SPICKARD and C. F. CREWS, doing business under the name of "SHASTA AUTO TRANSPORTATION COMPANY" for a certificate of public convenience and necessity to operate an auto stage over the public highways between Sacramento and Redding, California.

Application No.4686.

In the Matter of the Application of SACRAMENTO-REDDING AUTO TRANSPORTATION COMPANY, for certificate of public convenience and necessity to operate an automobile stage line service between Sacramento, Sacramento County, and Redding, Shasta County, and all intermediate points over and upon the route herein described, all in the State of California.

Application No.4684.

In the Matter of the Application of PICKWICK STAGES-NORTHERN DIVISION- a corporation, for a certificate of public convenience and necessity to operate an automobile stage service between San Francisco, California, and the California-Oregon Line north of Cole, California, and intermediate points.

Application No.5081.

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

W. A. Latta for Spickard and Crews, Applicants.

A. H. Ludeman for Sacramento-Redding Auto Transportation Company, Applicant.

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

Theo. W. Chester, for Sacramento Northern  
Railroad, Protestant.

Sanborn and Roehl by A. B. Roehl, for  
Western Motor Transport Company,  
Protestant.

Harry A. Encell by Frank M. Smith for  
C. F. Crews.

BY THE COMMISSION:

O R D E R

C. R. SPICKARD and C. F. CREWS, doing business under the name of "Shasta Auto Transportation Company", have applied for a rehearing on Application Number 4686 for <sup>a</sup> certificate of public convenience and necessity to operate an auto stage service as a common carrier of passengers between Sacramento and Redding and intermediate points.

HARRY BUCK, FRANK GOVERNOR, WIRTH IRVIN and W. J. SCHRADER, co-partners, proposing to operate under the fictitious name of Sacramento-Redding Auto Transportation Company, have applied for a rehearing on Application Number 4684 for a certificate of public convenience and necessity to operate automobile stage service as a common carrier of passengers between Sacramento and Redding and intermediate points.

PICKWICK STAGES, NORTHERN DIVISION, a corporation, have applied to the Railroad Commission for an order declaring that public convenience and necessity require the operation by it of an automobile stage line as a common carrier of passengers and express packages between San Francisco and the California-Oregon Line, north of Cole, California, and intermediate points.

Public hearings on the petitions for rehearing and the application of the Pickwick Stages, Northern Division, were held by Examiner Handford at Sacramento and San Francisco, the matters were consolidated for the purpose of receiving evidence, were duly submitted and are now ready for decision.

Witnesses for applicants, Harry Buck, Frank Governor, Wirth Irvin and W. J. Schrader, and for applicants C. R. Spickard and C. F. Crews, testified as to the ability of the respective applicants to satisfactorily furnish a character of service in accordance with the requirements of traffic and the requirements of the Railroad Commission. The only <sup>other</sup> evidence in behalf of applicants was that of a resident of Sacramento who testified that, in his opinion, additional service between Sacramento and Redding was necessary for the public and that the proposed stage service would be a convenience for commercial travelers doing business in communities on the west side of the Sacramento Valley.

Pickwick Stages, Northern Division, proposes to charge rates in accordance with a schedule marked exhibit "A" and filed at one of the hearings in these proceedings, to operate on a schedule of one round trip daily between San Francisco and Portland, Oregon, serving as intermediate the following communities in the State of California: Oakland, Martinez, Benicia, Fairfield, Vacaville, Dixon, Davis, Woodland, Yolo, Blacks, Dunnigan, Arbuckle, Williams, Willows, Germantown, Corning, Tehama, Proberta, Red Bluff, Cottonwood, Redding, Baird, Delta, Castella, Dunsmuir, Sisson, Weed, Gazelle, Yreka, Montague, Ager, Klamath Hot Springs, Hornbrook, and Cole; using as equipment thirteen Pierce-Arrow cars each of nine passenger capacity ;

two Pierce-Arrow cars each of twelve passenger capacity and two Packard automobiles each of nine passenger capacity, together with such other equipment as the needs of traffic may require. It is proposed to operate the service between May 1st and October 31st of each year and beyond such date provided the weather and road conditions permit operation.

It was stipulated at the first hearing on these proceedings that, as the primary purpose of the proposed line was through service between Portland, Oregon, and San Francisco, California, the privilege of carrying passengers locally between points in California was only desired when empty seats were available in the cars operated by applicant and that no local business would be sought or handled unless seating capacity was available and was not being used by through passengers. It was further stipulated that no local business was sought between San Francisco and Davis.

Witnesses for applicant, Pickwick Stages, Northern Division, testified as to the inquiries received by agents at ticket offices and by drivers on cars on the line operated by applicant between San Francisco and Los Angeles.

The granting of all the above applications is protested by the United States Railroad Administration on behalf of its lessor the Southern Pacific Railroad; the granting of the applications of Spickard and Crews, and Buck, Governor, Irvin and Schrader is protested by the Sacramento Northern Railroad as regards the handling of any intermediate or local business between Sacramento and Woodland; the granting of the application of Pickwick Stages, Northern Division, is opposed by Western Motor Transport Company as regards the handling of

any business between Oakland and Davis.

The protest of the Sacramento Northern Railroad is eliminated by stipulation of applicants, Spickard and Crews, and Buck, Governor, Irvin and Schrader that no local business is contemplated nor desired between Sacramento and Woodland.

Witnesses for protestant, Southern Pacific Railroad, testified as to the train schedules and rates available for the public over the routes for which certificates are herein sought; as to the class of equipment now operated and filed as an exhibit: a statement showing the number of passengers handled by trains operated between Davis and Gerber for the week ending February 13, 1920, such statement indicating a total of but 212 passengers south bound on trains/<sup>numbers</sup> 15, 29 and 43 and 181 passengers on north bound trains numbers 30 and 34. Protestant, Southern Pacific Railroad, claims to furnish adequate transportation at reasonable rates over the territory for which certificates are requested, that the service as now and heretofore rendered has not been the subject of complaint and that, if the demands of traffic warranted, additional service or rearrangement of time schedules would be made to meet the demands of the travelling public. Statistics reflecting earnings per train mile of local trains in the territory between Davis and Gerber indicate that such trains are operated at a cost in excess of the receipts per train mile. Witnesses for protestant, Western Motor Transport Company, testified as to the ability of such company to satisfactorily handle any business offered between Oakland and Davis and that the granting of the certificate desired by applicant, Pickwick Stages, Northern Division, would result in the business now handled by the Western Motor Trans-

port Company being unprofitable and that there was no demand for service between such points which could not be satisfactorily met by the facilities of protestant, Western Motor Transport Company.

After careful consideration of all the evidence in this proceeding and of the exhibits filed by protestant, Southern Pacific Railroad, we are of the opinion and find as a fact that applicants, Spickard and Crews, and applicants, Buck, Governor, Irvin and Schrader, have not presented to this Commission on rehearing any facts or evidence which would in any manner justify the granting of the desired applications and the applications were submitted for decision in the same condition as regards affirmative evidence as was stated by the Commission in its Decision Number 6538 :

"The desire of applicants for certificates of public convenience and necessity to enter the business of automobile stage transportation is not sufficient to justify the granting of such applications. The Commission will require in applications of this nature an affirmative showing as to the public convenience and necessity to be served or that the service rendered by existing carriers is inadequate, unsatisfactory or in any other manner insufficient."

The service proposed by Pickwick Stages, Northern Division, is an entirely new service offered primarily for the benefit and accommodation of tourists and others who may desire to avail themselves of automobile transportation by an established and competent agency between San Francisco and Portland, Oregon. The service proposed meets a condition not cared for by the facilities of protestant Southern Pacific Railroad. Many persons touring California and the Pacific Coast prefer the

use of automobile stage transportation in that such method of travel, principally in daylight hours, gives opportunity for the tourist to become more familiar with the territory traversed than is possible by the use of rail lines. We are of the opinion, however, that there is merit in the protest of Western Motor Transport Company as regards the handling of local business between Oakland and Davis and the order in this matter will be conditioned prohibiting the carriage of such local passengers.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity do not require the establishment by Harry Buck, Frank Governor, Wirth Irvin and W. J. Schrader, a co-partnership, proposing to operate under the fictitious name of Sacramento-Redding Auto Transportation Company, of an automobile stage line as a common carrier of passengers between Sacramento and Redding and intermediate points; and

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity do not require the operation by C. R. Spickard and C. F. Crews, partners in business, proposing to operate under the name of "Shasta Auto Transportation Company" of an automobile stage line as a common carrier of passengers between Sacramento and Redding and intermediate points, and

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by Pickwick Stages, Northern Division, of an automobile stage line as a common carrier of passengers and express packages between San Francisco, California, and the California-Oregon Line, north of Cole; provided, however, that the authority herein conveyed does not authorize the carriage of any local passengers between

Oakland and Davis; that no local passengers are to be carried between Woodland and the California-Oregon Line unless vacant seats are available in the equipment operated by applicant and such vacant seats are not required for the accommodation of through passengers between points in the State of California and points in the State of Oregon ; and provided, further, that no authority is herein conveyed for the establishment of any local line between any of the intermediate points on the through route herein authorized; 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 secured.

IT IS HEREBY ORDERED that the application of C. R. Spickard and C. F. Crews, a partnership, proposing to do business under the name of "Shasta Auto Transportation Company" and of Harry Buck, Frank Governor, Wirth Irvin, and W. J. Schrader, a partnership, proposing to operate under the fictitious name of Sacramento-Redding Transportation Company, be and the same hereby are denied; and



IT IS HEREBY FURTHER ORDERED that no vehicle may be operated by applicant, Pickwick Stages, Northern Division, a corporation, under the authority conferred by 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 2<sup>d</sup> day of ~~February~~ <sup>March</sup>, 1920.

Edwin O. Edgerton  
H. D. Hayward  
Frank P. Berlin  
H. A. Boudique  
Irving Martin  
Commissioners.