

ORIGINAL

Decision No. 7498.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the Matter of the Application of)
WILLIAM THOMAS and JOHN J. CAYLOR)
for certificate of public convenience)
and necessity to operate passenger) Application
and baggage stage service between Fort) Number 5218.
Bragg, California, and Sansalito.)

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John W. Preston, Robert Duncan and C. A.
Lynn, for Applicants.

A. B. Roehl for Hilmer Peterson, Protestant.

Casper Ornbaum for Irvin Ledford and Hans
Miebach, Protestant.

J. J. Geary for United States Railroad
Administration; Northwestern Pacific
Railroad, Protestant.

B. N. Higgins for California Western
Railroad and Navigation Company,
Protestant.

W. W. Allen for Coast Line Transportation
Company, Protestant.

BY THE COMMISSION:

O R D E R

William Thomas and John J. Caylor have petitioned
the Railroad Commission for an order declaring that public
convenience and necessity requires the operation by them of an

automobile stage line as a common carrier of passengers and baggage between Fort Bragg and Sausalito.

A public hearing on this application was conducted by Examiner Handford at Sausalito at which time the matter was duly submitted and is now ready 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 serving as intermediates the communities at Caspar, Mendocino, Albion, Wendling, Philo, Boonville, Yorkville, Cloverdale, Healdsburg, Santa Rosa, Petaluma and San Rafael; using as equipment two White three-quarter ton trucks with specially constructed passenger body each with seating capacity of ten persons.

Applicants rely as justification for the granting of the desired certificate upon the alleged fact that there is no direct transportation between Fort Bragg and Sausalito; that the route proposed to be traversed by applicants will materially shorten the time required for travel between the points proposed to be served; that existing automobile stage lines now making connection with the Northwestern Pacific Railroad at Cazadero and Cloverdale frequently miss connections thereby inconveniencing the public.

Applicants, testifying in their own behalf, gave the result of their investigation as to the traffic possibilities over the proposed route and their belief as to the necessity existing for a through service by automobile stage from Fort Bragg to Sausalito. A witness for applicants residing at Point Arena and engaged in general merchandise business at such point testified that the establishment of the line as proposed would

save time over the present route via stage - Point Arena to Fort Bragg - and the railroad lines of the California Western Railroad and Navigation Company and Western Pacific Railroad. This witness, however, in making trips to San Francisco travels by steamer and offered no evidence indicating that he would patronize the stage line if such were authorized and knew of no complaint against the existing stage service operating from Point Arena via Greenwood to Santa Rosa and there connecting with other stage lines as well as the trains of the Northwestern Pacific Railroad. A witness in behalf of applicants residing at Santa Rosa and familiar with the territory over which operation is proposed to be conducted was of the opinion that stage service as proposed would be of advantage to residents of the territory in which operated although knew of no instance where passengers could not be accommodated by existing stage lines and had heard no complaints as to the stage line operating from Point Arena via Greenwood to Santa Rosa.

The granting of this application is protested by Hilmer Peterson, Ledford Brothers, Hans Miebach, Coast Line Transportation Company, California Western Railroad and Navigation Company, J. F. Birch and United States Railroad Administration on account of its lessor the Northwestern Pacific Railroad.

Hilmer Peterson, residing at Albion, operates a stage line between Fort Bragg and Albion meeting all trains at Fort Bragg. This protestant has operated since March, 1914, using a nine passenger machine and having two Fords, one seven passenger Studebaker, and one G. M. C. twelve passenger automobile as extra equipment. Protestant averages

two fares each way destined from or to San Francisco and averages five local passengers in the territory between Albion and Fort Bragg and has space on all trips for additional passengers with the exception of holidays at which time extra equipment is available for use . No complaints as to service have been received by this applicant nor has any inquiry for additional schedules been made by the traveling public.

W. W. Allen, operating between Fort Bragg and Cazadero under the fictitious name of Coast Line Transportation Company, testified as to the schedules and service rendered between such points. This protestant has fifteen cars available for use and ^{an} investment of approximately \$24,000.00 in stage and truck line equipment and has received no complaints as to service rendered nor requests for additional schedules. A witness representing the California Western Railroad and Navigation Company testified as to his familiarity with the schedules of the stage lines operating between Fort Bragg and Albion and as to the service rendered by such companies ; that no complaints have been received and that he believes the present service in conjunction with that offered by the rail lines and forming the through route was satisfactory to the public.

J. I. Ledford, a witness in behalf of Ledford protestants, Brothers, testified as to the conditions existing between Cloverdale and Greenwood. The line with which this witness is connected operates six machines and road conditions are such that horse drawn vehicles are necessary during the winter months as the roads are impassible for automobile traffic. Ledford Brothers have had no complaints as to service

rendered nor requests for additional schedules for the accommodation of the public.

Hans Miebach, operating between Cloverdale and Healdsburg, testified as to his schedule and connections made with stages from Greenwood and Wendling and alleges that he has ample capacity to care for all business offering and has had no complaints as to the character of service rendered.

J. F. Birch testified that he was operating a line between Santa Rosa and Healdsburg connecting at Healdsburg with the stage line operated by protestant, Miebach, and connecting at Santa Rosa with the trains of the Northwestern Pacific Railroad or stage lines operating between Santa Rosa and Sausalito.

We have carefully considered all the evidence in this proceeding and, while applicants propose a through route from Fort Bragg to Sausalito and by reason of such through route offer additional transportation facilities between such points, they also desire the privilege of doing local or intermediate business which would be in competition with existing authorized stage lines already operating under the jurisdiction of this Commission and there is not before the Commission in this proceeding evidence which would justify the establishment of a through route between Fort Bragg and Sausalito with a qualification that local business, now being satisfactorily cared for by intermediate lines, should be eliminated. A sufficient showing has not been made by the applicants in this proceeding to justify the Commission in declaring that public convenience and necessity require the operation of a through service between Fort Bragg and

Sausalito and the authorization of other than a through service, thereby including local service paralleling existing lines would seriously interfere with the ability of the local lines to continue the satisfactory service which has evidently been rendered to the public. No complaint appears to exist as to the character of local service which is rendered by the several operators, each of whom serves a portion of the through route herein desired by applicant and it is evident from the testimony in this proceeding that the authorization of a through service, eliminating the local service, would not be a profitable enterprise nor is there before the Commission in this proceeding affirmative evidence which would justify the establishment of such through service. As the Commission has frequently stated in its decisions on applications for certificates of public convenience and necessity the desire of applicants to enter the business of a common carrier is not a measure of public convenience and necessity unless substantiated by competent and affirmative evidence that the public desires additional service or that the existing transportation companies are not rendering satisfactory and adequate service and at reasonable rates and, in the absence of such evidence, the Commission can not authorize competitive service when such authorization would weaken the ability of existing transportation lines to continue service which is found to be satisfactory to the public.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity do not require the establishment by William Thomas and John J. Caylor of an automobile stage line as a common carrier of passengers and baggage between Fort Bragg and Sausalito and intermediate points and,

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

Dated at San Francisco, California, this 16th day of April, 1920.

H. D. Loveland
Frank R. Helm
H. R. Boudige

Commissioners.