

Decision No. 7584

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of)
Fred E. Forbes for a certificate of)
public convenience and necessity to) APPLICATION NO. 5228
operate an automobile service for)
the transportation of passengers,)
freight and express between King City)
and Jolon.)

David J. Aaron, for applicant.
Hugh Osborn, for Reil Dani, protestant.

By the Commission -

O P I N I O N

Fred E. Forbes by this application seeks a certificate of public convenience and necessity for the operation of an automobile stage service for the transportation of passengers, freight and express between King City and Jolon.

A public hearing was held on the application before Examiner Geary at King City, May 10, 1920, and the matter having been duly submitted is now ready for a decision.

The testimony of this applicant was to the effect that he was operating as a carrier of U. S. Mail between King City and Jolon under a contract which expires in July, 1922, and that he desired in connection with the mail contract to also transport passengers, freight and express. The equipment to be used will consist of one automobile having a seating capacity for five passengers which equipment applicant testified could be increased should the service require. The distance between King City and Jolon is approximately twenty (20) miles. It is proposed to charge a one way fare of \$2.00 for the transportation of passengers and one half ($\frac{1}{2}$) cent per pound for the carrying of freight.

Applicant on his own behalf testified that when the bids were made for the carrying of the U. S. Mail in 1918 he was of the opinion that the freight and passenger business could be secured and that the mail contract was unprofitable standing alone.

There was attached to the application a petition signed by a number of interested people urging the granting of the same. Witnesses testified to the effect that the line operated by Reil Dani had been unreliable in the past because of not always operating on schedule and sometimes being overcrowded.

Reil Dani, having the established service between King City and Jolon and handling both passengers and freight protested the granting of the application. His testimony was to the effect that the present line has been in operation for more than ten years, that originally service was performed by horse drawn vehicles and that the U. S. Mail was being handled prior to 1918 when the contract was secured by the applicant in this proceeding. Some years ago the use of horses was discontinued and a Ford Automobile purchased. Recently a larger car was secured. The service is maintained as closely on schedule time as circumstances will permit and where there has been any delay it has been due to bad road conditions..

The passenger travel is very light, averaging from one to three per day, while the average receipts are \$122.00 per month which includes everything, - passengers, freight and express. The automobile is driven by the Proprietor and only on occasions when he is unable to work is any outside help employed. There were some fourteen witnesses who testified in favor of Mr. Dani to the effect that they were satisfied with the service rendered. Included in these witnesses were a number who had signed the petition presented by Mr. Forbes and explained that their signatures were secured without a thorough knowledge of what the petition contained.

The testimony clearly indicates that the rights and the property interests of the authorized carrier would be jeopardized if this Commission permitted a second transportation company to operate. The preponderance of the testimony is to the point that the carrier having a certificate is giving the best service possible with the meager traffic offering.

In Application No.4006, Decision No.5871 of October 28, 1918, a certificate was denied to Mr. Forbes and there has been no change in the situation. If anything, there is less reason for a second line at the present time than there was in the year 1918 when the original application was heard. In Decision No.5871 the Commission said:

"The possession of a U. S. Mail contract is not a factor in the granting of a certificate if competition exists over a route, and the public is receiving satisfactory service."

After careful consideration of all the evidence, we are of the opinion and find as a fact that Reil Dani is rendering an adequate and satisfactory service between King City and Jolon and that there is no justification for the authorization of the line proposed by Fred E. Forbes, the applicant in this proceeding.

O R D E R

The Railroad Commission hereby declares that public convenience and necessity do not require the operation by Fred E. Forbes of an automobile stage line as a common carrier of passengers and freight between King City and Jolon.

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

Dated at San Francisco, California, this 17th day of

May, 1920.

Edwin G. Edgerton
H. D. Loveland
Frank P. Martin
H. C. Boardman
Dividing Master 397