

Decision No. 9796

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
E. C. CRAIG for certificate of public
convenience and necessity to operate
passenger, express, baggage and pack-
age service between Santa Maria and
Los Olivos in Santa Barbara County
under the name of Craig's Auto Stages.

Application No. 6950.

In the Matter of the Application of
E. C. CRAIG for a certificate of pub-
lic convenience and necessity to op-
erate a baggage, express and package
service between Los Olivos and Santa
Barbara.

Application No. 7001.

PICKWICK STAGES, NOR. DIV. INC.,

Complainant,

Vs.

E. C. CRAIG,

Defendant.

Case No. 1666.

J. F. Frick for E. C. Craig.
N. C. Folsom and Chas. F. Wren for
Pickwick Stages, N.D., Inc.
W. P. Butcher for J. L. Edelblute.
R. J. Smith for Southern Pacific Company.
T. A. Woods for American Railway Express
Company.

BY THE COMMISSION.

OPINION

A public hearing was held by Examiner Westover at Santa
Barbara upon the above matters.

By Application No. 6950, E. C. Craig seeks authority to
operate a passenger, express, baggage and package service between

Santa Maria and Los Olivos. Similar applications for such authority were twice denied by the Commission, after full hearing. Application No. 6950 does not allege any change in conditions since the previous applications were denied. Examiner Westover properly declined to hear testimony upon the application, upon the ground that the matters had been adjudicated. The statute provides that parties feeling aggrieved by a decision of the Commission may seasonably move for rehearing, setting forth the grounds which they feel entitle them to such rehearing. If this procedure is not invoked, the matters presented at the original hearing should be deemed to be finally adjudicated. To hear a matter a second time upon merely re-filing an application and treating it as a new question would in effect set at naught the procedure provided by the Legislature. It would also consume time and expense which the Commission, in the public interest, needs to devote to meritorious matters coming before it.

The complaint in Case No. 1666 alleges that about August 10, 1921, Mr. Craig suspended operation of service between Buell's Tavern and Lompoc, without having previously secured authority from the Commission to discontinue. Although defendant filed no answer at or prior to the hearing, he admitted the allegation, merely stating, by way of justification, that he found that the service did not pay. Those who contemplate operating as transportation companies must realize that in entering the field of public service and dedicating their property to such service, they assume an obligation to serve the public which cannot be dropped at will, but can only be discharged by a compliance with all of the Commission's regulatory requirements, such as operating regular schedules, until the Commission formally authorizes a discontinuance of service, and this the Commission usually will not do except upon formal application and after public hearing.

Once before the Commission had occasion to cancel certain operative rights of Mr. Craig between Santa Barbara and Santa Maria because of his failure to operate, he having leased the line without authority of the Commission, his lessee subsequently discontinuing operating. (See Case No. 1346, Decision No. 7822, dated July 9, 1920, Pickwick Stages, N.D., Inc., vs. E. C. Craig, et al.)

By Application No. 7001, E. C. Craig applies for authority to operate baggage, express and package service between Los Olivos and Santa Barbara, serving Naples, Orella, Gaviota, Las Cruces, Nojoqui, Buellton and Solvang as intermediate points, in connection with his present authorized passenger service between the same points, operating one round trip per day. Besides baggage and suitcases accompanying passengers, he proposes to carry express and packages up to 100 pounds in weight. The ground of the application is that when application to operate passenger, baggage and express service between above points was heard, testimony relating to need for baggage and express service was omitted through inadvertence, and only the authority to carry passengers was granted.

At present Santa Barbara, Naples, Orella and Gaviota are served by the Southern Pacific lines, and Los Olivos in connection with the Pacific Coast Railway through transfer at San Luis Obispo. The rail and express service between Santa Barbara and Los Olivos is, therefore, circuitous and slow.

An authorized freight truck service is operated by J. L. Edelblute between Santa Barbara and Los Olivos, and appears by the testimony to be able to handle additional business if and when offered. His line serves locally all of the points not served by the Southern Pacific Company above enumerated.

Pickwick Stages, N.D., Inc., operates an authorized passenger service to and from all of the points which applicant proposes to serve except Santa Ynez, and except that its stages do not call

at the railway station at Gaviota, but pass along the highway a few rods to the north. Its stages are required to carry packages up to 40 pounds in weight, and are authorized at its option to carry packages weighing between 40 and 75 pounds.

It does not appear from the testimony that there is need of the express or package service proposed, as all points appear to be adequately served, especially in view of the fact that applicant Craig also carries the mail and parcel post between Gaviota, Los Olivos, Santa Ynez and intermediate points. An added reason for denying applicant authority to carry packages and express matter is found in the fact that he has twice discontinued service without authority of the Commission. By Decision No. 8504 of January 3, 1921, upon Application No. 5960, applicant was granted authority to carry baggage between Los Olivos and Santa Barbara and intermediate points. There is no occasion, therefore, for his asking such authority in the present Application No. 7001, which should be denied in toto.

ORDER

A public hearing having been held in the above entitled matters, the matters being submitted and now ready for decision,

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity do not require that E. C. Craig operate an express or parcel service between Los Olivos and Santa Barbara, or between Naples, Orella, Gaviota, Las Cruces, Xojoqui, Buellton and Solvang, or either or any of them.

IT IS HEREBY ORDERED that the above entitled application No. 7001 be and it is hereby denied.

IT IS HEREBY FURTHER ORDERED that the rights granted to E. C. Craig, contained in Decision No. 7960 upon Application No. 5387, to operate passenger stage service between Lompoc and Buell's Tavern (known also as Buellton or Buell's Flat), be and they are

hereby declared forfeited, and said Craig is hereby ordered to discontinue operation between said points, as prayed in the complaint in the above Case No. 1666.

IT IS HEREBY FURTHER ORDERED that Application No. 6950, seeking authority to operate passenger, express, baggage and package service between Santa Maria and Los Olivos, both in Santa Barbara County, be and it is hereby denied, the questions raised by above application having been heretofore twice determined by the Commission.

Dated at San Francisco, California, this 23rd day of November, 1921.

H. B. Brundage
Wm. M. Martin
Chas. J. ...
W. J. ...
Commissioners.