

Decision No. 9922

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of CALIFORNIA TRANSIT COMPANY, a corporation, for permit to operate auto stage service.

Application No. 6969.

In the matter of the application of RIVER AUTO STAGE for a certificate of public convenience and necessity to operate a passenger stage line from Franklin in Sacramento County, to Walnut Grove, in said county, via Thornton, in San Joaquin County, State of California.

Application No. 7260.

Nutter, Hancock & Rutherford, by  
John Hancock, and W. A. Latta  
for California Transit Co., Applicant.

Frank F. Atkinson for River Auto Stage,  
Applicant.

John E. Wachhorst for Frank A. Carr and  
Marekemi Taisaburo. Protestant.

C. E. Spear and I. L. Kelly for Southern  
Pacific Company, Protestant.

A. H. Flickinger for Western Pacific Co.,  
Protestant.

A. J. Watts for Central California  
Traction Company, Protestant.

BY THE COMMISSION.

OPINION

Public hearings were held by Examiner Westover at Sacramento upon above applications, the first mentioned being for authority to operate passenger stages between Sacramento and Stockton via the so-called lower road, through Thornton (in addition to applicant's present route via Lodi and Galt); and the second being for authority to extend applicant's present operations between

Sacramento and Rio Vista via Franklin and Walnut Grove, so that part of its trips will be made via Thornton.

It appeared at the first hearing that there was sufficient service between Sacramento and Franklin by the River Auto Stages, and between Stockton and Thornton by the three lines operated by Frank Carr, Murakami Taisaburo, and the Huston Line, but that there was no service between Franklin and Thornton, a distance of about ten miles, and none for territory along the "lower road", for about four miles north and six miles south of Kingdon; and that there was need of convenient means by which passengers could travel between Thornton and Sacramento and between Franklin and Stockton. The only <sup>rail</sup> service in this immediate territory is that of Western Pacific Railroad Company, which operates but one train per day in each direction at convenient hours. The day trains meet midway between Thornton and Franklin at 1:20 P.M., so that residents of this territory cannot make a round trip to either Sacramento or Stockton the same day. Its other train serves this territory after 11:00 P.M. and 3:00 A.M. The lines of the Southern Pacific and Central California Traction Company, although they serve the terminals, lie some five to nine miles, respectively, to the east of the territory in question.

At the first hearing, the Transit Company was given leave to submit further testimony at a subsequent hearing, if it so desired, upon above Application No. 6969. Meanwhile, River Auto Stage, which had appeared as a protestant at the hearing in Application No. 6969, filed above application to extend its operations to serve Thornton particularly. It proposes to operate its schedules alternately so that it would serve four sides of a rectangle whose corners are Franklin, Thornton, Walnut Grove and Hood.

At the second hearing, it was stipulated between the two applicants that it would be satisfactory to provide for stage serv-

ice in this territory with the limitations described in the order herein.

This affords opportunity to the Transit Company to operate through stages over the so-called lower road, relieving in a considerable measure the travel over the upper road via Lodi. It also provides local service for territory not previously served.

#### O R D E R

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

THE RAILROAD COMMISSION HEREBY DECLARES that public necessity and convenience require the operation by California Transit Company of passenger stage service for the common carriage of passengers between Sacramento and Stockton via Franklin and Kingdon, but it does not require the carriage of passengers to or from Thornton, nor passengers locally between Sacramento and points north of Thornton, nor locally between Stockton and points south of Thornton; provided, however, that nothing herein contained shall be construed to prevent the carriage by said company of passengers between Sacramento and points on its said route south of Thornton, nor the carriage of passengers between Stockton and points on its said route north of Thornton,

THE RAILROAD COMMISSION HEREBY FURTHER DECLARES that public necessity and convenience require the operation by Beverly Gibson, Gene Antichi and C. C. Cochran, a co-partnership operating under the fictitious name of River Auto Stage, of passenger stage service between Franklin, Thornton and Walnut Grove in San Joaquin County.

The operative rights and privileges hereby established


may not be transferred, leased, sold nor assigned, nor the said service abandoned unless the written consent of the Railroad Commission thereto has first been procured.

No vehicle may be operated in said service unless said vehicle is owned by the applicants herein or is leased by said applicants under a contract or agreement satisfactory to the Railroad Commission.

IT IS HEREBY ORDERED that applicants shall within fifteen days from the date hereof file with the Railroad Commission their schedules and tariffs covering said proposed service, which shall be in addition to proposed schedules and tariffs accompanying the applications; shall show each point proposed to be served and quote rates to and from each such point; and shall set forth the date upon which the operation of the lines hereby authorized will commence, which date shall be within thirty days from date hereof, unless time to begin operation is extended by formal supplemental order.

The authority herein contained shall not become effective until and unless the above mentioned schedules and tariffs are filed within the time herein limited.

Dated at San Francisco, California, this 23<sup>d</sup> day of December, 1921.



Robert A. Anderson  
A. D. Howard  
James M. Martin  
Charles A. Lawrence  
W. H. Smedley  
Commissioners.