

Decision No. 33688

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of CALIFORNIA-NEVADA STAGES,)
INC., for a certificate of public convenience and necessity)
to operate auto stage lines for the transportation of passen-)
gers, baggage, and express, as a common carrier, for compensa-) Application
tion, between Marysville, Oroville, Chico, and intermediate) No. 19954
points, over the routes and between the points herein set)
forth.)

In the Matter of the Application of BEVERLY GIBSON for a)
certificate of public convenience and necessity to operate)
auto stage lines for the transportation of passengers, bag-)
gage, and express, for compensation, and as a common carrier,)
between Port Chicago (Bay Point) and San Francisco, Cali-)
fornia, via Concord, Walnut Creek, Lafayette and Oakland, and)
intermediate points; also between Willow Pass Junction and) Application
San Francisco, California, via Willow Pass Road, Concord,) No. 19969
Walnut Creek, Oakland, and intermediate points; said service)
to be rendered in addition to, in conjunction with, and as an)
extension and enlargement of the transportation service now)
being rendered by applicant over the route between Sacramento)
and Port Chicago (Bay Point), California, via Clarksburg,)
Courtland, Walnut Grove, Antioch, and intermediate points.)

In the Matter of the Application of BEVERLY GIBSON, for a)
certificate of public convenience and necessity to operate)
auto stage service for the transportation of passengers, bag-)
gage, and express, for compensation, and as a common carrier,)
between Antioch and Sacramento; also between Antioch on the)
one hand and Clyde and San Francisco, and their intermediate) Application
points on the other hand, on the routes now operated by ap-) No. 21931
plicant; all of said services to be rendered in addition to,)
in conjunction with, and as an extension and enlargement of)
the operating rights now held by and the transportation ser-)
vice now being rendered by applicant in the name of River)
Auto Stages.)

In the Matter of the Application of SACRAMENTO NORTHERN)
RAILWAY, for an order authorizing the discontinuance of)
passenger train operations in the counties of Solano, Yolo,)
Sacramento, Sutter, Colusa, Yuba, and Butte; State of Cali-) Application
fornia.) No. 23175

In the Matter of the Application of PACIFIC GREYHOUND LINES,)
for certificate of public convenience and necessity to oper-)
ate automotive stage service for the transportation of pas-)
sengers, baggage, and express between Sacramento and) Application
Woodland, California.) No. 23178

In the Matter of the Application of PACIFIC GREYHOUND LINES)
for certificate of public convenience and necessity to oper-)
ate automotive stage service for the transportation of pas-)
sengers, baggage, and express between Robinsons Corner and) Application
Woodland via State Route No. 87.) No. 23198

In the Matter of the Application of BEVERLY GIBSON, doing business as Gibson Lines, and River Auto Stages, for a certificate of public convenience and necessity to operate auto stages as a common carrier, for compensation, of passengers, baggage, newspapers, and express, between (a) Colusa and Marysville, and intermediate points, and (b) between Marysville and San Francisco and/or Oakland via Knights Landing, Woodland, Davis Junction, Dixon, Fairfield, etc., and (c) between Marysville and Sacramento, and intermediate points, via Rio Oso, Pleasant Grove, etc., and to unify, coordinate, and consolidate said proposed services with the service now rendered and sought to be rendered by applicant as California-Nevada Stages, Inc., and River Auto Stages, between Chico, Oroville, Yuba City, Marysville, Lincoln, Roseville, Folsom, Sacramento, Stockton, Rio Vista, Concord, Walnut Creek, Oakland, San Francisco, and points intermediate thereto.)
 Application
 No. 23264.

In the Matter of the Application of CALIFORNIA NEVADA STAGES, INC., for permission to transport thru passengers over its Garden Highway Division between Sacramento and Yuba City and Sacramento and Marysville, and to consolidate the operative rights of applicant to operate auto stages for the transportation of passengers, baggage, express, and newspapers as a common carrier, for compensation, with operative rights of applicant to so operate between Sacramento and Marysville, via Roseville, Lincoln, Wheatland; also to unify, coordinate, and consolidate both said operative rights with all the other operative rights now held or sought by applicant or Beverly Gibson, doing business as River Auto Stages and/or Gibson Lines; and for the issuance of an "in lieu" certificate in the name of "Gibson Lines," which certificate will incorporate all of the operating rights now held or which may be hereafter granted to applicant, or any person, firm, or corporation affiliated with it through ownership, control, or otherwise, in any proceeding now pending before the Commission.)
 Application
 No. 23271

In the Matter of the Application of SACRAMENTO NORTHERN RAILWAY for an order authorizing the abandonment of auto stage operations between Oroville and Portola and intermediate points.)
 Application
 No. 23326

In the Matter of the Application of PACIFIC GREYHOUND LINES) for a certificate of public convenience and necessity to operate automotive stage service for the transportation of passengers, baggage, and express between Oroville and Portola.)
 Application
 No. 23337

HARRY A. ENCELL and B. C. GIBSON, on behalf of
 Gibson Lines and California-Nevada Stages.

H. C. LUCAS and H. D. RICHARDS, on behalf of Pacific
 Greyhound Lines.

W. G. STONE and JAMES E. HARRIS, for Sacramento Chamber
 of Commerce.

L. N. BRADSHAW, for Sacramento Northern Railway.

EDWARD STERN and R. S. ELLIOTT, for Railway Express Agency, Inc.

E. A. McMILLAN, J. E. HANLON, and HARRY SEE, for Sacramento Northern Employees.

WILLIAM MEINHOLD, for Southern Pacific Company.

FONTAINE JOHNSON, for West Sacramento Stage Line.

J. J. DEUEL and H. E. PRAFFENBERGER, for California Farm Bureau Federation and Farm Bureau Centers in territory involved.

GEORGE SEHLMAYER, for The California Grange.

J. H. LAGENOUR, City Attorney, for City of Woodland, County of Yolo, and Woodland District Chamber of Commerce.

F. E. CARLIN, City Attorney, for City of Marysville.

A. D. ATTERBURY, for Yuba City Commercial Association.

LLOYD HEWITT, for City of Yuba City and County of Sutter.

CLAUDE BIGGS, for Yuba City Commercial Association.

GRAYSON PRICE, City Attorney, for City of Chico.

J. W. KAUFMAN and W. P. RICH, for Sutter-Yuba Chamber of Commerce.

RUTLEDGE & RUTLEDGE, City Attorneys, by RALPH W. RUTLEDGE, for City of Colusa.

HUGH B. BRADFORD, City Attorney, and H. H. JAQUETH, Planning Commission Engineer, for City of Sacramento.

J. F. GOOD, City Attorney, for City of Oroville.

MAITLAND PENNINGTON, for Town of Meridian.

ATWOOD MCKEEHAM, for Sutter County Farm Bureau.

RILEY, COMMISSIONER:

O P I N I O N

The Commission has before it in the above-numbered applications the request of California-Nevada Stages, Inc.,

Beverly Gibson,⁽¹⁾ and Pacific Greyhound Lines to establish passenger stage service in the territory north of Sacramento in the Sacramento Valley, coincident with the abandonment of passenger service by Sacramento Northern Railway,⁽²⁾ and in addition thereto to modify certain restrictions incorporated in prior orders affecting their respective services between Sacramento Valley and San Francisco.

In addition, Sacramento Northern Railway requests authority to abandon its passenger stage service in the Feather River Canyon between Oroville and Portola.

Public hearings were held in these matters in Sacramento, Woodland, Marysville, Oroville, Chico, Colusa, and San Francisco. At the final hearing in San Francisco on June 24, 1940, the matters were submitted upon the filing of briefs. It was agreed among the parties that these matters be consolidated for hearing and decision.

Applicants in these proceedings presented many witnesses who urged that public convenience and necessity require passenger

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- (1) California-Nevada Stages, Inc., is owned by the Gibson family, and Beverly Gibson, d.b.a. the Gibson Lines, is owned by Mr. Gibson. For convenience hereinafter these two operators will sometimes be jointly designated as Gibson Lines.
 - (2) The Commission, by Decision No. 35009, authorized the discontinuance of passenger train service by Sacramento Northern Railway upon its main line between West Pittsburg and Chico, and on its Woodland and Colusa branches, upon inauguration of adequate substitute passenger stage service. By its Interim Order in Decision No. 33416, dated August 20, 1940, the Commission authorized Sacramento Northern Railway to abandon its passenger train service between West Pittsburg and Sacramento on five days' notice to the Commission and the public, and also rescinded that part of the restriction contained in the order in Decision No. 29781, as amended, prohibiting Beverly Gibson from transporting passengers between Los Medanos and the East Portal of Low Level Tunnel on the one hand, and Sacramento on the other hand.

stage service in and out of the territory between Sacramento and Chico, including Colusa, Oroville, Woodland, and the Feather River territory, in substitution for the service authorized to be withdrawn, or under consideration for abandonment, by Sacramento Northern Railway. It does not appear necessary to further enlarge upon the matter of public convenience and necessity as the record clearly demonstrates that a continuance of passenger service is necessary for the welfare of the communities involved. It therefore becomes necessary to determine the extent to which either or both of applicants may participate in the operations which appear to be necessary to provide a well-rounded-out service. (3)

The Gibson Lines now operates passenger stage service between San Francisco and Marysville by way of Antioch, Sacramento, Roseville, and Wheatland, with a branch via the Garden Highway between Sacramento and Marysville, a branch to Folsom, and a branch to Lodi. Gibson Lines proposes to extend its service northward from Marysville to serve the communities of Gridley, Biggs, Chico, Oroville, Colusa, and intermediate points, and install a new service between Marysville and Sacramento via Arboga and Pleasant Grove. Furthermore, it proposes a short route to the San Francisco area from the territory north of Marysville via Knights Landing, Woodland, and Vallejo. This operator also requests that certain restrictions in its operations be modified, whereby passengers could be carried between the San Francisco Bay area and points north of Sacramento, including Sacramento, and perform service between Sacramento and all points along its Rio Vista route, except locally between Los Medanos and San Francisco and intermediate points.

Pacific Greyhound Lines now operates, as a portion of its statewide system, passenger stage service between Red Bluff and

(3) A description of the proposals of applicants is shown on Appendix "A" attached hereto.

Sacramento via Chico, Marysville, and Roseville, but it cannot carry local passengers between Chico and Sacramento nor transport passengers between these points and the San Francisco Bay area. This company also operates passenger stage service between Red Bluff and San Francisco on the west side of Sacramento Valley, passing through Willows, Woodland, and Vallejo. It proposes to inaugurate additional service through the territory between Sacramento and Chico, including Colusa and the Feather River Canyon, to Portola, and a short route from Marysville to San Francisco via Knights Landing and Woodland. It furthermore proposes to establish a passenger service between Woodland and Sacramento via the so-called River Road. Pacific Greyhound Lines requests that present restrictions be modified in order that it may perform an unrestricted service between Marysville and Chico, and coordinate its new service with the remainder of its system.

The Commission has before it applications of Gibson Lines and Pacific Greyhound Lines for certificates of public convenience and necessity to establish new passenger service in Sacramento Valley. It is clear that the best coordinated operations could be performed by a single carrier, but in the instant proceedings the passenger stage carriers involved are now serving in part, both directly and indirectly, much of the territory involved; and furthermore, it is clear from the record that many of the communities involved have signified their preference for a certain carrier and these views have been given due consideration in arriving at a determination in these matters. Our problem is to arrive at a solution which will provide the communities involved with a reasonable, convenient, enduring, and coordinated passenger stage service, both to and from the San Francisco Bay area and locally.

In addition to the proposed service between Sacramento

and Chico generally paralleling the rail service of the Sacramento Northern, both Gibson Lines and Pacific Greyhound Lines propose a short route between the east side of Sacramento Valley and the Bay area via Knights Landing and Woodland. This route would give a much shorter time-in-transit service between Sacramento Valley and the Bay area than via the existing routes of the carriers involved via Sacramento. These applicants presented exhibits to show that the service they proposed would be remunerative and would meet the needs of the communities if they had the exclusive right.

It is clear that either of the applicants involved is financially able to install the service it proposes and carry it on successfully. However, the traffic requirements do not justify the granting of all the service applied for, as such an order would provide an over-abundance of service and neither venture would be successful. It therefore becomes necessary to determine, upon this record, an allocation of the territory involved.

In order to provide the best service to the traveling public, the minimum amount of limitations should be applied on the carriers' operations so as to permit a flexible service, and where two carriers are in the same general field, but not necessarily serving entirely the same points, their services should be coordinated and joint tariffs issued to make the operations readily usable by the traveling public. Therefore it is our conclusion that in order to achieve this objective the Pacific Greyhound Lines should be granted what might be termed the long haul, and Gibson Lines the short haul, and their services so coordinated that a good service will result with the minimum amount of expense. By so doing it appears quite clear from the estimate of revenues and expenses filed in these proceedings that each applicant's new service so designed will be self-sustaining.

The record clearly indicates that service should be established as set forth in the findings hereinafter enumerated. Under these findings, Gibson Lines could not establish the Chico-San Francisco via Knights Landing service. Furthermore, it is believed that Gibson need not establish a fourth service between San Francisco and Sacramento, as proposed, at least for the present. Likewise, two round trips between Chico and Sacramento, as proposed by Pacific Greyhound Lines, is not necessarily essential, as that local business would be taken care of by Gibson Lines.

The service of the applicants, when established, should be coordinated to the greatest degree in order to provide the communities involved with a well-rounded passenger transportation service. This is particularly true with respect to the service to Colusa and the service between Oroville and Oroville Wye. Before the service is placed in effect time schedules of the carriers involved should be filed with the Commission for approval.

The service which will hereinafter be authorized will, it is believed, make Marysville a general meeting or transfer point. Applicants now have a joint station at Marysville which, from the record, is none too satisfactory. It is our conclusion that the station facilities at Marysville should be improved.

Both Beverly Gibson and California-Nevada Stages, Inc., request that their respective rights be consolidated into a single operation. California-Nevada Stages, Inc., is a corporation controlled by the Gibson interests, whereas Beverly Gibson is an individual doing business as Gibson Lines. It is clear that before these two concerns can be consolidated they should come before the Commission with a plan of acquisition by one from the other and thereby amalgamate their operations. They would then be in a position to consolidate all of their existing and future rights. The present record will not support such an order here. It is recommended

that this be done.

FINDINGS

Upon the record herein, I hereby find that public convenience and necessity require the following service to be inaugurated, coincident with the abandonment of passenger train service by Sacramento Northern Railway, as authorized in Decision No. 33009, and thereafter maintained:

1. That a passenger stage service should be substituted for the passenger train service of Sacramento Northern Railway, authorized to be abandoned in Decision No. 33009.

2. That California-Nevada Stages and Beverly Gibson, doing business as the Gibson Lines, should consolidate their operations and should hereafter present to the Commission a plan for such consolidation.

3. That Gibson Lines should be granted authority to perform passenger stage service between Chico and Marysville, and intermediate points, subject to the restriction that no passengers may be carried between Chico and Marysville and intermediate points, inclusive, on the one hand, and San Francisco and Oakland on the other hand.

4. That Gibson Lines should be granted authority to operate passenger stage service between Sacramento and Marysville, by way of Arboga and Pleasant Grove, provided no passengers may be carried between Sacramento and Rio Linda, and intermediate points.

5. That Pacific Greyhound Lines should be granted authority to operate a passenger stage service between Marysville and Colusa.

6. That Pacific Greyhound Lines should be granted authority to perform passenger stage service between Oroville and Oroville Junction, and this service should be arranged to provide convenient

and adequate connections between the Gibson Lines and Pacific Greyhound Lines at Oroville Junction.

7. That Pacific Greyhound Lines should be granted authority to operate passenger stage service, as follows:

- (a) Between Chico and Marysville via Oroville, Palermo, and Robinson Corner, and between Robinson Corner and Gridley, with optional routes between Gridley and Richvale via U. S. 99-E, and between Palermo Road and Oroville via State Route 87.
- (b) Between Yuba City and Woodland, by way of Knights Landing, provided, however, that no passengers may be carried locally between Yuba City and Tudor, and intermediate points.
- (c) Between Woodland and Sacramento via River Road.

8. That Pacific Greyhound Lines should be restricted from carrying passengers locally between Sacramento and Chico, both inclusive, and intermediate points, but excluding the territory between Savona and Gridley, excluding both of these points, via Oroville, Palermo, and Robinson Corner.

9. That the existing restriction prohibiting Pacific Greyhound Lines from transporting passengers between San Francisco-Oakland and/or Sacramento on the one hand, and the territory between Marysville and Chico, both included, on the other hand (1) via Red Bluff or Proberta, or (2) via U. S. Highway 99-E, should be removed.

10. That the existing restriction prohibiting the Gibson Lines from establishing and maintaining, in connection with any other carrier, joint through rates between points on its lines and any points beyond Sacramento, should be removed.

11. That the existing restriction prohibiting through passenger service by Gibson Lines between Sacramento and Marysville-Yuba City via the Garden Highway, should be removed.

12. That Pacific Greyhound Lines should be granted authority to operate passenger stage service between Oroville and Portola.

13. That Sacramento Northern Railway should be allowed to abandon passenger stage service between Oroville and Portola,

coincident with the establishment of service by Pacific Greyhound Lines between said points as herein authorized.

The following form of Order is recommended.

California-Nevada Stages, Inc., Beverly Gibson, and Pacific Greyhound Lines are hereby placed upon notice that "operative rights" do not constitute a class of property which should be capitalized or used as an element of value in determining reasonable rates. Aside from their purely permissive aspect they extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be changed or destroyed at any time by the State, which is not in any respect limited to the number of rights which may be given.

ORDER

Public hearings having been held, briefs having been filed, and the matters having been duly submitted:

PART I

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the establishment and operation by Beverly Gibson, doing business as the Gibson Lines, as a passenger stage corporation, as defined in Section 2½ of the Public Utilities Act, of an automotive passenger service for the transportation of passengers, baggage, and express between and serving the following named termini and all intermediate points, and to consolidate the same with the remainder of his operating rights:

Marysville to Sacramento, via Rio Oso:

Commencing at stage depot at Second and D Streets, Marysville, west on Second Street to E Street; thence south on E Street to First Street; thence east on First Street to D Street; thence south on D Street, crossing Yuba River Bridge to the Rio Oso-Arboga Highway; thence via the Rio Oso-Arboga Highway to Rio Oso, passing through Alicia and Arboga; thence east and south via County highway to Ninth Street and Del Paso Blvd., North Sacramento, passing through Trowbridge, Pleasant Grove, Riego, Elverta, Rio Linda, Robla, and Del Paso Heights; thence via U. S. Highway 99-E, through North Sacramento to Twelfth Street; thence south on Twelfth Street to I Street; thence west on I Street to Fifth Street; thence south on Fifth Street to Sacramento Bus Depot, 915 5th Street.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity for such service is hereby granted to Beverly Gibson, doing business as the Gibson Lines, subject to the following conditions:

- (1) Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed fifteen (15) days from date hereof.
- (2) Applicant shall commence the service herein authorized within a period of not to exceed thirty (30) days from the effective date hereof, and shall file in triplicate and concurrently make effective on not less than ten days' notice to the Railroad Commission and the public, a tariff or tariffs constructed in accordance with the requirements of the Commission's General Order and containing rates and rules which in volume and effect, shall be identical with the rates and rules shown in the exhibit attached to the application in so far as they conform to the certificate herein granted, or rates and rules satisfactory to the Commission.
- (3) Applicant shall file, in duplicate, and make effective within a period of not to exceed thirty (30) days after the effective date of this order, on not less than five days' notice to the Railroad Commission and the public, time schedules covering the service herein authorized in a form satisfactory to the Railroad Commission.
- (4) The rights and privileges herein authorized may not be discontinued, sold, leased, transferred, nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer, or assignment has first been obtained.
- (5) No vehicle may be operated by applicant herein, unless such vehicle is owned by said applicant or is leased by applicant under a contract or agreement on a basis satisfactory to the Railroad Commission.

- (6) Applicant is authorized to turn its motor vehicles at termini, either in the intersection of the streets or by operating around a block contiguous thereto in either direction, and to carry passengers as traffic regulations of the municipality may require.
- (7) No passengers, baggage, or express shall be transported locally between Sacramento and Rio Linda, and intermediate points.
- (8) No single shipment of express may be accepted for transportation which exceeds 100 pounds in weight, and all express is to be transported on passenger vehicles only.

PART II

IT IS HEREBY FURTHER ORDERED that all existing restrictions applying to the operations of Beverly Gibson are hereby amended to read as follows:

- (1) Passenger stage service may be operated on an "on call" or "on request" basis between Rio Vista and Rio Vista Junction.
- (2) Passenger stage service between Rio Vista Junction and Suisun may continue to be suspended until otherwise directed.
- (3) No passengers, baggage, or express, having both points of origin and destination in San Francisco or Oakland on the one hand and Sacramento or Marysville on the other hand, excluding intermediate points, shall be transported.
- (4) No passengers, baggage, or express shall be transported between Woodbridge, Lodi, Stockton, and intermediate points on the one hand and Oakland or San Francisco on the other hand.
- (5) No single shipment of express may be accepted for transportation which exceeds 100 pounds in weight, and all express is to be transported on passenger vehicles only.

PART III

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the establishment and operation by California-Nevada Stages, Inc., as a passenger stage corporation, as defined in Section 2½ of the Public Utilities Act, of an automotive passenger service for the transportation of passengers, baggage, and express between and serving the following named termini and all intermediate points, and to consolidate the same with the

remainder of its operating rights;

Commencing at stage depot at 2nd and D Streets, Marysville; north on D Street to Fifth Street; west on Fifth Street crossing over Feather River to Yuba City; thence north on Plumas Street to U. S. Highway 99-E; thence north on U. S. Highway 99-E through Live Oak and Gridley to Biggs Junction; thence along County Road west to Biggs; thence along County Road east, returning over the same route to Biggs Junction; thence north on Highway 99-E to Oroville Wye; thence west via U. S. Highway 99-E to Richvale; thence north via U. S. Highway 99-E through Nelson and Durham to Chico; thence north on Park Avenue and Main Street to Third and Main Streets, Chico.

IT IS HEREBY FURTHER ORDERED that a certificate of public convenience and necessity for such service is hereby granted to California-Nevada Stages, Inc., subject to the following conditions:

- (1) Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed fifteen (15) days from the date hereof.
- (2) Applicant shall commence the service herein authorized within a period of not to exceed thirty (30) days from the effective date hereof, and shall file in triplicate and concurrently make effective on not less than ten days' notice to the Railroad Commission and the public a tariff or tariffs constructed in accordance with the requirements of the Commission's General Orders and containing rates and rules which in volume and effect, shall be identical with the rates and rules shown in the exhibit attached to the application in so far as they conform to the certificate herein granted, or rates and rules satisfactory to the Commission.
- (3) Applicant shall file, in duplicate, and make effective within a period of not to exceed thirty (30) days after the effective date of this order, on not less than five days' notice to the Railroad Commission and the public, time schedules covering the service herein authorized in a form satisfactory to the Railroad Commission.
- (4) The rights and privileges herein authorized may not be discontinued, sold, leased, transferred, nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer, or assignment has first been obtained.
- (5) No vehicle may be operated by applicant herein, unless such vehicle is owned by said applicant or is leased by applicant under a contract or agreement on a basis satisfactory to the Railroad Commission.
- (6) Applicant is authorized to turn its motor vehicles at termini, either in the intersection of the streets or by operating around a block contiguous thereto in either direction, and to carry passengers as traffic regulations of the municipality may require.

- (7) No passengers, baggage, or express having either point of origin or destination between Chico and Marysville-Yuba City and intermediate points, both points inclusive, on the one hand, and San Francisco and Oakland on the other hand shall be transported.
- (8) No single shipment of express may be accepted for transportation which exceeds 100 pounds in weight, and all express is to be transported on passenger vehicles only.

PART IV

IT IS HEREBY FURTHER ORDERED that the restrictions delineated in Decision No. 23347 (Application No. 17041), relating to the operations of the California-Nevada Stages be and they are hereby amended to read as follows:

- (1) No passengers, baggage, or express shall be transported between Marysville and Yuba City.
- (2) No passengers, baggage, or express, having either point of origin or destination between Chico and Marysville-Yuba City, and intermediate points, both points inclusive, on the one hand, and San Francisco and Oakland on the other hand shall be transported.

PART V

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the establishment and operation by Pacific Greyhound Lines, as a passenger stage corporation, as defined in Section 2 $\frac{1}{2}$ of the Public Utilities Act, of an automotive passenger service for the transportation of passengers, baggage, and express between and serving the following named termini, and all intermediate points, and to consolidate the same with the remainder of its operating rights:

- (1) Between Sacramento and Woodland via State Route 50 (also known as the River Road) through Fremont.
- (2) Between Yuba City and Colusa via State Route 15 through Sutter, Tarke, and Meridian, with an optional route between Sutter Junction and Tarke via County Highway through Sutter.
- (3) Between Gridley and Savona via County Road through East Gridley to Robinson Corner; thence via State Route 87

(known as District 10 Road) to Palermo Road; thence via Palermo Road to Palermo; thence via County Road to Oroville; thence via State Route 87 from Durham Road to Savona (junction of State Route 87 with State Route 3, U.S. Highway 99-E), with an optional route between Palermo Road and Oroville via State Route 87.

- (4) Between Oroville Wye and Oroville, via State Route 21.
- (5) Between Woodland and Yuba City via State Route 87, through Knights Landing.
- (6) Between Oroville and Portola via State Route 21, through Keddy, Quincy, and Blairsden.
- (7) Between Durham Road (intersection of State Route 87 and County Road) and Durham via County Road.
- (8) Optional routes: (a) Between Gridley and Richvale, via State Route 3 (U.S. 99-E), through Biggs Road and Oroville Wye; and (b) Between Robinson Corner and Marysville via State Route 87 (District 10 Road).

IT IS HEREBY FURTHER ORDERED that a certificate of public convenience and necessity for such service is hereby granted to Pacific Greyhound Lines, subject to the following conditions:

- (1) Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed fifteen (15) days from date hereof.
- (2) Applicant shall commence the service herein authorized within a period of not to exceed thirty (30) days from the effective date hereof, and shall file in triplicate and concurrently make effective on not less than ten days' notice to the Railroad Commission and the public a tariff or tariffs constructed in accordance with the requirements of the Commission's General Order and containing rates and rules which in volume and effect shall be identical with the rates and rules shown in the exhibit attached to the application in so far as they conform to the certificate herein granted, or rates and rules satisfactory to the Railroad Commission.
- (3) Applicant shall file, in duplicate, and make effective within a period of not to exceed thirty (30) days after the effective date of this order, on not less than five days' notice to the Railroad Commission and the public, time schedules covering the service herein authorized in a form satisfactory to the Railroad Commission.
- (4) The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer, or assignment has first been obtained.

- (5) No vehicle may be operated by applicant herein, unless such vehicle is owned by said applicant or is leased by applicant under a contract or agreement on a basis satisfactory to the Railroad Commission.
- (6) Applicant is authorized to turn its motor vehicles at termini, either in the intersection of the streets or by operating around a block contiguous thereto in either direction, and to carry passengers as traffic regulations of the municipality may require.
- (7) No single shipment of express may be accepted for transportation which exceeds 100 pounds in weight, and all express is to be transported on passenger vehicles only, except that the limitation as to package weight and vehicles of transportation shall not apply to:
 - a. Shipments transported for or through the agency of Railway Express Agency, Inc.
 - b. Milk and cream and empty containers of such commodities when being transported to or from a rail junction point in connection with rail transportation thereof.
- (8) No passengers, baggage, or express shall be transported having either point of origin or destination between Chico and Sacramento, both points inclusive, and intermediate points, excepting, however, (1) along the route between Savona and Gridley, both points excluded, via Oroville, Palermo, and Robinson Corner, and (2), along the route between Marysville-Yuba City and Colusa, and intermediate points, but excluding Marysville-Yuba City.
- (9) The service herein authorized to be operated between Oroville and Portola shall be inaugurated coincident with the abandonment of passenger stage service of Sacramento Northern Railway hereinafter authorized to be abandoned.

PART VI

IT IS HEREBY FURTHER ORDERED that Gibson Lines and Pacific Greyhound Lines shall:

- (1) Not less than ten (10) days prior to the inauguration of the service herein authorized, file with the Commission for its approval, time tables in triplicate. Upon receiving approval, applicants shall place said time schedules in effect on not less than five (5) days' notice to the public.

- (2) File in conformity with the rules of this Commission and make effective on not less than five (5) days' notice, joint fares for the transportation of passengers between points served by applicant Gibson Lines, East Portal of Low Level Tunnel (Contra Costa County) to and including Chico via Sacramento and Oroville Wye on the one hand and points on the Pacific Greyhound Lines (a) east of Oroville Wye and (b) beyond Marysville to and including Colusa on the other, and shall, by appropriate tariff filing, provide that tickets sold by Pacific Greyhound Lines for transportation between these points will be honored by Gibson Lines.

PART VII

IT IS HEREBY FURTHER ORDERED that Sacramento Northern Railway is hereby granted authority to abandon and discontinue the operation of its automotive passenger stage service between Oroville and Quincy, and to cancel in conformity with the rules of this Commission all passenger rate tariffs and time schedules between said points, subject, however, to the following conditions:

- (1) Said abandonment shall become effective concurrently with and not before the establishment of automotive stage service by Pacific Greyhound Lines, as hereinbefore authorized.
- (2) Sacramento Northern Railway shall, within thirty (30) days thereafter, notify this Commission, in writing, of the abandonment of the passenger service herein authorized, and of its compliance with the conditions hereof.
- (3) The authorization herein granted shall lapse and become void if not exercised within one year from the date hereof, unless further time is granted by subsequent order.

PART VIII

The foregoing Opinion and Order are hereby approved and ordered filed as the Opinion and Order of the Railroad Commission of the State of California.

The effective date of this Order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 17th day
of September, 1940.

Ray L. Rice
Frank D. Mum
Raymond G. ...
...
Justin F. ...
Commissioners

APPENDIX "A"

Following is a description of the requests in each of the applications involved:

Application No. 19954

California-Nevada Stages, Inc., in its Petition to Reopen Application No. 19954, requests that if Sacramento Northern Railway is granted permission to abandon passenger train service between Pittsburg and Chico, as applied for in Application No. 23175, consideration should be given to request of California-Nevada Stages, Inc., to establish passenger stage service in the territory between Marysville-Yuba City and Chico and intermediate points in adjacent territory. The Commission, therefore, on January 19, 1940, issued its order reopening Application No. 19954 for further hearing.

It is the proposal of California-Nevada Stages, Inc., in this proceeding to serve all the territory between Marysville and Chico, including Oroville and Colusa.

Application No. 19969

In Application No. 19969 Beverly Gibson, in his Amended and Supplemental Petition for Modification of Order, filed January 25, 1940, asks that Part III of the Order in Decision No. 29781, dated May 24, 1939, be modified to read as follows:

"To reduce its Rio Vista-Rio Vista Junction service to an 'on-call' or 'on demand' service."

Authority for this modification of order was granted in our Ninth Supplemental Order in Decision No. 33065, dated April 30, 1940.

Application No. 21931

Beverly Gibson, in his Supplemental Application No. 21931, filed December 22, 1939, asks that in the event Sacramento Northern Railway is authorized to abandon passenger train service between

Pittsburg and Chico, the restriction contained in condition (2) of Part II of the Order in Decision No. 31778, dated February 20, 1959, reading as follows:

- "(2) No passengers, baggage, or express, having either point of origin, or destination between San Francisco and Los Medanos (excluding Los Medanos) and intermediate points on the one hand, and Sacramento on the other hand, shall be transported, nor shall applicant Gibson issue any joint tariffs from or to points beyond Sacramento."

be rescinded, in order that he may be able to carry passengers between the above-mentioned points.

Application No. 23178

In this proceeding Pacific Greyhound Lines asks for authority to operate passenger stage service between Woodland and Sacramento via the so-called River Road, in lieu of the passenger train service of the Sacramento Northern Railway.

Application No. 23198

In this proceeding Pacific Greyhound Lines asks for authority to perform the following passenger stage service:

- (a) Between Marysville and Savona, near Chico, passing through Robinson Corner and Oroville, via State Route 87.
- (b) Between Gridley and Robinson Corner, via County Road.
- (c) Between the intersection of Palermo Road and State Route 87 (District 10 Road) and Oroville via Palermo.
- (d) Between Oroville and Oroville Wye, through Thermalito via State Route 21.
- (e) Between Gridley and Richvale, via State Route 3 (U. S. Highway 99-E).
- (f) Between Durham Road and Durham, via County Highway.
- (g) Between Yuba City and Colusa, via State Route 15.
- (h) Between Woodland and Yuba City, via State Route 87, passing through Knights Landing.
- (i) Between Woodland and Sacramento via State Route 50 (River Road).

These requests are for the purpose of Pacific Greyhound Lines establishing local and through service in connection with its existing lines between the territory north of Marysville to Sacramento and to the San Francisco Bay area. The route between Yuba City and Woodland is for the purpose of establishing a direct through route between Chico, Marysville, and intermediate points, and the San Francisco Bay area, in connection with its existing operating rights.

It is proposed that this service be restricted as follows:

- (a) No passengers to be carried between Sacramento on the one hand and Tudor and Marysville and intermediate points on the other hand.
- (b) No passengers shall be carried locally between Marysville and Tudor and intermediate points.
- (c) No passengers shall be transported between Stockton, Lodi, and Woodbridge and intermediate points on the one hand, and North Sacramento and Yuba City and intermediate points on the other hand.

It is further requested that the following restrictions relating to its existing service be removed:

- (a) No passengers shall be transported locally between Chico and Marysville.
- (b) No passengers shall be transported between San Francisco, Oakland, Sacramento, and points between Marysville and Chico, both inclusive.

Application No. 23264

In this proceeding Beverly Gibson asks for a certificate to transport passengers and express, as follows:

- (a) Between Colusa and Marysville, and intermediate points;
- (b) Between Marysville and San Francisco and/or Oakland via Knights Landing, Woodland, Davis Junction, and Fairfield;
- (c) Between Marysville and Sacramento and intermediate points, via Rio Oso and Pleasant Grove;

and to consolidate said proposed service with the existing service now rendered by Beverly Gibson and the California-Nevada Stages, Inc.

Application No. 23271

In this proceeding California-Nevada Stages, Inc., asks for authority to transport through passengers over its Garden Highway route between Sacramento and Marysville, via Tudor and Yuba City, and to consolidate the rights now held on the Garden Highway route with the remainder of its operating rights, and also to consolidate with the operation of Beverly Gibson. It also asks for the issuance of an in lieu certificate in the name of Gibson Lines, which certificate will incorporate all the routes now held by or which may hereafter be granted to applicant or Beverly Gibson.

Application No. 23326

In this proceeding Sacramento Northern Railway requests permission to abandon its automotive stage service now under suspension between Oroville and Portola along the so-called Feather River Highway (State Route 21).

Application No. 23337

In this proceeding Pacific Greyhound Lines requests permission to establish passenger stage service between Oroville and Portola via the Feather River Highway (State Route 21), in lieu of the service proposed to be abandoned by Sacramento Northern Railway.

The above applications of Gibson Lines and Pacific Greyhound Lines were inspired by the application of Sacramento Northern Railway (Application No. 23175) for authority to abandon electric passenger train service, as follows:

- (a) Between West Pittsburg, Contra Costa County, and Chico, Butte County.
- (b) On its Sacramento-Woodland Branch.
- (c) On its Colusa Branch.