

Decision No. 34835

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of MENDOCINO TRANSIT COMPANY, a corporation for certificate of public convenience and necessity to operate a passenger and baggage service, as a common carrier between Fort Bragg and Santa Rosa, California, and intermediate points, and for authority to issue stock.

Application No. 23616  
(Rehearing on Decision No. 34293, in part.)  
(Supplemental Application.)

ALLAN P. MATTHEW and F. W. MIELKE for Mendocino Transit Company, applicant.

EDWARD BEROL and MARVIN HANDLER for Coast Line Stages, protestant.

A. J. GAUDIO and WILLIAM CUMMINGS for Northwestern Pacific Railroad, interested party.

H. C. LUCAS and H. D. RICHARDS for Pacific Greyhound Lines, interested party.

BY THE COMMISSION:

SECOND SUPPLEMENTAL OPINION AND ORDER

By its petition filed on June 21, 1941 in the above entitled proceeding, Coast Line Stages, Inc. seeks an order of the Commission modifying the certificate of public convenience and necessity heretofore granted to Mendocino Transit Company by Decision No. 34293 by excluding therefrom authority to perform local passenger stage service between Fort Bragg and Navarro River Junction and intermediate points.

By its first supplemental application filed herein on July 26, 1941, Mendocino Transit Company seeks authority to render express service for the transportation of parcels weighing not over one hundred pounds between Fort Bragg and Santa Rosa and intermediate points exclusive of local service between Santa Rosa

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and Cloverdale and intermediate points. The public hearing was had before Examiner Broz at Santa Rosa on September 5, 1941.

Proposed restriction of passenger stage service between Fort Bragg and Navarro River Junction.

P. B. Hackley, Jr. testified in support of Mendocino Transit Company's right to perform local service for the transportation of persons between Fort Bragg and Navarro River Junction and intermediate points. He stated that during the months of July and August, 1941, twenty passengers were carried by his company between these points at a gross revenue of \$6.55. On cross-examination he testified that the total passenger revenue earned upon his entire operations for the months of July and August was \$510.50 and \$722.55 respectively.

Herbert Rusk testifying for Coast Line Stages, the petitioner for rehearing and modification herein, contended that his company has long performed local passenger service between Fort Bragg and Navarro River Junction and intermediate points as part of its regular service between Rockport and Petaluma and that twenty-six passengers were so transported in the months of

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- (1) By Decision No. 34293, of June 10, 1941, Mendocino Transit Company was granted a certificate of public convenience and necessity to operate as a passenger stage corporation between Fort Bragg and Santa Rosa and intermediate points subject to the restriction that no local service may be performed between Cloverdale and Santa Rosa and intermediate points.

In its petition for rehearing, Coast Line Stages, Inc. asserted that a further restriction should have been ordered as to service locally between Fort Bragg and Navarro River Junction, and intermediate points, which have been and are now served by petitioner's line. Petitioner contends that Mendocino Transit Company has shown no need for its service in that area and that the existing service of Coast Line Stages, Inc. is adequate and satisfactory.

July and August, 1941 for a total revenue of \$8.45.

The evidence shows that passenger revenue earned by Mendocino Transit Company and Coast Line Stages in the affected area is extremely small and that the traffic may be adequately handled by one of the two existing services. Moreover, from a careful review of the evidence, and particularly from the testimony of public witnesses who appeared on behalf of Mendocino Transit Company at the original hearing, it now appears that only minor support was given to applicant's proposed service locally between Fort Bragg and Navarro River Junction, the principal testimony being in support of through service between Fort Bragg and Santa Rosa. It appears also that Coast Line Stages, Inc. is now and for some years past has been rendering local stage service in the affected area as a part of its through bus operations. The evidence warrants a conclusion that there is no need for a duplication of local stage service in the sparsely settled district between Fort Bragg and Navarro River Junction.

We are of the opinion and conclude that Decision No. 34293 in the above entitled proceeding should be amended so as to preclude the rendition of local service for the transportation of passengers between Fort Bragg and Navarro River Junction and intermediate points by the Mendocino Transit Company.

Application of Mendocino Transit Company for authority to transport express shipments.

P. B. Heckley, Jr., manager of Mendocino Transit Company, testifying in support of the supplemental application to transport express shipments consisting of parcels weighing less than one hundred pounds between Fort Bragg and Santa Rosa, stated that his company has received numerous requests from the following firms

for such express service:

Crown Machine Works	Santa Rosa
Bruner's Radio Store	" "
Pershing Market	" "
T. M. Jones (Ford Garage)	" "
Berglund Tractor Company	" "
Bill Curtis (Auto Radiators)	" "
American Typewriter Company	" "
W. E. Barber (Tires)	" "
Rex Pharmacy	Fort Bragg
Made Rite Sausage Company	Santa Rosa
Western Auto Supply Company	" "
C. L. Wood (Tires)	Fort Bragg
American News Company	Santa Rosa
Weinholdt Garage	Fort Bragg
Tachman Distributing Company	Santa Rosa
Faye's Portraits	San Francisco

The witness asserted that there is no direct express service now being performed by any line operating between Fort Bragg and Santa Rosa via State Highway No. 28 and that his company offers to render such service at rates equal to those charged on express shipments by the Pacific Greyhound Lines for similar distances subject to minimum charge of twenty-five cents. No store-door pickup and delivery service is proposed and shipments would be handled between the company's terminals only. Applicant would establish rules and regulations for the movement of express shipments similar to those presently published in tariffs of other stage lines for comparable services.

A witness for the Coast Line Stages testified that his company now performs an express package service as a part of its passenger stage operations between Fort Bragg and Santa Rosa, in connection with the Pacific Greyhound Lines via Petaluma. This service is rendered daily including Sundays and holidays. The witness further testified that Coast Line Stages, Inc., a highway common carrier, renders truck service via State Highway No. 28 including the transportation of express packages, five days a week over the same route as that traversed by the Mendocino

Transit Company, between Fort Bragg and Santa Rosa and intermediate points. This witness contended that all of the shippers named by witness Hackley now use the express service of Coast Line Stages, Inc. and that no complaints have been received on such service from those shippers.

The applicant produced no public witnesses or testimony at the hearing as to a need for the proposed service. In instances such as this where an applicant seeks to render transportation service between points in a territory which is already being served by an existing carrier it is required of the applicant that he show by proper evidence and testimony that the new service is justified from the standpoint of public convenience and necessity. It has not been shown here that the existing service for the transportation of express shipments is inadequate or unsatisfactory. The record does not justify a finding that the application should be granted with respect to the establishment and operation of express service as applied for. The following order will conform to the foregoing conclusions.

O R D E R

The public hearing having been had in the above entitled proceeding and based on the foregoing opinion and findings of the Commission:

IT IS ORDERED that second ordering paragraph of Decision No. 34293, of June 10, 1941, be and it is hereby amended and modified by adding to the second ordering paragraph thereof, an additional condition reading as follows:

"No local service may be rendered for the transportation of passengers and baggage locally between Fort Bragg and Navarro River Junction and intermediate points, provided, however, that service may be rendered between Fort Bragg and Navarro River Junction and intermediate points, on the one hand, and points beyond Navarro River Junction to and including Santa Rosa and intermediate points, on the other hand."

IT IS FURTHER ORDERED that Mendocino Transit Company shall within thirty (30) days from the effective date of this order and upon not less than five (5) days' notice to the Commission and the public, file appropriate amendments to its tariff and time schedules restricting its service in the manner provided herein.

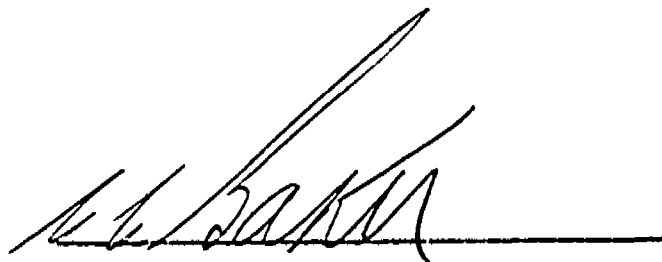
IT IS FURTHER ORDERED that Mendocino Transit Company shall cease and abandon the operation of local passenger and baggage service between Fort Bragg and Navarro River Junction and intermediate points within thirty (30) days from the effective date of this order.

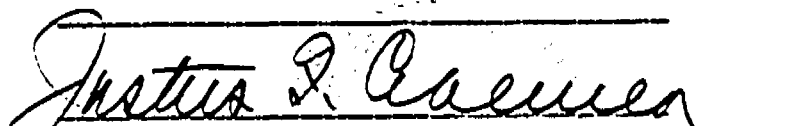
IT IS FURTHER ORDERED that the application of Mendocino Transit Company to render express service for the transportation of parcel shipments between Fort Bragg and Santa Rosa and intermediate points be denied.

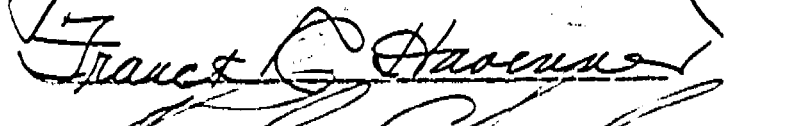
In all other respects, Decision No. 34293, of July 10, 1941, as amended herein, shall remain in full force and effect.


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

Dated at San Francisco, California, this 9<sup>th</sup> day of December, 1941.

  
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Commissioners