

- Decision No. 38048

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

WILLIAM C. COLBERG and H. J. COLBERG, dba)
CENTRAL TRANSIT COMPANY, and ESKDALE NEWTON,)
dba NEWTON PASSENGER TRANSPORTATION COMPANY)

Complainants,

Case No. 4745

vs.

STOCKTON CITY LINES, INC.

Defendant

ORIGINAL

REGINALD L. VAUGHAN, for Complainants

JONES & QUINN, by Gilbert L. Jones, for Defendant

JOSEPH TOPE, for the City of Stockton, Interested Party

J. P. SOMMERS, for Stockton Chamber of Commerce

BY THE COMMISSION:

O P I N I O N

In this complaint William C. Colberg and H. A. Colberg, d.b.a. Central Transit Company, and Eskdale Newton, d.b.a. Newton Passenger Transportation Company, request that the Commission require the Stockton City Lines, Inc. to issue joint tariffs with complainants and issue transfers between said lines.

Public hearings were held in this matter before Examiner Hall at Stockton on April 25th and 26th and at San Francisco on April 30, 1945, on which latter date the matter was submitted.

At the hearing William C. Colberg and H. A. Colberg, d.b.a. Central Transit Company, withdrew from the complaint, as they no longer wished to be a party to the proceeding, which left only Eskdale Newton, d.b.a. Newton Passenger Transportation Company, as a complainant.

Complainant Colberg and Colberg desired to establish joint fares for the transportation of passengers over the line operated by them between Rough and Ready Island and Hunter Square, Stockton, and

over the line operated by defendant. In view of the fact that Colberg and Colberg have withdrawn from the complaint this part of the complaint has no further effect.

For brevity, hereinafter Newton Passenger Transportation Company will be referred to as "Newton," and Stockton City Lines, Inc. will be referred to as "City Lines."

Complainant Newton desires to establish joint fares for the transportation of passengers over the lines operated by him and over the lines operated by defendant City Lines.

Newton operates two local passenger transportation lines from territory east of Stockton to Hunter Square in Stockton.⁽¹⁾ The two routes are briefly described as follows:

1. Waterloo Road Route:

Commencing where Waterloo Road crosses the diverting canal east of Stockton, thence along Waterloo Road (State Highway Route No. 88), Wilson Way, and Weber Avenue to Hunter Square.

2. East Fremont Street Route:

Operating around a block bounded by Shasta Avenue, Minor Avenue, Broadway, and East Fremont Street, thence westerly along East Fremont Street with a loop around Sargent Street, Poplar Street, and Gratton Street; continuing along East Fremont Street, Wilson Way, and Weber Street to Hunter Square.⁽²⁾

Defendant City Lines operates a citywide local transportation system covering all of the territory within the City of Stockton with extensions to more populated areas outside of the city boundary, all of which are shown by the map, exhibit 1, filed in this proceeding.

The basic fares of Newton are 7 cents and 10 cents, the zone line being at Shasta Street on the East Fremont Street line and at Cherokee Lane on the Waterloo Road line. The company is restricted from carrying passengers locally between Hunter Square and the city boundary.

(1) Hunter Square is a block bounded by Hunter Street, Main Street, San Joaquin Street and Weber Avenue.

(2) By Application No. 26556 Newton proposes to extend his easterly loop to Oro Street along Minor Avenue and East Fremont Street.

The basic fare of City Lines is 7 cents, or four tokens for 25 cents, with free transfers between its lines; however, in some of the outlying territories there is a basic fare of 10 cents. (3)

Newton contends that a great many of its patrons, in order to travel to or from the area he serves to other points in Stockton must pay two fares, one on his lines and one on the lines of defendant. This is particularly disadvantageous to workers in industries located on complainant's lines, all of which are in the 7-cent zone. (4) These industries employ a very large number of employees, particularly during the fruit canning season in the summer and fall. Witnesses for these concerns testified that they are very desirous of having a through rate at less than is now being charged in order that they will be in a better position to recruit employees.

(3) NEWTON PASSENGER TRANSPORTATION COMPANY

Route "A" - Waterloo Road Line. Between Stockton and (a) points located between Stockton city limits and the intersection of Cherokee Lane and Waterloo Road: One way fare 7 cents or commute tickets 12 for 70 cents; (b) points located beyond the intersection of Cherokee Lane and Waterloo Road to and including the intersection of Cherokee Lane and diverting canal: One way fare 10 cents or commute tickets 12 for One Dollar.

Route "B" - East Fremont Street Line. Between Stockton and (a) points located between Stockton city limits and the intersection of Shasta Avenue and Miner Avenue, both inclusive: One way fare 7 cents; and (b), points located beyond the intersection of Shasta Avenue and East Miner Avenue, both inclusive: One way fare 10 cents.

STOCKTON CITY LINES, INC.

On city system cash fare of 7 cents or 6½-cent token fare. Various higher fares for areas removed from the city area.

(4) The four largest of these industries are:

- Continental Can Company, at Miner and Shasta Streets.
- Mer-Pak, at the intersection of East Fremont Street and tracks of Central California Traction Company.
- Stockton Canning Company, adjacent to Continental Can Company.
- Frank M. Wilson Company, Waterloo Road at its intersection with Harding Way.

Newton proposed a 12-cent through fare with a division of 60 per cent to Newton and 40 per cent to City Lines. City Lines objected to a joint fare on any basis, primarily due to difficulties involved in establishing and carrying on joint fare arrangements. City Lines suggested that complainant incorporate in his fare structure a token rate of four tokens for 25 cents, and then there would be no necessity for joint transfers, as riders would pay a 6½-cent fare on each line, or a total of 12½ cents.

The following tabulation shows the results to the travelling public by using various combinations of existing established fares of City Lines and Newton, and the proposed fares:

TABULATION OF VARIOUS COMBINATIONS OF PRESENT FARES

	<u>City Lines</u> <u>Cents</u>	<u>Newton</u> <u>(Waterloo Route)</u> <u>Cents</u>	<u>Total</u> <u>Cents</u>
Newton inner zone	7 Cash	7 Cash	14
-do-	6½ Token	7 Cash	13½
-do-	6½ Token	5.83 Ticket	12.03
-do-	7 Cash	5.83 Ticket	12.83
Newton outer zone	7 Cash	10 Cash	17
-do-	6½ Token	10 Cash	16½
-do-	6½ Token	8.33 Ticket	14.53
-do-	7 Cash	8.33 Ticket	15.33

	<u>City Lines</u> <u>Cents</u>	<u>Newton</u> <u>(E. Fremont Route)</u> <u>Cents</u>	<u>Total</u> <u>Cents</u>
Newton inner zone	7 Cash	7 Cash	14
-do-	6½ Token	7 Cash	13½
Newton outer zone	7 Cash	10 Cash	17
-do-	6½ Token	10 Cash	16½

PROPOSED FARES

	<u>City Lines</u> <u>Cents</u>	<u>Newton</u> <u>(Both routes)</u> <u>Cents</u>	<u>Total</u> <u>Cents</u>
By Newton	4.8	7.2	12
By City Lines	6½	6½	12½

Under the present fare arrangement patrons of the Waterloo Road line of Newton may avail themselves of a reduced fare by buying

70 cents' worth of transportation (12 rides) at one time, whereas on the East Fremont Street line they must pay an individual cash fare of 7 cents, and the reduced ticket fare is not available. In addition, for a through trip over the lines of both companies, a 7-cent cash or 6½-cent token fare must be paid on the City Lines' service.

Section 33 of the Public Utilities Act empowers the Commission to require the establishment of joint fares if it is found that public convenience and necessity so require. In this proceeding, however, the record does not justify such a finding, as the only evidence presented were statements by representatives of a few industries that it was their belief that joint fares, lower than the present combination of local fares, would aid them in attracting employees. The complaint will be dismissed.

Defendant, Stockton City Lines, suggested that if Newton established a 6½-cent zone token fare similar to the token fare on the City Lines (4 tokens for 25 cents), it would be equitable to both operators and to the public. Such an adjustment would give the public substantially the same fare as that sought by complainant. Should complainant desire to adopt this suggestion, the Commission will entertain a short-notice application for the establishment of a 6½-cent zone token fare. If no adjustment is made voluntarily, the Commission will consider instituting a proceeding on its own motion for the purpose of investigating the fare structure in the Stockton area.

O R D E R

A public hearing having been held and the matter being duly submitted;

IT IS HEREBY ORDERED that the above entitled complaint be,

and it is hereby dismissed.

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

Dated at San Francisco, California, this 26th day of June, 1945.

Howard Ordway
Justus F. Craven
Richard L. Baker

James S. Powell
Commissioners