

Decision No. _____

38789**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of WILLIAM C. COLBERG and HENRY J. COLBERG, a partnership (Central Transit Company), for a certificate to operate buses between Terminous and Rio Vista and Isleton and intermediate points, etc.))	Application No. 26596
In the Matter of the Application of GIBSON LINES, a corporation, for a certificate authorizing it to operate over an alternate route between Stockton-Lodi, on the one hand, and Isleton-Rio Vista, on the other hand, with the right to serve certain intermediate points.)	Application No. 26611
In the Matter of the Application of GIBSON LINES, a corporation, to reestablish passenger stage service between Rio Vista and Suisun-Fairfield, and all intermediate points.)	Application No. 26661
In the Matter of the Application of PACIFIC GREYHOUND LINES, a corporation, to transport passengers, baggage and express between Stockton and Fairfield, via the main highway through Terminous, Rio Vista and Suisun, etc.)	Application No. 26684
In the Matter of the Application of WILLIAM C. COLBERG and HENRY J. COLBERG, a corporation (Central Transit Company) to sell its passenger stage operative rights to Pacific Greyhound Lines.)	Application No. 26712
In the Matter of the Application of GIBSON LINES, a corporation, to transport passengers, baggage and express between Sacramento and San Francisco over and along U.S. Highway 40, etc.)	Application No. 26734
In the Matter of the Application of GIBSON LINES, a corporation, to transport passengers, baggage and express between Chico and Redding and intermediate points, over and along U.S. Highways 99-E and 99, etc.)	Application No. 26735
In the Matter of the Application of GIBSON LINES, a corporation, to transport passengers, baggage and express between the Oroville "Y" and Oroville and intermediate points via State Legislative Route 21, etc.)	Application No. 26736
In the Matter of the Application of BEVERLY C. GIBSON to transport passengers, baggage and express between Sacramento and California-Nevada State Line, and intermediate points, along U.S. Highway 40.)	Application No. 26748

- In the Matter of the Application of PACIFIC GREYHOUND LINES, to remove existing restrictions relating to its operations in the Chico-Sacramento-San Francisco-Stockton territory.) Application No. 26771
- In the Matter of the Application of PACIFIC GREYHOUND LINES, a corporation, for a certificate of public convenience and necessity authorizing the transportation of passengers, baggage and express between Vacaville and Winters, serving all intermediate points, and to consolidate such certificate with the remainder of applicant's system.) Application No. 26787
- In the Matter of the Application of LASSEN TRAILWAYS, a California corporation, for an order authorizing transfer of rights and properties to NORMAN H. ROROTHAM.) Application No. 26084
2nd Supplemental
- In the Matter of the Application of GIBSON LINES, a corporation, for an order restating the operative rights of applicant subject to conditions involving existing routes and proposed alternate routes in relation thereto.) Application No. 24889
1st Supplemental

REGINALD L. VAUGHAN and ROBERT E. COCKE, for applicant Gibson Lines in Applications Nos. 26611, 26661, 26734, 26735, 26736; for applicant B.C. Gibson in Application No. 26748; and for Gibson Lines as protestant in Applications Nos. 26596, 26684, 26712, 26771, 26787 and Second Supplemental Application No. 26084.

ATHEARN, CHANDLER & FARMER, HOFFMAN & ANGELL by F.X. VIEIRA, for applicants William C. and Henry J. Colberg in Application No. 26596 and for applicant Central Transit Company in Application No. 26712 and as interested party in all other applications.

DOUGLAS BROOKMAN and ALLAN P. MATTHEW, for Pacific Greyhound Lines in all matters in which Pacific Greyhound Lines is applicant and for Pacific Greyhound Lines as protestant in all other proceedings.

NORMAN H. ROROTHAM for Lassen Trailways.

E. F. GARDNER and THOMAS O'HARA, for Monticello Utility Corp.

R. S. FIFIELD, for Santa Fe Transportation Company and Santa Fe Trail Transportation Company, interested party.

J. J. TAYLOR, and W. F. POWELL, for Burlington Transportation Company, interested party.

HAROLD FRASHER, for Valley Express Company and Valley Motor Lines, interested party.

EDWARD STERN, for Railway Express Agency, Inc., interested party.

E. J. FOULDS and WILLIAM MEINHOLD, for Southern Pacific Company.

JOHN E. HENNESSY, for Western Pacific Railroad Company, interested party in Application No. 26734.

J. F. GOOD, City Attorney, for city of Oroville, interested party.

O P I N I O N

The above applications were heard on a common record on June 20, 1945, and January 18, 1946.

At the adjourned hearing the parties requested the dismissal of the following applications:

Gibson Lines asked for dismissal of its Applications Nos. 26734 and 26735, these two applications relating to its first declared intention to establish passenger bus service between San Francisco and Sacramento over U.S. Highway No. 40 and also, between Chico and Redding along U.S. Highways Nos. 99 and 99-E.

Pacific Greyhound Lines requested dismissal of its Applications Nos. 26684 and 26771, in which it originally sought an operative right between Fairfield and Stockton via Rio Vista, and also to have removed all existing restrictions on its operations in the Chico-Sacramento-San Francisco-Stockton territory.

Colberg and Colberg asked for the dismissal of Application No. 26596 which requested a certificate to operate between Terminous and Rio Vista and Isleton and between Stockton and Terminous.

Pacific Greyhound Lines also joined with Gibson Lines in an amendment of Application No. 26712, whereby Greyhound Lines agrees that upon its acquisition of the Colbergs' existing rights that portion of such acquired rights covering service between Stockton and Terminous would immediately be transferred to Gibson Lines for a consideration of \$7,500.

Pacific Greyhound Lines withdrew all protest to the granting of the remaining applications of Gibson Lines as amended. Gibson Lines introduced evidence to show that its proposed extended services would afford the public an improved and adequate transportation service along the routes to be followed. No evidence was introduced in protest to the granting of any of the applications now before us for decision. Only a brief description of the extended operative rights prayed for is necessary.

APPLICATION NO. 26611 is an application of Gibson Lines to establish an alternate route between Stockton and Lodi, on the one hand, and Isleton and Rio Vista, on the other, with the right to serve intermediate points, subject to certain restrictions hereinafter appearing in the order. This route will result in materially shortening the existing operation between Stockton and Isleton, and at the same time effect a saving in time and fares.

APPLICATION NO. 26661 Applicant Gibson Lines requests an order authorizing it to reestablish its service between Rio Vista Junction and Suisun-Fairfield and intermediate points, which had been temporarily suspended. The restoration of this service will afford residents of Vallejo, Napa, Santa Rosa and the Redwood Highway a direct outlet to points in the San Joaquin Valley and give a direct service between Rio Vista and the Fairfield Army Base.

APPLICATION NO. 26712 of William and Henry Colberg and Pacific Greyhound Lines, the former to sell and the latter to purchase, all of the passenger stage operative rights now held by the Colbergs between Stockton and Brentwood, and between Stockton and Terminus, the consideration being \$15,000. This application was amended in the manner described above.

APPLICATION NO. 24889 of Gibson Lines is a request for the removal of three restrictions contained in Decision No. 35292. It is contended by applicant that these restrictions are confusing and impose an unnecessary burden on the traveling public, and that their elimination will result in greater frequency of service and in the utilization of seats which now go unoccupied. At the same time much of the confusion and inconvenience of traffic regulations will be avoided. In general, the restrictions apply to the territory Sacramento and Oakland-San Francisco, between Oakland and San

Francisco, on the one hand, and Marysville-Yuba City-Chico and intermediate points, on the other.

APPLICATION NO. 26736 by applicant Gibson Lines requests a certificate for the transportation of passengers between Oroville "Y" and Oroville. Gibson Lines now operates into Oroville by connection with Pacific Greyhound Lines at Oroville "Y". It requires the transfer of passengers at Oroville with the delays and inconveniences attendant upon that type of service. With the granting of the application, Pacific Greyhound Lines will be relieved of the shuttle service which it renders between Oroville and Oroville "Y".

APPLICATION NO. 26748 (as amended) is an application of Gibson Lines to extend its passenger service from Roseville to the California-Nevada state line over and along U.S. Highway No. 40, serving intermediate points. Gibson Lines now operates over the route between Roseville and Reno in interstate traffic only. Passenger stage service is presently provided along this route by Pacific Greyhound Lines in connection with its interstate operation. In addition to the Greyhound service, Southern Pacific Company provides a rail service to essentially the same points as are involved in applicant Gibson Lines' proposal.

The testimony shows that Gibson Lines' proposed fares are from 30 to 60 per cent. lower than the rail fares and substantially the same as now charged by Greyhound. Applicant's proposal will provide added service in the area during daylight hours. Applicant's running time between Sacramento and Truckee will be three hours and forty minutes, as compared with four hours and forty-five minutes of the fastest train. Exhibits were presented by applicant purporting to show passengers carried and seats available and comparison of fares between the points involved. While Southern Pacific entered an

appearance as a protestant to the granting of this application, it did not support its objection with testimony.

SUPPLEMENTAL APPLICATION NO. 26084 of Norman Robotham was called for hearing along with the other above entitled applications. No evidence was introduced in support thereof. The application should be dismissed.

APPLICATION NO. 26787 of Pacific Greyhound Lines for authority to operate between Vacaville and Winters was also originally joined with these applications for hearing, but the Commission was requested to postpone the hearing of this matter to a later date.

O R D E R

Public hearing having been had in the above entitled applications, and the matters having been submitted;

IT IS ORDERED:

(1) That pursuant to Application No. 26611, a certificate of public convenience and necessity is hereby granted to Gibson Lines, a corporation, authorizing the establishment and operation of service as a passenger stage corporation, as defined in Section 2 $\frac{1}{2}$ of the Public Utilities Act, for the transportation of passengers, baggage and shipments of express weighing not in excess of 100 pounds each on passenger carrying vehicles only, between Stockton and Lodi, on the one hand, and Isleton and Rio Vista, on the other hand, and intermediate points, as an extension and enlargement of and consolidated with the certificate granted by Decision No. 35292, subject to the following restrictions:

- (a) No passengers, baggage or express shall be transported between Stockton and Five Mile House, on the one hand, and the junction of State Highway No. 53 (sometimes known as State Highway No. 12) and Lower Sacramento Road, but not including such junction, on the other hand.
- (b) No passengers, baggage or express shall be transported having both point of origin and point of destination between, but not including, said junction and Terminous, including Terminous.

That as a service regulation Gibson Lines shall conduct operations between Stockton-Lodi and Isleton-Rio Vista over and along the following route:

Commencing on applicant's present certificated route at the junction of State Highway No. 53 (sometimes known as State Highway No. 12) and Lower Sacramento Road, thence west along said State Highway No. 53 to Terminous, thence along said State Highway No. 53 to Andrus Island, and thence along said State Highway No. 53 to Isleton, to connect at that point with applicant's present certificated route to Rio Vista.

(2) That pursuant to Application No. 26661, Gibson Lines shall reestablish scheduled service between Rio Vista and Suisun-Fairfield, and that the "on-call" service provided for between Rio Vista and Rio Vista Junction in restriction 1 appearing at sheet 4 of Decision No. 35292 is hereby deleted therefrom.

(3) That pursuant to Application No. 26712, William C. and Henry J. Colberg may transfer to, and Pacific Greyhound Lines, a corporation, may purchase and acquire the passenger stage operative rights for the transportation of passengers and shipments of express between Stockton, Byron and Brentwood and intermediate points, and between Stockton and Terminous and intermediate points, created by the Commission's Decisions Nos. 13928, dated August 19, 1924; 15270, dated August 10, 1925; and 17912, dated January 18, 1927, as modified by Decision No. 32368, dated October 26, 1939.

That pursuant to First Supplemental Application No. 26712, Pacific Greyhound Lines, a corporation, may sell and transfer to and Gibson Lines, a corporation, may purchase and acquire an operative right for the transportation of passengers, baggage and express between Stockton and Terminous and intermediate points referred to in the next preceding ordering paragraph.

(4) That pursuant to First Supplemental Application No. 24889 restrictions (2), (4)(a) and (6) appearing at sheets 4 and 5 of Decision No. 35292 are hereby deleted therefrom and restriction (3) appearing at sheet 4 of said Decision No. 35292 is hereby amended to read as follows:

"(3) No passengers, baggage or express shall be transported between Stockton, on the one hand, and Oakland or San Francisco, on the other hand."

(5) That pursuant to Application No. 26736, as amended, a certificate of public convenience and necessity is hereby granted to Gibson Lines for the establishment and operation of service as a passenger stage corporation, as defined in Section 24 of the Public Utilities Act, for the transportation of passengers, baggage and shipments of express weighing not in excess of 100 pounds each on passenger carrying vehicles between Oroville "Y" and Oroville and intermediate points, as an extension and enlargement of applicant's operative rights created by Decision No. 35292.

That as a service regulation, service between Oroville "Y" and Oroville shall be conducted by Gibson Lines over and along State Legislative Route No. 21 through Thermolito and South Oroville.

(6) That pursuant to Application No. 26748, as amended, a certificate of public convenience and necessity is hereby granted Gibson Lines authorizing the establishment and operation of

service as a passenger stage corporation, as defined by Section 2½ of the Public Utilities Act, for the transportation of passengers, baggage and shipments of express weighing not in excess of 100 pounds each on passenger carrying vehicles only, between Roseville and a point where U.S. Highway No. 40 crosses the California-Nevada state line near Floriston, California.

That as a service regulation Gibson Lines shall conduct operations, pursuant to the certificate granted in this section, over and along State Highway No. 40.

(7) That Applications Nos. 26596, 26684, 26734, 26735, 26771 and 26084 are hereby dismissed.

(8) That Pacific Greyhound Lines and Gibson Lines, respectively, shall file with the Commission within 60 days after the acquisition of said operative rights the journal entries and supporting detail by which each of them proposes to record the acquisition of said operative rights, and indicate how and when they will amortize the amounts charged to account 1550-- Other Intangible Property. Pacific Greyhound Lines shall also submit the journal entries and supporting detail by which it records the sale of part of said operative rights to Gibson Lines.

(9) That in providing service pursuant to the authorities herein granted, applicants shall comply with and observe the following service regulations:

(a) Gibson Lines shall file acceptances of each of the certificates granted by this order within 30 days from the effective date hereof.

(b) Gibson Lines and Pacific Greyhound Lines shall establish the services herein authorized, and severally comply with the rules

of the Commission's General Orders Nos. 79 and 80 and Part IV of General Order No. 93-A, where applicable, by filing, in triplicate, and concurrently making effective appropriate tariffs and time tables satisfactory to the Commission within 60 days from the effective date hereof and on not less than 5 days' notice to the Commission and the public.

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

Dated at San Francisco, California, this 26th day of March, 1946.

L. Harold Anderson
Justice F. Crocker
W. W. W. Denny
Jack H. Russell
Harold P. Hule
COMMISSIONERS