

McS

ORIGINAL

Decision No. 11221

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

-000-

In the Matter of the Application of)
 J. H. COTTRILL for a certificate of)
 public convenience and necessity to :
 operate passenger and light express :
 service between the City of San Diego) Application No. 8160
 and Tecate, in the State of California :
 and intermediate points. :
)

H. E. Brunelle and B. F. Bennett for
 applicant.
 Warren E. Libby for White Star Auto Stages,
 Pickwick Stages, Inc. and
 United Stages, Inc., Protestants.

BY THE COMMISSION,

OPINION ON REHEARING

In our Decision No. 11026 of September 26, 1922, the applicant herein was granted a certificate of public convenience to operate an automobile stage line between San Diego and Tecate, via Jamul, Dulzara, Barrett and Potrero, which decision should be referred to for a complete discussion of the issues involved. The territory in question lies along the route of the White Star Auto Stages, Pickwick Stages, Inc., and United Stages, Inc., between San Diego and El Centro, which lines protested the granting of the application. Because of the failure of the applicant to show that public convenience and necessity required the operation of the additional service, the certificate then granted permitted him to handle only through passengers between San Diego and Tecate, no service at the intermediate points being permitted. Following that decision the Commission was in receipt of numerous

letters tending to show that the service furnished by the three stage lines mentioned at the intermediate points did not meet the requirements of the local traffic. The case was thereupon set for further hearing before Examiner Eddy at San Diego on Saturday, January 27, 1923.

Several witnesses testified as to the needs of the communities mentioned for a service of the character which the applicant desires to render and a large number of persons were also present in the court room, prepared to testify to the same general effect. Mr. Cottrell handles the United States mails between San Diego and Tecate, and uses in this service either a Chevrolet four-passenger or a Dodge five-passenger car. He leaves San Diego at 7:20 in the morning, and is scheduled to reach Tecate some time before noon; on the return trip he is scheduled to leave Tecate at noon and arrive San Diego at 3:30 p. m. The record indicates, however, that this schedule is not always closely adhered to. For a good many years the residents of this intermediate territory have come to rely upon the mail stage for transportation from their homes to San Diego. The stage stops for a few minutes at each post office along the route to pick up the mail and will also stop at any roadside point to take on passengers. By leaving a note in the mail box stating that they wish transportation to San Diego on any given day, a seat is held on the mail stage. The stages of the through lines are frequently filled when leaving El Centro, and it is not always possible to secure transportation from an intermediate point to San Diego on any given stage. This necessitates waiting along the road or at one of the small communities until seats are available in the through stages; some difficulty apparently has also been experienced in getting the through stages to stop at the local points named or at convenient roadside points. Personal experiences and the relation of similar experiences by neighbors have caused the residents of

these communities to depend largely on the mail stage for transportation into San Diego, and without attempting to secure transportation upon the through stages. On the return trip, however, the residents along the route take advantage of the service afforded by the through stages, and are shown to experience but little difficulty in securing transportation on any desired stage.

The applicant was unable to give any reasonable estimate as to the number of passengers that would be handled by his stage were the certificate granted. It appears, however, that the number of passengers would be very limited, and could easily be accommodated in the car now being used for the transportation of the mail. In view of the evidence adduced at the further hearing our order in this proceeding will be amended so as to permit the applicant to transport passengers between San Diego and Tecate, via the route designated, serving the intermediate points named. The certificate, however, will be so limited as to confine the passenger traffic to such passengers as may be carried on the single stage necessary for and actually used at the present time on any given day in the transportation of the United States mails. No other or additional equipment may be operated on this route without securing in advance our specific approval.

O R D E R

A public hearing having been held in the above entitled application, evidence submitted and the Commission being fully advised,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation by J. E. Cottrell of an automobile stage line as a common carrier of passengers and express between San Diego and Tecate serving the intermediate points of Spring Valley, Jamal, Dulzura, Barrett and Potrero, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be, and the same hereby is granted, subject to the following conditions and restrictions.

1. The transportation of freight between San Diego and Tecate and intermediate points shall be confined solely to packages of which no single shipment from one consignor to one consignee shall weigh in excess of fifty pounds, the total weight of such shipments in any one day not to exceed 250 pounds with the exception of milk and cream, of which commodity the total shipments in any one day shall not weigh in excess of 250 pounds.

2. This certificate authorizes the transportation of passengers and express matter for compensation between the points hereinabove mentioned only on the single stage necessary for and actually used at the present time in the transportation of United States mails; no other or additional equipment may be operated under this certificate without the written authorization of the Railroad Commission having first been secured.

3. Applicant herein shall file within a period of not to exceed ten (10) days from date hereof his written acceptance of the certificate herein granted; shall file, in duplicate, tariff of rates and time schedules within a period of not to exceed twenty (20) days from date hereof; such tariff of rates and time schedules to be identical with Exhibits "A" and "B" attached to the original application of applicant in the above numbered proceeding; and shall commence operation of the service herein authorized within a period of not to exceed thirty (30) days from date hereof.

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 secured.

5. No vehicle may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by him under a contract or agreement on a basis satisfactory to the Railroad Commission.

IT IS HEREBY FURTHER ORDERED that Decisions No. 11026 and 11058 in the above entitled application be, and the same hereby are revoked and set aside.

Dated at San Francisco, California, this 27th day of February, 1923.

C. Leavy

James Martin

J. Whittier
Commissioners