

Decision No. 12,436

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

-000-

ORIGINAL

In the Matter of the Application of
MOTOR TRANSIT COMPANY for a certificate
of public convenience and necessity
permitting it to extend its present
automobile stage service from Long Beach
to San Pedro Harbor.

)
:
: Application No. 9151
)

Kidd and Hardy, by H. W. Kidd for Applicant.

C. W. Cornell and H. O. Marler for Pacific
Electric Railway Company, Protestant.

T. A. Woods for American Railway Express Com-
pany, Protestant.

BY THE COMMISSION,

O-P-I-N-I-O-N

Motor Transit Company, a corporation, has petitioned the Rail-
road Commission for an order declaring that public convenience and
necessity require the operation by it of an automobile stage line
as a common carrier of passengers and baggage between San Pedro
Harbor and Long Beach as an extension of service now operated bet-
ween Long Beach and San Diego.

A public hearing on this application was conducted by Examiner
Handford at Los Angeles, the matter was duly submitted and is now
ready for decision.

Applicant proposes to operate on a schedule of three round
trips daily charging rates as set forth in a schedule marked Exhibit
"D" as attached to the application and using its present equipment
in the operation of the extension of line proposed. Applicant does
not propose to operate any local service between Long Beach

and San Pedro but to carry passengers to and from such points or points intermediate only when received from or destined to Tustin on its San Diego-Long Beach Line or points south thereof. Applicant also desires to serve the community at Seal Beach, located between Santa Ana and Long Beach by through service to and from Tustin and points south thereof on its Long Beach-San Diego Line.

Applicant relies as justification for the granting of the application upon the alleged demand for transportation between San Pedro Harbor points and San Diego as frequently made by soldiers, sailors and marines, shipping and naval men and the general public.

Witnesses for applicant residing at Wilmington and San Pedro, some engaged in business and others in the United States Naval and Marine service, testified as to the frequent inquiry for through service between San Pedro Harbor points and San Diego, that the inquiry was regular and in considerable volume when the Pacific Fleet, or any portion of same, was at San Pedro. Many naval men have their homes or friends at San Diego and when accorded leave from their duties desire to spend such leave in San Diego and by the establishment of the proposed service a considerable convenience will be afforded naval men whose leave of absence covers definite hours and requires their presence at their assigned vessel or other shore location at a specified hour. The evidence also shows that many persons connected with the commercial shipping and fishing industries would use the extension of service as proposed and that frequent inquiry has been made for through stage service.

Inquiry has also been present at Seal Beach for transportation to San Diego, averaging 4 or 5 per day when the racing season is open at Tia Juana. At Long Beach from 2 to 10 telephone

inquiries are received daily at the ticket office of applicant regarding stage service from San Pedro Harbor points to San Diego and 3 or 4 inquiries per day regarding service from Seal Beach to San Diego. Inquiries for service to San Pedro Harbor points are frequently made to the San Diego office of the applicant.

The granting of the application is opposed by the Pacific Electric Railway Company which operates service between San Pedro, Wilmington and Long Beach on a schedule of 28 round trips daily and at a one-way fare between Long Beach and San Pedro of 20 cents and round trip fare of 35 cents. A special round-trip rate of 30 cents is available for soldiers, sailors and marines, when in uniform. It is the contention of this protestant that adequate service is now provided by its facilities for all traffic between Long Beach and San Pedro Harbor points which may be destined to or received from the stage service now operated by applicant between Long Beach and San Diego. Some complaint exists, however, as to connections at Long Beach not being direct to and from the stages and as the desire of the applicant is for an extension of its present service, and in such extension the carriage of local passengers is expressly waived, the protest is more nominal than actual and is not material as against the evidence which indicates a general demand for the desired extension, particularly as regards prospective patrons in the naval service.

Applicant stipulated that the application should be amended and considered on the basis of eliminating the express service originally requested and also eliminating the connecting up of the proposed service with other already existing lines now operated by applicant in its general system of motor transportation.

We are of the opinion that the application should be granted, not as a new or separate certificate but as an extension and addition to present operative rights and upon the terms and conditions as set forth in the accompanying order.

O-R-D-E-R

A public hearing having been held in the above entitled proceeding, the matter having been duly submitted and the Commission being now fully advised,

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by Motor Transit Company, a corporation, of an automobile stage line for the transportation of passengers and baggage between San Pedro, Wilmington and Long Beach as an extension of its present operative right between Long Beach and San Diego, and that public convenience and necessity require the transportation of passengers and baggage between Seal Beach and the community of Tustin and points south thereof on its regularly authorized line between Long Beach and San Diego, and that a certificate of public convenience and necessity hereby issues for the extension of line as herein applied for, subject to the following conditions:

- I. The extension of service herein authorized does not include the carriage of passengers or baggage locally between San Pedro and Long Beach and intermediate points, nor between Seal Beach and points north of Tustin. The service hereby authorized between San Pedro and Long Beach includes only the transportation of through passengers when destined to or originating at Wilmington or San Pedro and originating at or destined to points on the Long Beach-San Diego line of applicant at Tustin or points south thereof to and including San Diego.
- II. Applicant is hereby required to file within ten (10) days from the date of this order its written acceptance of this order and of the terms and conditions herein contained, and to file within fifteen (15) days from the date of this order its tariff of rates and time schedules, such tariffs and time schedules to be filed in duplicate and in accordance with the requirements of this Commission's General Order No. 51 and other regulations of the Commission. Operation of the extension of service herein authorized shall commence not later than twenty (20) days from the date of the order herein.

- III. Applicant herein shall not lease, sell, assign, transfer, hypothecate or suspend service as herein authorized unless the written consent of the Railroad Commission to such lease, sale, assignment, transfer, hypothecation or suspension of service shall have first been secured.
- IV. No vehicle shall be operated by applicant over the extension of route herein authorized unless such vehicle is owned by the applicant herein or is leased by said applicant on a basis satisfactory to the Railroad Commission.
- V. No authority is hereby conveyed for the transportation of packages, parcels or express matter over any portion of the route herein authorized.

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

C. J. Seaver
H. B. Landigg
Dwight Martin

Commissioners