

Decision No. 13313

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of)	
E. B. HARRIS and M. L. BOUNDS, JR.,)	
for certificate of public convenience)	
and necessity to operate a passenger)	
and express automobile stage service)	Application No. 9600
between the City of Fresno and the)	
town of Riverdale, Fresno County,)	
California.)	

Ernest Walling for Applicant.
 L. M. Bradshaw for Southern Pacific Railway,
 Protestant.
 M. W. Darst and Edward Stern for American
 Railway Express, Protestant.

BY THE COMMISSION:-

O P I N I O N

E. B. Harris and M. L. Bounds, Jr., have made application to the Railroad Commission for a certificate of public convenience and necessity to operate a passenger and express automobile stage service between the City of Fresno and the town of Riverdale, Fresno County, California.

A public hearing herein was conducted by Examiner Williams at Fresno at which time the application was amended to withdraw M. L. Bounds, Jr., and continue the application under the name of E. B. Harris. The amendment was permitted without opposition.

Applicant Harris proposes to use a 14-passenger automobile of modern design in this service giving two round trips daily between termini and serving the intermediate points of Easton, Raisin City and Caruthers. His fare between Fresno and Riverdale is \$1.00 with a round trip of \$1.75 and proportionate rates for

intermediate points. For carrying express applicant proposes a minimum rate of 25 cents on packages of five pounds or less with an additional rate of 1 cent per pound to the maximum weight of 75 pounds. Applicant on the witness stand testified that the maximum of 100 pounds fixed in his application was greater than he had intended and was an error and 75 pounds was a true maximum.

Applicant produced F. I. Drexler of Riverdale who testified that this town has approximately 400 population and is surrounded for a distance of 5 miles with a rather dense population for an agricultural area. This population does its buying and trading at Fresno and is now able to reach this city only by way of the Southern Pacific Railroad service via Armona, Hanford or via Kerman. The two daily trains travel about twice the distance required by direct highway. He testified that there were some young people of Riverdale and environs who go to Fresno to school.

O. L. Higdon operating an authorized freight automobile service between Riverdale and Fresno testified that there was need for a service by automobile for passengers between Riverdale and Fresno and also for small express matter. He testified that 75% of the supplies for stores in Riverdale is shipped from Fresno and that the package business, under the weight limitation proposed by applicant herein, is not objectionable and will not impair his business.

Ore Hayward, agent at the stage lines terminal at Fresno, testified that four or five inquiries are made daily for stage accommodations from Fresno to Riverdale and intermediate points. He further testified that the former service maintained by D. M. Rife was not supported because of the excessive fare charged, this fare being \$1.50 in one direction with no round trip rate. He testified the only stage service available to the Riverdale community was the Cooley line at Camden, three miles away.

Charles F. McKean a garage proprietor of Riverdale testified that the service is needed and would be used.

Applicant Harris testified that he had made a canvas of the towns intermediate and was assured patronage at Raisin City and Caruthers. He further testified that S. R. Peart who operates a freight service, under authority of this Commission, between Fresno and Caruthers had assured him that no objection by Peart would be made to the express privileges sought by Harris.

Protestant Southern Pacific Railway offered no testimony opposing the application. No daily round trip service is provided by it.

Protestant American Railway Express Company maintains two services daily into Riverdale, according to exhibits filed by it. One leaving Fresno at 5:30 A.M. and reaching Riverdale at 7:31 A.M. and the other leaving at 7:45 A.M. and reaching Riverdale at 10:49 A.M. From Riverdale to Fresno there is a service leaving at 7:31 A.M. and arriving Fresno at 10:15 A.M. and another leaving at 10:49 A.M. and reaching Fresno at 12:55 P.M. Three services are available to Caruthers and Raisin City, two being from Fresno to these points and one from these points to Fresno but this latter inbound service requires from 8:40 A.M. to 9:10 P.M. to make the journey. This protestant maintains pick-up and delivery service at Fresno and Riverdale.

Rates on express matter proposed by applicant are in the main higher than the express rates but with the added facility of two services daily in each direction. In view of the service now maintained by protestant American Railway Express we do not believe applicant should be permitted to engage in any other than a small package business limited to thirty pounds in weight and only such packages as may be carried on his passenger stages without inconvenience or discomfort to the passengers. In other respects we find as a fact on the entire

record that the service proposed, as modified in the preceding sentence, is necessary and that the application should be granted.

O R D E R

E. B. Harris having made application to the Railroad Commission for a certificate of public convenience and necessity to operate passenger and express automobile stage service between Fresno and Riverdale, a public hearing having been held, the matter having been duly submitted and now being ready for decision,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation as proposed by applicant over and along the following route;

via main county highway from Fresno to Easton, from Easton to Raisin City, from Raisin City to Caruthers and from Caruthers to Riverdale and returning over identically the same route

and that a certificate of public convenience and necessity therefor be and the same hereby is granted subject to the following conditions:-

1. - That applicant will receive no express package for transportation between termini or intermediate points in excess of thirty pounds and only such packages or commodities as may be safely transported on passenger stages without discomfort or inconvenience to passengers and that this certificate does not entitle him to use a separate vehicle for express transportation.
11. - That E. B. Harris, applicant herein, shall file within fifteen (15) days from date hereof, his written acceptance of the certificate herein granted, and shall file within thirty (30) days of the date hereof ⁱⁿ duplicate tariff of

rates and time schedules, identical with exhibits attached to his application herein with the exception of express rates as herein modified, such tariffs and time schedules to be filed in accordance with General Order No. 51 of the Railroad Commission, and shall begin service within sixty (60) days from date hereof.

- III. That applicant, E. B. Harris, shall not sell, lease, assign or discontinue the service herein authorized, unless such sale, lease, assignment, or discontinuance, shall have been authorized by the Railroad Commission.
- IV. That no vehicle shall be operated by applicant unless such vehicles are owned by said applicant, or are leased under an agreement satisfactory to the Railroad Commission.

Dated at San Francisco, California, this

24th day of March, 1924.

Chas. H. ...
H. B. ...
Irving ...

Commissioners