

Decision No. 13484.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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ORIGINAL

In the Matter of the Application of
MOTOR TRANSIT COMPANY for an order
defining and validating certain
priority automobile stage line operat-
ing rights owned and now being exercised
by applicant for the carriage of pas-
sengers, baggage, and express matter
over various fixed routes and highways
and between certain definite termini
in Southern California (and freight
over applicant's Mountain Division);
for a certificate of public convenience
and necessity authorizing applicant to
continue to conduct said operations
(both local and through) over such of its
existing routes, if any, as to which the
Commission may find applicant has no
priority or certificate operating rights;
and for a certificate of public convenience
and necessity authorizing applicant to
operate all of its existing stage line ser-
vice as a unified system furnishing service
from and to every point thereon, as well as
for the inter-change of business between ap-
plicant's lines and the lines of other
carriers with which applicant connects; to
generally define, fix and determine applicant's
operating rights; as well as for such other
orders in the premises as the Commission shall
deem proper.

Application
No. 8454

In the Matter of the Application of
PACKARD STAGE LINE for certificate of public
convenience and necessity to extend present
service to that of serving locally the ter-
ritory between Los Angeles and Lancaster.

Application
No. 8525

Kidd and Hardy, by H. W. Kidd, for Motor
Transit Company, Applicant in
Application No. 8454 and as
Protestant in Application No.
8525.

Clyde Bishop, for A.B. Watson, Proprietor
Crown Stages, Protestant in
Application No. 8454.

Warren E. Libby, for Boulevard Express,
Protestant in Application
No. 8454

Warren E. Libby and J. E. McCurdy, for
Pickwick Stages, Inc. Protest-
ant in Application No. 8454.

Mark Thompson and A.B. Roehl, for American
Railway Express Company.

Clyde R. Moody, for Original Stage Line,
Protestant.

W. H. Powell, for Packard Stage Line, Ap-
plicant in Application No. 8525
and Protestant in Application
No. 8454.

H. A. Decker, City Attorney, for City of San
Fernando.

C. C. Hayworth, for Kern County Transportation
Company, Protestant in Application
No. 8454.

Devlin & Brookman, by Frank R. Devlin, for
Franchise Carrier's Ass'n., Pro-
testant in Application No. 8454.

K. F. Beyerle, Proprietor Marietta Mineral Hot
Springs Auto Line, Protestant in
Application No. 8454.

C. W. Cornell and O. A. Smith, for Pacific
Electric Railway Company, Protestant
in Application No. 8454.

C. W. Cornell, J. E. Lyons, H. H. Gogarty, L. N.
Bradshaw and Fred E. Watson, for
Southern Pacific Company, Protestant.

A. L. Whittle, for San Francisco-Oakland Terminal
Railways, Protestant.

Walter Boyd, for Boyd & Mattly Stage Line, Pro-
testant in Application No. 8454.

E. T. Lucey, for Atchison, Topeka & Santa Fe
Railway Company, Protestant in
Application No. 8454.

BY THE COMMISSION,

O P I N I O N

In Application No. 8454, as amended, applicant, Motor Transit Company, a corporation, petitions for an order of this Commission outlining and defining the nature, extent and scope of all priority rights together with the limitations existing in connection with such rights; granting a certificate of public convenience and necessity authorizing the continuance of service by applicant over any routes, or portions of routes, which may be found by the Commission to be operated without valid rights; authorizing applicant to join and hereafter operate all separate operative rights as one unified system; defining the nature, scope and extent of all priority rights for the transportation of express matter and granting, if such rights are not found to exist or are limited in their extent a certificate authorizing applicant to carry express matter over all routes and between all points covered by applicant's system; to define the freight rights of applicant as now operated on its so-called Mountain Division; to define the nature, scope and extent of the right of applicant to exchange passengers, baggage and express with all other carriers with whom applicant has heretofore maintained connecting service and if it be found that such rights do not now exist, for any reason, to authorize by certificate the continued exchange of business between applicant and the other connecting carriers; to authorize applicant to exercise the rights and privileges granted by Decision No. 11257 on Application No. 6754 (defining the nature, scope and extent of the operating rights of G. & W. Stage Company as of May 1, 1917, and approving the transfer and sale of such operating rights to applicant herein) as a portion of

the proposed unified system of applicant, and that public convenience and necessity require the removal of a restriction contained in this Commission's Decision No. 11611 on Application No. 8054 prohibiting the joining of operative rights thereby granted with the operative rights of applicant and particularly with the lines at Loma Linda and Riverside; to remove the restrictions contained in this Commission's Decision No. 10342 on Application No. 7204 such restrictions prohibiting applicant from carrying through passengers or express matter from Corona to Los Angeles or from Los Angeles to Corona; and to authorize by appropriate certificate the carriage of passengers, baggage and express matter between Pomona and Chino and to link up said proposed service with the proposed unified system of applicant.

K. F. Beyerle, L. J. Austin, C. A. Sansome, R.W. Wilson, T. E. Hutson and W. H. Powell, co-partners operating under the fictitious name of Packard Stage Line, have petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by them of automobile stage service between Los Angeles and Lancaster serving as intermediate points the communities of Newhall, Searus, Vincent and Palmdale.

Public hearings on the above applications were conducted by Examiner Handford at Los Angeles, the matters were by stipulation consolidated for the purpose of receiving evidence and for decision, were duly submitted on briefs filed by interested counsel and are now ready for decision.

The Motor Transit Company, a corporation, applicant herein conducts its present operation over the following divisions and routes:

I. EASTERN DIVISION

- (a) Los Angeles to Ontario to Riverside
- (b) Los Angeles to Ontario to San Bernardino to Redlands
- (c) Ontario to Bloomington to Colton to San Bernardino
- (d) Ontario to Cucamonga to Guasti
- (e) Pomona to Chino to Ontario
- (f) Pomona to Chino to Corona

II. MOUNTAIN DIVISION

Operation in the San Bernardino Mountains from the terminals of San Bernardino and Redlands serving all Big Bear Valley points and all Arrowhead Lake (formerly known as Little Bear Valley) points such operation conducted over the following routes:

- (a) Mill Creek Route
- (b) City Creek Route
- (c) Waterman Canyon Route
- (d) Via Hesperia and the Desert Route
- (e) Via Victorville and the Desert Route

Note:- Routes "d" and "e" are operated during the winter months or when road conditions on other routes make the diversions to the desert routes advisable.

III. NORTHERN DIVISION

- (a) Los Angeles to Bakersfield and Taft via Ridge Route
- (b) Los Angeles to Palmdale and Lancaster via Boquet Canyon Route
- (c) Los Angeles to Palmdale and Lancaster via Mint Canyon Route

IV. SOUTHERN DIVISION

- (a) Los Angeles (via Whittier Boulevard, Santa Ana, Orange and the Coast Route) to San Diego
- (b) Los Angeles (via Long Beach, Santa Ana and the Coast Route) to San Diego
- (c) Los Angeles (via Telegraph Road, Santa Fe Springs, Norwalk, Buena Park, Garden Grove, Santa Ana and the Coast Route) to San Diego
- (d) Los Angeles to Downey and the Los Angeles County Farm
- (e) Los Angeles (via Whittier Boulevard) to Anaheim

The operative rights of applicant, Motor Transit Company, as appearing from the records of the Commission are based on the following facts as established by the records of this Commission.

I. E A S T E R N D I V I S I O N

(A) LOS ANGELES TO ONTARIO TO RIVERSIDE.

On May 1, 1917, the A.R.G. Bus Company was operating automobile stages as a common carrier of passengers between Los Angeles and Riverside serving as intermediate points the communities of Ramona Acres, San Gabriel Boulevard, Savanna, El Monte, Pico Road, Bassett, Puente, Otterbein, Walnut, Spadra, Pomona, Narod, Ontario, and Wineville. (Authority:- Local Passenger Tariff No. 1 C.R.C. No. 1 Issued February 26, 1917, Effective March 1, 1917 by A.R.G. Bus Company, by E. S. Good, General Manager). This tariff contained no rates for the transportation of parcels, baggage, express or other property.

The rights acquired by operation in good faith as of May 1, 1917 and as outlined above were acquired by applicant, Motor Transit Company, from O. E. Fuller as approved by this Commission's Decision No. 7807 on Application No. 5543, decided June 28, 1920.

(B) LOS ANGELES TO ONTARIO TO SAN BERNARDINO TO REDLANDS.

On May 1, 1917, Truston Clark, operating under the fictitious name of Clark's Bus Line was operating automobile stages as a common carrier of passengers between Los Angeles and San Bernardino serving as intermediate points the communities of Pomona, Ontario and Etiwanda, and locally between Pomona and Chino. (Authority: Local Passenger Tariff No. 1 of Clark's Bus Line, C.R.C. No. 1. Issued February 24, 1917, effective March 1, 1917). No rates covering the transportation of bag-

gage, parcels, express or other property appeared in the foregoing tariff. Motor Transit Company, applicant herein, acquired this operative right by purchase from O. R. Fuller as duly authorized by this Commission's Decision No. 6306 on Application No. 4539 as decided on May 10, 1919. This authority included not only the operative rights as originally effective by reason of regular operation as of May 1, 1917 by Truston Clark but also the rights conferred by the Commission's Decisions Nos. 5166 and 5722 on Application No. 3457 decided February 27, 1918 and August 26, 1918 granting to O. R. Fuller a certificate of public convenience and necessity to operate an automobile stage service as a common carrier of passengers between Los Angeles and San Bernardino via Pomona and Ontario, and between Pomona and Chino. No authority was obtained by this decision for operative rights covering the transportation of baggage, parcels, express or other property for compensation.

(c) ONTARIO TO BLOOMINGTON TO COLTON TO SAN BERNARDINO

The operating rights over the foregoing territory are those authorized by this Commission's Decision No. 9395 on Application No. 6904, decided August 23, 1921 and granting a certificate of public convenience and necessity for the transportation of passengers and express over the following route:

"Beginning at a point two miles east of Colton, where Colton Avenue intersects the paved highway from San Bernardino to Redlands, thence westerly along Colton Avenue to Bloomington, thence westerly over the Valley Boulevard, also known as the Ocean to Ocean Highway, to Cucamonga Station, and vice versa."

The order in this decision contained a requirement as follows:

"That applicant, Motor Transit Company, shall at all times operate its local service between Redlands and San Bernardino and Bloomington to and from Alder Avenue in Bloomington".

(D) ONTARIO TO CUCAMONGA TO GUASTIL

The operating rights in the foregoing territory are those authorized by operation by Clark Bus Line, under the ownership of Truston Clark, as of May 1, 1917, as being a territory intermediate between Ontario and San Bernardino and covered by Local Passenger Tariff No. 1 of Clark's Bus Line, Issued February 24, 1917, Effective March 1, 1917, and rights thereby acquired passing to Motor Transit Company, applicant herein, by Decisions Nos. 6306 on Application No. 4539 and 5166 and 5722 on Application No. 3457 (hereinabove specifically referred to in paragraph "B"); and as to Cucamonga by the operative rights of the A.R.G. Bus Company as existing on May 1, 1917 and heretofore transferred to applicant, Motor Transit Company, under the approval of this Commission as contained in its Decision No. 7807 on Application No. 5543 (hereinabove specifically referred to in paragraph "A"). Neither of the authorizations covering operative rights in the above named territory covered the transportation of baggage, parcels, express or other property for compensation.

(E) POMONA TO CHINO TO ONTARIO.

The operative rights in the foregoing territory are those authorized by operation by Truston Clark, under the fictitious name of Clark's Bus Line, as of May 1, 1917, and as covered by Local Passenger Tariff No. 1 of Clark's Bus Line, Issued February 24, 1917, Effective March 1, 1917, and rights thereby acquired passing to applicant Motor Transit Company by Decisions No. 6306 on Application No. 4539 and Nos. 5166 and 5722 on Application No. 3457 (hereinabove specifically referred to in paragraph "B"); and as authorized by the operative rights of A.R.G. Bus

Company as existing on May 1, 1917 and heretofore transferred to applicant, Motor Transit Company, under the approval of this Commission as contained in its Decision No. 7807 on Application No. 5543 (hereinabove specifically referred to in paragraph "A"); and also to those authorized by this Commission in its Decision No. 9203 on Application No. 6792 as decided July 2, 1921, in which authority was granted to discontinue service between Nared and Chino and to substitute therefor service between Pomona, Chino and Ontario over a new route as follows:

"By operating in a generally southerly direction from Pomona, over Garey Avenue for a distance of approximately one and three-quarters miles to the intersection of said Garey Avenue with Philadelphia Street, thence in a general easterly direction over Philadelphia Street, a distance of approximately one and one-half miles to the intersection of said Philadelphia Street with the main northerly and southerly highway and thence in a general southerly direction over said unnamed highway, a distance of about one and one-quarter miles to Riverside Drive, and thence easterly over Riverside Drive a distance of approximately two miles to Central Avenue, Chino, and thence over Central Avenue in a southerly direction, a distance of one-half mile to the downtown portion of Chino, and leaving Chino in a general southerly direction to Chino Avenue, a distance of approximately three-eighths of a mile, and thence in a generally easterly direction over said Chino Avenue, a distance of approximately two miles to its intersection with Euclid Avenue, and thence in a general northerly direction over Euclid Avenue to the downtown portion of Ontario, a distance of approximately four and one-half miles."

None of the foregoing authorizations provide for the handling of baggage, parcels, express or property for compensation.

(F) POMONA TO CHINO TO CORONA.

The operative rights in the foregoing territory, as regards the portion between Pomona and Chino are identical with the rights herein specifically referred to in the preceding paragraph (E). Rights between Pomona and Corona, via Chino, are those authorized by the certificate granted by the Commis-

sion in its Decision No. 10342 on Application No. 7204 as decided April 21, 1922, in which authority was granted for the operation of an automobile stage line as a common carrier of passengers and express matter between Pomona and Corona, via Chino, prohibiting, however, the carriage of passengers or express matter over the route herein authorized when such passengers or express matter originated at Los Angeles and were destined to Corona, or vice versa.

II.

MOUNTAIN DIVISION

The operative rights on the so-called Mountain Division are those originating by the operation on May 1, 1917 of automobile stages and trucks as common carriers of passengers, baggage and freight by Max Green, Percy H. Green and Mrs. Kirk R. Phillips, a co-partnership operating under the fictitious name of San Bernardino Mountain Auto Line, in accordance with Local Passenger Tariff No. 1, C.R.C. No. 1. Issued March 24, 1917, Effective April 1, 1917; and Local Freight Tariff No. 1, C.R.C. No. 1, Issued March 24, 1917 and Effective April 1, 1917. These tariffs covered operation between San Bernardino and Redlands and San Bernardino Mountain points via Crest, Mill Creek Canyon and Victorville routes. Also by authority contained in this Commission's Decision No. 5258 on Application No. 3408, as decided April 1, 1918, granting to Max Green, P. H. Green and Mrs. Kirk R. Phillips, a co-partnership operating under the fictitious name of San Bernardino Mountain Auto Line, a certificate of public convenience and necessity to operate as a common carrier of passengers, freight and express packages between Forest Home Junction, Forest Home and intermediate points, all in San Bernardino County.

Also by authority contained in this Commission's Decision No. 6717 on Application No. 4975, decided October 2, 1919, granting to Max Green, P. H. Green and Mrs. Kirk R. Phillips, a co-partnership operating under the fictitious name of San Bernardino Mountain Auto Line, a certificate of public convenience and necessity to operate an automobile stage and truck service as a common carrier of passengers, freight, baggage and express between San Bernardino, Highlands, Fredalba, Fredalba Junction and intermediate points, including also operations over the City Creek Road between the City of Highlands and Fredalba Junction.

This Commission by its Decision No. 7280 on Application No. 5429 decided March 18, 1920, authorized the transfer of all the operating rights hereinabove found to be in possession of Max Green, Percy H. Green and Mrs. Kirk R. Phillips, a co-partnership operating under the fictitious name of San Bernardino Mountain Auto Line, to O. R. Fuller.

This Commission by its Decision No. 8886 on Application No. 6299 decided April 20, 1921 authorized the transfer of all operating rights theretofore acquired by O. R. Fuller under the authority of Decision No. 7280 to applicant Motor Transit Company.

III.

N O R T H E R N D I V I S I O N

(A) LOS ANGELES TO BAKERSFIELD AND TAFT VIA THE RIDGE ROUTE.

The operative rights in the foregoing territory are those authorized by operation as of May 1, 1917 by Eldorado Stage Company in accordance with its Local Passenger Tariff No. 1, C.R.C. No. 1, Issued February 28, 1917, Effective March 1, 1917 and covering operation from Los Angeles via San Fernando Boulevard, Ridge Route and State Highway to Bakersfield and

Taft, serving as intermediate points the communities at Castaic, RidgeGarage, Oak Flat, Liebra, Gripper's Camp, Sandbergs, Bailey's Ranch, Gormans, Lebec, Grapevine, Rose Station and Maricopa. No property was provided to be carried under this tariff except baggage which was to be carried free up to a weight of fifty (50) pounds and a rate of two (2) cents per pound for weight exceeding fifty (50) pounds, with a maximum weight limit of one hundred fifty (150) pounds and a maximum capacity limit of six (6) cubic feet. In Local Passenger Tariff No. 4, C.R.C. No. 4, Issued November 1, 1917, Effective November 10, 1917 (cancelling Local Passenger Tariff No. 1, C.R.C. No. 1) the Eldorado Stage Company eliminated the excess baggage rates by the following notation in its Rules and Regulations:

"4. Baggage Fares named in this Tariff do not include the transportation of baggage. Baggage will not be checked and none will be handled except such hand baggage as can be cared for by passenger without inconveniencing other passengers. This company will not be responsible for loss or damage of hand baggage."

The operative rights of Eldorado Stage Company were acquired by Motor Transit Company as approved by this Commission in its Decision No. 8210 on Application No. 5964 decided October 6, 1920.

- (B) LOS ANGELES TO PALMDALE AND LANCASTER VIA BOQUET CANYON ROUTE.
- (C) LOS ANGELES TO PALMDALE AND LANCASTER VIA MINT CANYON ROUTE.

The operating rights in the foregoing territory are those authorized by operation on May 1, 1917 by Antelope Valley Transportation Company (also known as The Blue Line Stage) in accordance with Local Passenger Tariff No. 1 C.R.C. No. 1 Issued February 28, 1917, Effective March 1, 1917 and covering

passenger transportation between Los Angeles and Lancaster serving the intermediate communities of Saugus, Acton and Palmdale. No rates for the transportation of baggage, parcels or express were contained in this tariff.

The operative rights originating as above were acquired by Motor Transit Company by authorization as contained in this Commission's Decision No. 7157 on Application No. 5348, decided February 20, 1920. This authorization covered the transfer of two distinct operative rights which were as follows:

"1. Leaving from the Rosslyn Hotel at the corner of Fifth and Main Streets in the downtown portion of the City of Los Angeles, and proceeding north through said downtown section of said City to Sunset Boulevard; thence in a general westerly direction over said Boulevard to its intersection with Hollywood Boulevard; thence in a generally westerly direction on said Hollywood Boulevard to its intersection with Cahuenga Avenue; thence in a general northerly direction over said Cahuenga Avenue and Cahuenga Pass to Universal City; thence over the boulevard to and through the City of Lankershim to the so-called San Fernando Boulevard; thence over said last named boulevard to and through the City of San Fernando; thence over said boulevard to and through the City of Newhall; and thence over said boulevard to and through the town or City of Saugus; and thence over said boulevard through Boquet Canyon and to a certain corner of said highway commonly known as the "School House Corner"; and thence via the Leonis Valley to Palmdale; and thence over the boulevard to Lancaster, the terminus of said route. And returning from said City of Lancaster to the City of Los Angeles over the same route.

2. From the Rosslyn Hotel at the corner of Fifth and Main Streets in the downtown portion of the City of Los Angeles, and proceeding north through said downtown section of said City, via North Broadway to Avenue Twenty in said City; thence on said Avenue Twenty to the so-called San Fernando Road or Highway; thence over said boulevard to and through the towns, cities and communities of Tropic, Glendale, West Glendale, Burbank, San Fernando and Newhall to Saugus; thence through Saugus over the Mint Canyon highway or Boulevard to and through the towns, cities and communities of Acton and Vincent to Palmdale; and thence through Palmdale via the boulevard to Lancaster, the terminus of said route; and returning to Los Angeles over the same route."

IV.

S O U T H E R N D I V I S I O N

- (A) LOS ANGELES (VIA WHITTIER BOULEVARD, SANTA ANA, ORANGE AND COAST ROUTE) TO SAN DIEGO.

The operative rights in the foregoing territory are those authorized by reason of operation on May 1, 1917 by A.R.G. Bus Company in accordance with Local Passenger Tariff No. 1, C.R.C. No. 1, Issued February 1, 1917, Effective March 1, 1917, and covering fares between Los Angeles and San Diego and the intermediate stations of San Juan Capistrano, Oceanside, Del Mar, and La Jolla. Supplement No. 2 to Local Passenger Tariff No. 1, (Supplement No. 2 to C.R.C. No. 1) Issued October 18, 1917, Effective October 22, 1917 adds local points on this route as follows:-

Montebello, Whittier, La Habra, Fullerton, Anaheim and Santa Ana.

Neither of the above tariffs carry any rates for the transportation of baggage, parcels, express or other property. Applicant, Motor Transit Company, acquired the hereinabove operative rights by authority approving a transfer as contained in this Commission's Decision No. 8384 on Application No. 6298, decided November 27, 1920.

- (B) LOS ANGELES (VIA LONG BEACH, SANTA ANA, ORANGE AND THE COAST ROUTE) TO SAN DIEGO.

The operative right in the foregoing territory is that authorized by this Commission in its Decision No. 8465 on Application No. 5105, decided December 20, 1920, and granting to O. R. Fuller or Motor Transit Company as his lessee a certificate of public convenience and necessity to operate an automobile stage line

as a common carrier of passengers and baggage between Los Angeles, Long Beach and points south of Santa Ana, to and including San Diego, but said applicant or its said lessee shall not

transport local passengers between Los Angeles and Long Beach or points intermediate thereto, or between any of said points or intermediate points on the one hand and points east or north of Los Angeles, which are served by said applicant or his said lessee or served by the Pacific Electric Railway Company on the other hand."

(C) LOS ANGELES (VIA TELEGRAPH ROAD, SANTA FE SPRINGS, NORWALK, BUENA PARK, GARDEN GROVE, SANTA ANA AND THE COAST ROUTE) TO SAN DIEGO.

The operative rights in the foregoing territory are those authorized by reason of operation on May 1, 1917, by A.R.G. Bus Company in accordance with Local Passenger Tariff No. 1, C.R.C. No. 1, Issued February 1, 1917, Effective March 1, 1917, and covering fares between Los Angeles and San Diego and the intermediate communities of San Juan Capistrano, Oceanside, Del Mar and La Jolla. No rates were carried in this tariff for the transportation of baggage, parcels, express or other property.

Applicant, Motor Transit Company, acquired the hereinabove operative rights by authority approving a transfer as contained in this Commission's Decision No. 8384 on Application No. 6298, decided November 27, 1920. Also the rights authorized by this Commission's Decision No. 7656 on Application No. 5504, as decided June 1, 1920, and granting to the White Bus Line, as lessee from O. R. Fuller, authority to deviate from the route covered by the order of this Commission in its Decision No. 7082 of February 5, 1920 on Application No. 5290 in the following particulars and under the following conditions:

"IT IS HEREBY ORDERED that the route and operating rights described in the Order in Decision No. 7082 of February 5, 1920, in Application No. 5290, be and they are hereby so modified that vehicles used in the Los Angeles-San Diego service, which are fully loaded upon leaving the Los Angeles terminal southbound or which are fully loaded upon leaving Santa Ana northbound, may be operated over Telegraph Road via Garden Grove and Buena Park, but passing to the east of Norwalk and the State Hospital by detour.

The above authority is granted upon the condition that passengers shall not be picked up or discharged at any point along said Telegraph Road or any detour therefrom."

Under date of June 16, 1920, this Commission by its Decision No. 7720 on Application No. 5504 issued its supplemental order amending the order contained in Decision No. 7656 of June 1, 1920 (on Application No. 5504) to read as follows:

"IT IS HEREBY ORDERED that the route and operating rights described in the Order in Decision No. 7022 of February 5, 1920, in Application No. 5920 be, and they are hereby, so modified that vehicles used in the Los Angeles-San Diego service, which are fully loaded upon leaving the Los Angeles terminal southbound, or which are fully loaded upon leaving Tustin northbound, may be operated over Telegraph Road via Garden Grove and Buena Park, but passing to the east of Norwalk and the State Hospital by detour.

The above authority is granted upon the condition that local business between Los Angeles and Santa Ana, inclusive, shall not be carried over, and passengers shall not be picked up or discharged at any point along said Telegraph Road or any detour therefrom."

In none of the foregoing certificates was any authority conferred for the transportation of baggage, parcels, express or other property for compensation.

(D) LOS ANGELES TO DOWNEY AND THE COUNTY POOR FARM.

The operative rights in the foregoing territory are those arising from this Commission's Decision No. 5634 dated July 26, 1918 on Application No. 3763 granting to M. C. Rutherford and Mrs. H. A. Varro, co-partners operating as Liberty Stage Line, a certificate of public convenience and necessity for the operation of through automobile service as a common carrier of passengers and light baggage between Downey and the business portion of Los Angeles in the vicinity of 6th and Los Angeles Streets. No authority was contained in such decision for the transportation of packages and the item covering such transportation as appearing in the tariff of the Liberty Stage Line, C.R.C. No. 1, Issued and Effective September

1, 1918 is without authorization. Also by the authority contained in this Commission's Decision No. 7537 of May 3, 1920 granting to Mrs. H. A. Varro a certificate of public convenience and necessity to operate an automobile stage line as a common carrier of passengers between Downey and County Farm. No authority was requested or granted for the carriage of parcels, baggage or express for compensation.

Also by the authority contained in this Commission's Decision No. 7835 of July 9, 1920, on Application No. 5773 granting to Mrs. H. A. Varro a certificate of public convenience and necessity to operate an automobile stage line as a common carrier of passengers between Norwalk and Downey and intermediate points. No authority for the carriage of parcels, baggage, express or other property for compensation was requested in said application or was granted by said decision.

Also by the authority contained in this Commission's Decision No. 8295 of October 28, 1920 on Application No. 6017 granting to Mrs. H.A. Varro a certificate of public convenience and necessity to operate an automobile stage service as a common carrier of passengers between the town of Norwalk and the Norwalk State Hospital as an extension of service previously operated between Norwalk and Los Angeles. No authority for the carriage of parcels, baggage, express or other property for compensation was requested in the said application or was granted by said decision.

Transfer of the operating rights as hereinabove shown was made to Motor Transit Company, applicant herein, by the authority contained in this Commission's Decision No. 8870 of April 16, 1921 on Application No. 6724.

On December 21, 1921 by its Decision No. 9901 on

Application No. 7320, this Commission authorized Motor Transit Company to discontinue its service and abandon the operative rights for the transportation of passengers between Downey, Norwalk and Norwalk State Hospital.

(E) LOS ANGELES (VIA WHITTIER BOULEVARD) TO ANAHEIM.

The operative rights in the foregoing territory are those arising from operation on May 1, 1917 by White Bus Line under the authority of Local Passenger Tariff No. 1, C.R.C. No. 1, Issued February 28, 1917, Effective March 1, 1917, and covering the transportation of passengers between Los Angeles and Anaheim, serving the intermediate stations of Whittier, La Habra, Brea and Fullerton. No rates appear covering the transportation of baggage, express, parcels or property for compensation. The first mention of rates for the transportation of property are those appearing in White Bus Line, Inc. Local Passenger Tariff No. 2, C.R.C. No. 2 (canceling C R C No. 1) in Rules and Regulations under the caption "Baggage" as follows:

"Hand baggage not over 30 pounds carried free. Packages and excess baggage, when not too large to be safely handled, will be carried at the rate of 3 cents per pound. Minimum charge for package 15¢; for baggage 25¢."

This tariff also added the following new intermediate points: between Los Angeles and Anaheim: Montebello, Pico and Jintown, Leffingwell, East Whittier, County Line, Des Moines, Stewart and Coyote.

Since the filing of Application No. 8454 by Motor Transit Company the Commission by its Decision No. 11611 of February 6, 1923 on Application No. 8054 authorized the operation by Motor Transit Company, applicant herein, of an automobile stage line as a common carrier of passengers and express matter between Riverside and Loma Linda, via Highgrove, serving as intermediate

points along the route the communities of Highgrove and Grand Terrace, and providing that no authority was conveyed for the conducting of the authorized operation in conjunction with or as a part of any or all of its existing lines, or, in particular, with its lines at Loma Linda and Riverside.

Since the filing of Application No. 8454 by Motor Transit Company the Commission by its Decision No. 11257 of November 23, 1922 on Application No. 6754 authorized the sale and transfer by G. & W. Stage Company, a corporation, to Motor Transit Company, applicant herein, of certain auto stage operative rights between Los Angeles and Gilman's Relief Hot Springs. In this decision the Commission in its order set forth specifically the rights authorized transferred as follows:

"The right to operate automobiles for the transportation of passengers and their baggage as a common carrier for compensation over the following route between the termini of Los Angeles and Gilman's Relief Hot Springs: Leaving Los Angeles at Fifth and Main Streets, thence north on Main Street to the Plaza, thence past the County Hospital to the public highway known as Huntington Drive, thence passing through Oneonta Park, Arcadia, and Monrovia over and along Huntington Boulevard to the Foothill Boulevard near Azusa, then passing through Glendora, Claremont and Uplands over and along the Foothill Boulevard to the Ontario-San Bernardino Boulevard, thence through Cucamonga, Etiwanda and Rialto to San Bernardino over and along the Ontario-San Bernardino Boulevard and thence over Colton Avenue to Colton, thence over Colton Avenue to Iowa Avenue, thence along Iowa Avenue, thence over Box Springs Grade to Allesandro, thence over the public highway through Perris, Hemet and San Jacinto to Gilman's Relief Hot Springs in Riverside County, and to serve only the intermediate points of Uplands, San Bernardino, Allesandro, Perris, Hemet and San Jacinto. "

"The operative rights of the G. & W. Stage Company of an automobile stage line between San Jacinto and Soboba Hot Springs for the transportation of persons and express as heretofore authorized by this Commission in its Decision No. 7691 dated January 8th, 1920, on Application No. 5746."

"No authority is hereby conveyed for the extension or expansion of any operative rights beyond those heretofore held by applicant, G. & W. Stage Company and no authority is hereby given to merge and consolidate the said G. & W. Stage Company's franchises and operation with that of the Motor Transit Company's system of stage lines or to make the said G. & W. Stage Company's routes a portion of said Motor Transit Company's general system."

The operative rights hereinabove referred to as being ~~authorized~~ transferred under the authority of this Commission's Decision No. 7691 of June 8, 1920 on Application No. 5746 are those granted to G. & W. Stage Company authorizing the extension of an automotive freight and passenger service between San Jacinto and Soboba Hot Springs and intermediate points as an extension of said G. & W. Stage Company's service from Los Angeles to San Jacinto and Gilman's Relief Hot Springs.

In addition to the operative rights hereinabove set forth under the various divisions there is of record Local Express and Freight Tariff No. 1 of A.R.C. Bus Company, Inc. (C.R.C. No. 1) Issued February 1, 1917, Effective March 1, 1917, covering express and freight, between Los Angeles and Ontario and intermediate points, on the Pomona Boulevard, and over the Covina Boulevard, from Bassett to Pomona, with intermediate points, at the following rates:

Minimum Charge on any Package (except Auto Supply Orders)	- - - - -	\$0.25
Oil, per barrel		\$1.00
Oil, per half barrel		.60
Batteries, per barrel		.85
Trunks, Hotel District		.75 up
Trunks, Residence District		1.00 up
Suit cases		.35
Minimum Haul		.25
Linde Tanks (Small) R.T.		.75
Linde Tanks (Large) R.T.		1.00
Presto Tanks (Round Trips) .15 two for		.25
Presto Tanks, Welding (Small)		.75
Presto Tanks, Welding (Large)		1.00
Presto Motors (Crates) .25 to		.35
Storage Batteries (Uncrated)		.50
Heavy Freight per hundred		.40

The operative rights for the carriage of property as originating with operation by A.R.G. Bus Company on May 1, 1917 were also transferred to Motor Transit Company by the authority contained in this Commission's Decision No. 7807 of June 28, 1920 on Application Nop 5543. Motor Transit Company by its Supplement No. 1 to Joint Passenger Tariff No. 1, Issued April 15, 1920, Effective April 15, 1920, (Supplement No. 1 to C.R.C. No. 8 A.R.G. Bus Company, Inc.) adopted and established as its own Tariff bearing C.R.C. No. 8 as filed with this Commission by W. R. Forker as General Manager of said A.R.G. Bus Company, Inc. Motor Transit/thereafter Company issued its Local Passenger Tariff (C.R.C. No. 6) on January 27, 1921, Effective February 1, 1921, including all rates as regards routes and points covered by Tariff C.R.C. No. 8 of A.R.G. Bus Company, Inc. This tariff restricts the offering of service to the public and contains the following in Section

1. Rules and Regulations, Rule 11:-

"Rates for Packages and Excess Baggage:
(a) Packages and Excess Baggage when not too large to be safely transported will be charged for at the rate of three (3) cents per pound. Minimum charge for packages 15 cents - for baggage 25 cents. Liability for baggage so carried limited to ten dollars (\$10.00)"

White Stage Line, O. R. Fuller, Proprietor, by its Supplement No. 1 to Local Passenger Tariff No. 12-A (Supplement No. 1 to C.R.C. No. 13 A.R.G. Bus Co) Issued February 12, 1920, Effective February 17, 1920, adopted as its own the fares, rules and regulations as filed by A.R.G. Bus Company in its Local Passenger Tariff No. 12-A (C.R.C. 13) Issued November 25, 1919 and Effective December 1, 1919. The rates adopted were covered by Local Passenger Tariff No. 3-A of White Bus Line, Inc. Issued March 29, 1920, Effective April 1, 1920, and contained the following as regards the transportation of property for compensation:

"Section 1 - Rules and Regulations, Rule No. 2- Baggage - Fares quoted do not include transportation of baggage. Same will not be checked and none will be handled except such hand baggage as can be cared for by passengers without inconvenience to other passengers, not to exceed 30 pounds for each adult ticket. This Company will not be responsible for loss or damage of hand baggage.

Rule 11. Rates for packages and excess baggage when not too large to be safely transported will be charged for at rate of three (3) cents per pound. Minimum charge for packages 15 cents- for baggage 25 cents. Liability for baggage so carried limited to ten dollars (\$10.00)."

It appears from an inspection of tariffs that Rule 11 of Section 1 of Local Passenger Tariff No. 3-A of White Bus Line, Inc. (C.R.C. No. 4) was not contained in A.R.G. Bus Company's Local Tariff No. 12-A (C.R.C. No. 13) and that therefore an enlargement of the operative rights has been claimed by a tariff filing and without the authorization of this Commission by a certificate of public convenience and necessity as required by the statutory law.

From the above record the Commission concludes and hereby finds as a fact that no operative right has been acquired by Motor Transit Company by reason of the tariff filing of A.R.G. Bus Company under its Local Express and Freight Tariff No. 1 (C.R.C. No. 1) Effective March 1, 1917 in that no reissue of the tariff has been made by Motor Transit Company covering the rates for commodities and freight shipments and neither this Commission nor the public were advised by tariff filings as to the holding out by the carrier of the offer to serve.

This Commission by its Decision No. 9065 of June 7, 1921 on Case No. 1442, A.B. Watson vs. White Bus Line, et al. (Opinion and Orders, C.R.C. Vol 20, p. 18) established the principle that no transportation company subject to regulation by this Commission under the authority conveyed by Chapter 213,

Statutes of 1917 and effective amendments thereto could enlarge or expand operative rights beyond those existing as of May 1, 1917 or subsequently granted by this Commission by a certificate of public convenience and necessity unless a certificate of public convenience and necessity as provided for in the statutory law had been issued by the Commission following application therefor and affirmative showing by an applicant. This decision was sustained by the California Supreme Court on September 19, 1922 by its decision in Case S.F. 10099 (64 Cal. Dec. 278).

Enlargement of operative rights and territory served, in the absence of the authority conferred by certificate of public convenience and necessity granted by this Commission after proper application is illegal. We find from the record herein that such unauthorized enlargement of operative rights was made by applicant, Motor Transit Company, on its Lancaster Division in that the original filings of the Antelope Valley Transportation Company (also known as The Blue Line Stage) in effect on May 1, 1917 contained no local rates covering operation as regards intermediate points between Los Angeles and Saugus, and the first mention of such intermediate service covering the station of Newhall being shown in White Bus Line, Inc. Local Passenger Tariff No. 3-A (C.R.C. No. 4) Issued March 29, 1920 and Effective April 1, 1920. Also Supplement No. 4 to Local Passenger Tariff No. 3-A of Motor Transit Company (Supplement No. 4 to C.R.C. No. 4) Issued May 3, 1920, Effective May 5, 1920, showing rates between San Fernando and Acton, Palmdale and Lancaster. Also Local Passenger Tariff of Motor Transit Company, (C.R.C. No. 5) Issued November 29, 1920 and Effective December 1, 1920, showing one way and round trip rates between Los Angeles and San Fernando and Newhall; between San Fernando and Newhall, Saugus and all points north of Saugus;

and 30 ride commutation tickets between Newhall and San Fernando and between Newhall and Los Angeles. All these rates are unauthorized and were published without authority of a certificate of public convenience and necessity granted by this Commission.

The status of applicant, Motor Transit Company, as to operative rights for the transportation of passengers arising from operation as of May 1, 1917 or from authority conferred by certificates of public convenience and necessity or approved transfers as contained in orders of this Commission is fully outlined in the foregoing.

As to operative rights covering the transportation of property (baggage, freight, parcels or express) we find such rights to exist as follows:-

E A S T E R N D I V I S I O N

Operative rights for the transportation of express as contained in this Commission's Decision No. 9395 on Application No. 6904 decided August 23, 1921 over the following route:-

"Beginning at a point two miles east of Colton, where Colton Avenue intersects the paved highway from San Bernardino to Redlands, thence westerly along Colton Avenue to Bloomington, thence westerly over the Valley Boulevard, also known as the Ocean to Ocean Highway, to Cucamonga Station and vice versa."

Operative rights for the transportation of express between Pomona and Corona, via Chino, as contained in this Commission's Decision No. 10342 on Application No. 7204 decided April 21, 1922, such decision prohibiting such transportation when express matter originates at Los Angeles destined to Corona, or vice versa.

Operative rights for the transportation of express as contained in this Commission's Decision No. 11611 of February 6, 1923, on Application No. 8054 granting certificate of public convenience and necessity to Motor Transit Company over a

route between Riverside and Loma Linda, via Highgrove, serving as intermediate points along the route the communities of Highgrove and Grand Terrace, and providing that no authority was granted for the conducting of the authorized transportation in conjunction with or as a part of any or all of its existing line, or, in particular, with its lines at Loma Linda and Riverside.

Operative rights for the transportation of baggage and freight as contained in this Commission's Decision No. 11257 of November 23, 1922 on Application No. 6754 and covering the following route:-

"The right to operate automobiles for the transportation of passengers and their baggage as a common carrier for compensation over the following route between the termini of Los Angeles and Gilman's Relief Hot Springs: Leaving Los Angeles at Fifth and Main Streets, thence north on Main Street to the Plaza, thence past the County Hospital to the public highway known as Huntington Drive, thence passing through Oneonta Park, Arcadia and Monrovia over and along Huntington Boulevard to the Foothill Boulevard near Azusa, thence passing through Glendora, Claremont and Uplands over and along the Foothill Boulevard to the Ontario-San Bernardino Boulevard, thence through Cucamonga, Etiwanda and Rialto to San Bernardino over and along the Ontario-San Bernardino Boulevard and thence over Colton Avenue to Colton, thence over Colton Avenue to Iowa Avenue, thence along Iowa Avenue, thence over Box Springs Grade to Allesandro, thence over the public highway to Perris, Hemet and San Jacinto to Gilman's Relief Hot Springs in Riverside County, and to serve only the intermediate points of Uplands, San Bernardino, Perris, Hemet and San Jacinto."

"The operative rights of the G. & W. Stage Company of an automobile stage line between San Jacinto and Soboba Hot Springs for the transportation of persons and express as heretofore authorized by this Commission in its Decision No. 7691 dated June 8, 1920, on Application No. 5746."

"No authority is hereby conveyed for the extension or expansion of any operative rights beyond those heretofore held by applicant, G. & W. Stage Company, and no authority is hereby given to merge and consolidate the said G. & W. Stage Company's franchises and operation with that of the Motor Transit Company's system of stage lines or to make the said G. & W. Stage Company's routes a portion of said Motor Transit Company's general System."

The operative rights hereinabove referred to as being authorized transferred under the authority of this Commission's Decision No. 7691 of June 8, 1920 on Application No. 5746 are those granted to G & W Stage Company authorizing the extension of an automotive freight and passenger service between San Jacinto and Soboba Hot Springs and intermediate points as an extension of said G. & W. Stage Company's service from Los Angeles to San Jacinto and Gilman's Relief Hot Springs.

M O U N T A I N D I V I S I O N

Operative rights for transportation of express, baggage, parcels and freight over entire division between the valley terminals of Redlands and San Bernardino and all points served in the San Bernardino Mountains.

N O R T H E R N D I V I S I O N

No operative rights for the transportation of property.

S O U T H E R N D I V I S I O N

Operative rights for the transportation of baggage between Los Angeles and San Diego, via Long Beach, Santa Ana, Orange and the Coast Route, as contained in this Commission's Decision No. 8465 of December 20, 1920, on Application No. 5105 over the following route:

"Between Los Angeles, Long Beach and points south of Santa Ana, to and including San Diego, but said applicant or its said lessee shall not transport local passengers between Los Angeles and Long Beach or points intermediate

thereto, or between any of said points or intermediate on the one hand and points east or north of Los Angeles, which are served by said applicant or his said lessee or served by the Pacific Electric Railway Company on the other hand."

Operative rights for the transportation of light baggage as contained in this Commission's Decision No. 5634 of July 26, 1918 on Application No. 3763 granting certificate of public convenience and necessity between Downey and the business section of Los Angeles in the vicinity of Sixth and Los Angeles Streets.

With the foregoing findings as to the status of the operative rights of Motor Transit Company, whether such operative rights were derived from operation as of May 1, 1917 in accordance with tariff filings effective as of such date, or by authority as contained in certificates of public convenience and necessity or authorizations for transfer as contained in orders made portions of Decisions by this Commission, it now becomes necessary to consider the record in these proceedings as regards the showing in support of the application of Motor Transit Company for a certificate of public convenience and necessity to authorize said applicant to continue all operation heretofore given which has not already been authorized by the passage of the statutory law or by subsequent certificates of public convenience and necessity.

Motor Transit Company by the filing of Local Express Tariff (C.R.C. No. 13) Issued September 21, 1921 and Effective September 26, 1921 published rates for the transportation of packages, express shipments and excess baggage to all points on its system excepting the Mountain Division. This tariff contained rates and rules and regulations for the transporta-

tion of property over territory for which no operative right had been authorized and it appears from the testimony of Mr. F. D. Howell, Assistant General Manager of Motor Transit Company, that the express tariff was not based on the operative rights as conferred by operation on May 1, 1917 or certificate rights or authorized transfers by the Commission by its Decisions. Mr. Howell's testimony on this point is as follows:-

(Transcript Page 1289, Lines 3 to 7, inc.)

Question: Have you made any effort Mr. Howell, to check up the franchises which you have been granted by the Railroad Commission with your express rates?

Answer: No; as far as this tariff is concerned, it was based on the business being done at the time the tariff was made.

The holding out by the Motor Transit Company by its tariff rates, rules and regulations of an offer to serve the public in the transportation of property insofar as same cover routes for which no authority exists has created a condition, accentuated by active solicitation on the part of the carrier, whereby a considerable volume of this traffic has moved and the applicant presented exhibits which show the following data:

Express Revenue- Months of January to October,
Inclusive, 1922.

Between Los Angeles, Bakersfield and Taft	\$4333.48
" Los Angeles, Redlands and Riverside	10666.28
" Los Angeles and Santa Ana	5302.51
" Los Angeles and Lancaster	599.03
" Los Angeles and San Diego	961.00
" Los Angeles, Downey and County Farm	125.33
Total	\$ 21987.63

Month of August, 1922.

	<u>No. Shipments</u>	<u>Revenue</u>
Eastern Division	4149	\$1418.01
Southern Division	2783	745.75
Northern Division	<u>623</u>	<u>413.68</u>
Total	7555	\$2677.44

Several witnesses representing shippers at Los Angeles and shippers and receivers of parcels and express at points heretofore served by Motor Transit Company testified as to the character of and need for transportation. Witnesses covered the necessity, other than as regards Los Angeles, as regards the communities at Sandbergs, Bakersfield, Puente, Redlands, Ontario, Riverside, Pomona, San Bernardino, Chino, Whittier, Montebello, Lebec, La Habra, Corona, Brea, El Monte, Long Beach and Los Angeles County Farm. These shippers and receivers represent or receive express as used in the following business or industries: Oil Pipe Line, Hotel, Drugs, Motion Picture Films, Garages, Automobile Parts and Supplies, Electrical and Plumbing Goods, Bicycles and Sporting Goods, Florist, Millinery, Veterinary Surgeon, Tires, Tailor and Haberdasher, Newspapers, Druggists, Shoe Findings, Dental Supplies, Optical Goods, Farming Implements, Paper, Twine and Paper Stock and General Merchandise.

The heaviest shipment transported as shown by the evidence was an auto truck spring weighing 556 pounds moved from Los Angeles to Newhall. The maximum weight shipments are storage batteries, automobile springs and parts and 175 pounds appears from the testimony to be the maximum weight of such shipments. The average weight of any of the shipments as testified to by witnesses desiring a continuance

of the service does not exceed 50 pounds and such is applicable as regards storage batteries and farm implements. The average weight of shipments of automobile parts and shoe findings does not exceed 40 pounds. Other shipments, as testified to by witnesses, do not exceed a general average of 30 pounds.

Applicant, Motor Transit Company, has contended throughout these proceedings that any enlargement of operating rights or increase in the character of the holding out to the public of service in the carriage of persons or property has been authorized by the Commission by reason of its authority as contained in special permissions authorizing the issuance of tariffs, and relying specifically on the tariffs authorized issued under Rules Nos. 10 and 11 of the Commission's General Order No. 51 which provides "Regulations governing the construction and filing of tariffs containing Rates, Fares, Classifications, Rules and Regulations for Transportation Companies as defined in Chapter 213, Laws of 1917" as adopted by this Commission on November 6, 1917, and effective January 1, 1918. The rules provide as follows:

"Rule 10. APPLICATION TO CHANGE RATES.

- a. Unless the commission otherwise orders or authorizes, no change shall be made by any transportation company in any rate, fare, toll, rental, charge, or classification, or in any rule, regulation or contract relating to or affecting any rate, fare, toll, rental, charge, classification or service, or in any privilege or facility, except after thirty days' notice to the commission and to the public.
- b. For good cause shown the commission may permit changes in tariff rates, fares, charges, classifications, rules or regulations on less than thirty days' notice. This authority will be exercised only in cases where actual emergency or real merit is shown."

"Rule 11. APPLICATION TO INCREASE RATES.

- a. No transportation company shall raise any rate, fare, toll, rental or charge or so alter any classification, contract, practice, rule or regulation as to result in an increase in any rate, fare, toll, rental or charge, under any circumstances whatsoever, except upon a showing before the Commission and a finding by the Commission that such increase is justified.
- b. Increases in rates, fares, tolls or charges or alterations in classifications, rules or regulations, resulting in increases in rates, fares, tolls or charges must not be included in a tariff publication unless the same has previously been authorized by the commission, and notation must be made in tariff in connection with each such increase, as follows:
'Published under authority of the Railroad Commission of the State of California, No. _____ of (date) _____'".

Applicant, Motor Transit Company, in its issuance of Local Express Tariff (C.R.C. No. 13) secured special permissions No.10-360 and No.11-225 under date August 15, 1921 and endorsed the tariff as being issued under the authority of the foregoing special permissions and the provisions of Application No. 6904. The special permissions were requested under the provisions of applicant's letter of June 1st, 1921 to establish under Rules 10 and 11 of the Commission's General Order No. 51 on one day's notice, the rates, fares, tolls, classifications and rules and regulations as contained in the Local Express Tariff (C.R.C. No. 13). The letter contains advice that:

"The proposed rates between Los Angeles, Taft and Bakersfield will be in part new rates as the present rule in Passenger Tariff limits packages to 25 pounds on this division. The package and express business is growing steadily and we desire to establish a more uniform system of handling same, and a graduated scale of rates in lieu of the flat blanket rate of 3¢ per pound now charged between all points".

Following correspondence by the Commission further advice was received in a letter from the Motor Transit Company dated August 5, 1921, as applicable to the situation between Los Angeles and Taft that:

"The Motor Transit Company have never handled any packages between Los Angeles or Taft weighing in excess of 25 pounds."

Also,

"The rates you mention for packages weighing in excess of 25 pounds are new rates sought to be established to cover prospective business which the applicant has not heretofore handled."

The authority referred to on the tariff as originating with the Commission's Decision on Application No. 6904 is that authorizing the carriage of passengers and express over the following route:

"Beginning at a point two miles east of Colton, where Colton Avenue intersects the paved highway from San Bernardino to Redlands, thence westerly along Colton Avenue to Bloomington, thence westerly over the Valley Boulevard, also known as the Ocean to Ocean Highway, to Cucamonga Station and vice versa, -"

As hereinabove set forth and in accordance with the principle annunciated by this Commission in its Decision No. 9065 of June 7, 1921, on Case No. 1442- A.B. Watson v. White Bus Line, et al., (Opinions and Orders, C.R.C. Vol. 20, p. 18) no transportation company subject to the regulation of this Commission under the authority contained in Chapter 213 and effective amendments thereto, can enlarge or expand operative rights beyond those existing as of May 1, 1917 or subsequently granted by this Commission by a certificate of public convenience and necessity unless in accordance with the provisions of the statutory law a certificate of public convenience and necessity has been applied for and thereafter issued by the Commission in an appropriate proceeding. This

decision was thereafter sustained by the California Supreme Court on September 19, 1922 by its Decision in Case S.F. 10099 (64 Cal. Dec. 278). With the establishment of this principle and its affirmation by the California Supreme Court, it is now obvious that no enlargement of operative rights, either as to routes served or expansion of rights for the carriage of property, can be made without a proper showing in an appropriate proceeding resulting in authority as conferred by a certificate of public convenience and necessity. It is equally applicable as regards increase in the scope of operative rights, such as the enlargement of same by the inclusion of additional stations or operative points in territory not specifically covered either by operative right existing as of May 1, 1917 or rights thereafter conferred by certificate. The particular instance as cited as regards express tariff of applicant, Motor Transit Company, is typical of many instances appearing in passenger tariffs where rights beyond those authorized have been included at the time of filing of such tariffs and which are now apparently relied upon by applicant as justifying their existence and continued use. This is particularly noticeable as regards operation between Saugus and Los Angeles. According to the record of the Commission the Eldorado Stage Company (Predecessor in interest to the Motor Transit Company) did no local business on its route between Los Angeles to Bakersfield and Taft in the territory between Castaic and Los Angeles and the Antelope Valley Transportation Company (also known as The Blue Line Stage) in its operation to Lancaster held itself out to do no business intermediate between Saugus and Los Angeles. Tariffs of applicant, Motor Transit Company, now show the communities of San Fernando, Cascade and Newhall as intermediate points on these routes, all of which points are unauthorized. The rules and regulations

as adopted by this Commission under its General Order No. 51 provide the method and procedure under which rates should be filed with this Commission and for the public. These regulations do not and cannot change the requirements imposed by the statutory law as to authority required to be obtained by any transportation company desiring to operate over the highways of this State between fixed termini or over a regular route in the carriage of persons or property for compensation.

The record in this proceeding supports the conclusion and finding of fact that Motor Transit Company has by tariff filings for the carriage of property over routes for which it had no legal authorization gradually built up an express business over its system which the Commission is now asked to approve irrespective of a showing that the rights have not heretofore existed. The Commission will not approve or authorize any operative rights which have not been shown to exist and must confine and base its authority upon the showing of public convenience and necessity for the authorization of express and package service as appearing in this record.

The service heretofore rendered by applicant, Motor Transit Company, as regards the carriage of baggage, parcels and express and as now proposed to be continued and amplified in accordance with the provisions of applicant's Local Express Tariff No. 13, and a proposed amendment and reissue of same as filed as an exhibit in this proceeding, is the outgrowth of the business offered by the public desiring expeditious transportation of various commodities principally from Los Angeles to points reached by the lines comprising applicant's

system of motor stage lines. Originally such shipments consisted of automobile parts and accessories, motion picture films, newspapers, small shipments of drugs and merchandise. Applicant has always and at this time proposes to continue the handling of these shipments on a "station to station" basis there being no pick-up or delivery of shipments in the business district of Los Angeles or in the business or residence districts of any of the communities served by applicant's operative lines. Applicant by solicitation of this character of business, and it is in evidence in this proceeding that it is the intent of applicant to hereafter actively solicit the express business, has built up a condition, in many cases unauthorized, where prompt delivery of so-called express matter can be obtained by the public desiring to deliver shipments to any station of the applicant and receive same therefrom and this unauthorized offering to the public has resulted in the express business as heretofore conducted and for which the instant application requests continuance. On some of the lines of the applicant the business has grown, as regards certain trips, to a volume in excess of the ability of applicant to serve same on its passenger cars and there has been utilized in such service the so-called service cars of the applicant which in connection with handling of materials and supplies of the applicant to its stations and shops located outside of Los Angeles, have also handled the excess express matter, particularly the larger shipments.

Applicant has filed with the Commission under its Local Express Tariff (C.R.C. No. 13) and desires herein authority for the continuance of a rate guaranteeing the forwarding of a shipment on the first car after its receipt by

an agent and assessing for such guaranteed carriage a rate one and one-half times the basic rate where such guarantee in prompt forwarding is not present. In the opinion of the Commission this is a discriminatory rate in that there is no evidence that under ordinary conditions a shipment would not move on the first schedule following the time of receipt of the shipment and under such conditions the party paying the higher rate, based on the guarantee that shipment would move on the first schedule after its receipt, is discriminated against to the extent that similar shipments upon which a lower rate is paid move by the same car at a lesser rate and receive the same type of service.

We are of the opinion, based on the evidence herein, and hereby find as a fact that public convenience and necessity require the operation by applicant, Motor Transit Company, of an express service on its passenger cars to all points to which it legally operates with the exception of the territory between Los Angeles and Long Beach. We do not find, from the evidence herein, that justification has been shown for the granting of a certificate of public convenience and necessity authorizing applicant to conduct a general express business, unlimited as to weight or size of shipments.

We are of the opinion and hereby find as a fact that applicant has justified the granting of a certificate authorizing the carriage of packages and express upon its passenger stages when such shipments do not exceed a weight of forty (40) pounds for each package. As regards the linking up of operative rights insofar as the carriage of property is concerned, we do not find that applicant has justified its request for a certificate of public convenience and necessity so to do.

During the hearing on this proceeding applicant, Motor Transit Company, was permitted to amend its application to request authority for the establishment of a through service for the carriage of passengers and baggage between Los Angeles and points in the San Bernardino Mountains as served by its Mountain Division operating at present from the valley terminals of San Bernardino and Redlands, and presented evidence through witnesses connected with resorts in the San Bernardino Mountains as to requests made by the traveling public for the establishment of such through service. It was the intention of applicant, Motor Transit Company, if such service were authorized to operate same by direct touring cars to and from Los Angeles at a rate fifteen percent in excess of the sum of the present local rates between Los Angeles and San Bernardino and San Bernardino and San Bernardino Mountains points, both as to one way and round trip tickets. The evidence shows that but a small percentage of the patronage in the San Bernardino Mountains resorts patronize stages, the greater majority of such patronage using private conveyances. There is present in this proceeding the time tables and schedules of the railroads, electric lines and stage lines serving the intermediate territory between Los Angeles and San Bernardino and in view of the variety of service and varied schedules now available by the existing authorized methods of transportation the establishment of an additional service is not justified by the evidence herein and this portion of the application will be denied.

By its Decision No. 9892 of December 20, 1921, on Applications Nos. 5274 and 5361 (Opinions and Orders, C.R.C. Vol. 20, p. 1038) the Commission held that operative rights

under certificates separately granted could not be lawfully combined for the establishment of a through service without first obtaining from the Commission a certificate of public convenience and necessity authorizing the through service.

In accordance with the principle established in the foregoing decision, applicant, Motor Transit Company, has herein applied for a certificate of public convenience and necessity authorizing it to join all present operative rights as heretofore claimed or authorized or as may be authorized by a decision in these proceedings and to hereafter operate its entire lines as one unified system.

Practically the only evidence offered in support of this portion of the application was that of Mr. F. D. Howell, Assistant General Manager of applicant, Motor Transit Company. Mr. Howell outlined in detail the advantages accruing to his company if the authorization for the linking of lines and operating the same as a unified system were to be granted and it is obvious that economy may be effected were such authorization permitted. The situation, however, as presented in these proceedings does not justify the Commission in a general blanket authorization as herein applied for by applicant, there being several routes that were authorized with restrictions and limitations following extensive hearings upon applications for certificates of public convenience and necessity and there is not before the Commission, in this proceeding, evidence that would justify the granting of this permission without suitable qualification.

Applicant, Motor Transit Company, has also requested authority to establish joint rates by the sale of through tickets with all the carriers with whom applicant's lines at present connect. The Commission cannot in this proceeding

consider such application inasmuch as through rates, by the sale of joint tickets, can be authorized, if the public need and necessity requires, by appropriate applications or request for approval of concurrence in joint rates by applicant and transportation companies with whom applicant now connects or desires to connect are parties to such proceedings. This portion of the application will therefore necessarily be dismissed.

Applicant, Motor Transit Company, by its second supplement to Application No. 8454 has requested authority to link up and hereafter operate as a part of its unified system the operative right as granted by this Commission's Decision No. 11611 of February 6, 1923, on Application No. 8054 granting operative rights by the issuance of a certificate of public convenience and necessity for the carriage of passengers and express between Riverside and Loma Linda, via Highgrove and Grand Terrace but restricting said operation to that of a local line which was not to be operated in conjunction with or as a part of any or all of its existing lines, or, in particular, with its lines at Loma Linda and Riverside. Applicant now alleges that it believes it will be unable to continue the operation as a separate unit. No evidence has been presented in the record on this proceeding which would justify the Commission in granting a certificate of public convenience and necessity authorizing the linking up of the limited and conditional operative right. The decision originally granting same was based on evidence received at public hearings and no evidence in the instant proceedings has been offered in support of applicant's prayer of such weight as would justify the enlargement of the operative right

as herein sought. This portion of the application will be denied.

A similar condition exists as regards the joining of the operative rights covered by this Commission's Decision No. 10342 on Application No. 7204 and the restriction therein contained prohibiting the carriage of through passengers or express between Los Angeles and Corona, with those of other lines of the applicant's system. In the absence of evidence justifying the prayer of applicant the desired permission cannot be granted, nor does the Commission look with favor upon the practice of the applicant as regards the handling of express matter over the Pomona-Corona line when same originated at Los Angeles destined to Corona it appearing that it was the practice of applicant to bill the shipment locally from Los Angeles to Pomona and then rebill it at the Pomona Agency to its destination at Corona. Through express and passenger service between Los Angeles and Corona was specifically prohibited by this Commission's Decision No. 10342 on Application No. 7204 and the record herein is clear as to the manner in which through express shipments were handled in violation of the Commission's order.

Motor Transit Company by its second supplement to Application No. 8454 has requested an order of this Commission granting a certificate of public convenience and necessity authorizing additional service via a new route between Pomona and Chino over the following route:

"Commencing at the intersection of Philadelphia Street and East End Street in the County of San Bernardino, said point being intermediate between the cities of Chino and Corona, and extending easterly from said intersection along Philadelphia Street to Central Avenue, and thence in a southerly direction along Central Avenue to D Street in the City of Chino."

The granting of the desired certificate is favored by the Chamber of Commerce of Chino as an alternate service which would provide transportation for a territory north and west of Chino and between Chino and Pomona which is not now served by transportation facilities and would provide a division of service by routing a portion of the Pomona-Corona schedules over the proposed new route. There appears no substantial objection against the inauguration of the proposed new routing as an adjunct of the Pomona-Corona service, although the general protest as regards the consolidation of lines applies to the proposed new service.

During the hearings on these proceedings applicant, Motor Transit Company, requested authority by certificate of public convenience and necessity to serve additional routes in the San Bernardino Mountains, one a new highway leaving the San Bernardino-Victorville road at a point approximately one mile south of Hesperia and extending thence in a generally southerly direction to Arrowhead Lake and from Arrowhead Lake in a generally southwesterly direction to the intersection with the existing line of the applicant at a point between Farnrock and Pacific Electric Camp. Also extending from Arrowhead Lake in a generally northeastern direction to a terminus known as Last Ranch, also around Arrowhead Lake in a southerly and westerly direction to its intersection with already existing lines of the applicant, the line being more particularly shown on a blue print map entitled "Motor Transit Company, Map No. 4, Stage Lines to San Bernardino Mountain Resorts" "Rim of the World Drive," dated March 1st, 1922 and filed herein as Exhibit No. 2 of applicant, Motor Transit Company, in Application No. 8454.

Authority is also requested for the authorization by certificate of public convenience and necessity of an operative right over a new road constructed from a point on the Rim of the World Route south of Deep Creek Station extending thence easterly to Big Bear Lake, the road dividing into two sections at the westerly line of Big Bear Lake, one route extending northeasterly to Gray's Camp at which point it joins the branch extending from Fawnskin Store and Gray's Camp, being a portion of the Rim of the World Route; the other portion extends easterly along the shores of Big Bear Lake to its intersection at North Bay Spawning Station with the Mill Creek Canyon Road as now operated as a portion of the Motor Transit Company's San Bernardino Mountain Routes, the proposed route being more particularly shown on map of the San Bernardino Mountain Lines as previously referred to. No protest was made against the establishment of the desired routes and there appears no objection to the authorization herein sought in that the routes proposed will shorten the road into Big Bear Valley and offer an alternate route which can be used when road conditions become impassable by reason of heavy traffic^{and} during winter months. The new line leading into Arrowhead Lake from Hesperia is over a new road which it is proposed to keep open, if possible, during the entire winter season and if such can be accomplished an alternate route will be provided by relief afforded over the bad portion of the Waterman Canyon Road during some periods of the year.

In Application No. 8525, K. F. Beyerle, L. J. Austin, C. A. Sansome, E. W. Wilson, T. E. Hutson and W. E. Powell, co-partners operating under the fictitious name of Packard Stage Line, request authority to operate local service between Los Angeles and Lancaster as a portion of their through service between Los Angeles and Bakersfield, via Mojave, or as an

independent service should conditions of traffic justify. Applicants propose to serve in addition to the termini of Los Angeles and Lancaster, the intermediate communities of Newhall, Saugus, School House, Vincent and Palmdale. It is alleged in support of the application that the present motor stage service is conducted in part over unauthorized territory, that it is inadequate, inconvenient and insufficient; that the railroad service is inadequate and does not serve a portion of the territory for which certificate is desired.

Witnesses favoring the application and residing at Lancaster, Acton, Los Angeles, in Boquet Canyon, Newhall, Palmdale, and in Mint Canyon testified as to the necessity for the service as proposed.

The granting of the application is opposed by the Motor Transit Company, Southern Pacific Company and Original Stage Line. The Original Stage Line withdrew its protest on the stipulation of applicants that San Fernando was not proposed to be served. Motor Transit Company, protestant, filed its written protest against the granting of the certificate alleging that applicants had heretofore without authority and in violation of their certificate granting operative rights between Bakersfield and Los Angeles, via Mojave, which certificate prohibited the carriage of passengers locally between Los Angeles and Lancaster and intermediate points, has from time to time carried passengers locally between Los Angeles, Lancaster and Palmdale; that the present operations of this protestant are not profitable and that the expense of operation exceeds the revenue derived therefrom; and that at the time of the granting of a certificate to applicants for a through service from Los Angeles to Bakersfield, via Mojave, that it was found that no necessity existed for the establishment of local service between Los Angeles

and Lancaster or between points intermediate to said termini.

Witnesses were offered in substantiation of protestant's allegation that passengers had been carried between Los Angeles and Lancaster and intermediate points in violation of the Commission's restriction against such carriage as appearing in the order granting certificate of public convenience and necessity between Los Angeles and Bakersfield, via Mojave. It appears that passengers destined to and from Lancaster originating at or destined to Los Angeles have been transported on the through stages of applicants, but in all such instances the fare to Rosamond, the tariff point next north of Lancaster has been paid. Passengers desiring transportation to Lancaster when inquiring for service at the Los Angeles office of applicant have been properly referred to the station of Protestant. In some instances persons in the employ of protestant have purchased tickets from Los Angeles to Rosamond and have left the stages of applicants at Lancaster, all stages stopping at such point, and passengers originating at Lancaster and desiring to go to Los Angeles have gone to the northerly boundary of the community at Lancaster and there boarded the stages of applicant for Los Angeles, paying fare from Rosamond to Los Angeles. There is no evidence that applicants have been responsible by solicitation or otherwise for this practice on the part of their patrons nor that the practice has been followed to any material extent.

Applicants, in connection with their allegation that the route herein served by the Motor Transit Company had not been adequately served, directed attention to a diversion of route via the Mint Canyon route to Lancaster. It appears that when the Mint Canyon highway was reconstructed that a change in the routing of the highway was made and the new Mint Canyon road instead of following the old route through Acton left the old road at a point approximately two and a half miles

northwest of Acton and continued in a generally easterly direction. The Motor Transit Company followed the new highway as constructed and opened for travel and Acton is now served as a branch line from the present main highway, said branch line leaving the main highway at a point known as Acton Road Junction and extending over the Crown Valley Road to Acton. No authority for this change of route was requested from or granted by the Commission.

As regards the territory proposed to be served by applicants between Lancaster and Los Angeles, it having been stipulated that no business shall be done locally between Los Angeles to and including San Fernando, it appears that no authorization exists for local business as now handled by the Motor Transit Company, either by the rights acquired from the Eldorado Stage Company or the Antelope Valley Transportation Company, and no certificate of public convenience and necessity has been applied for by Motor Transit Company or its predecessors. The tariff of the Eldorado Stage Company and the Antelope Valley Transportation Company (The Blue Stage Line) contained no rates for intermediate points between Saugus and Los Angeles and the Local Passenger Tariff No. 3-A of Motor Transit Company (C.R.C. No. 4) Issued March 29, 1920, Effective April 1, 1920, on authority as contained in this Commission's Decisions Nos. 7088 and 7290 exceeded such authority in that Newhall was shown as an intermediate point on the Lancaster Division. Local Passenger Tariff of Motor Transit Company (C.R.C. No. 5) Issued November 29, 1920, Effective December 1, 1920, carries one-way, round-trip and commutation rates on the Lancaster Division between Los Angeles, San Fernando and Newhall, none of which were lawfully authorized.

In view of the showing as to unauthorized diversion from regular routes by Motor Transit Company and the unauthorized inclusion of intermediate stations for which no certificate rights had been obtained, we are of the opinion that the protest of Motor Transit Company does not justify serious consideration, and we are of the opinion and hereby find as a fact that the evidence herein justifies the granting of a certificate of public convenience and necessity authorizing applicants to serve the stations of Lancaster, Palmdale, Vincent, School House, Saugus and Newhall as an extension to and as a part of their through service between Los Angeles and Bakersfield, via Mojave, when vacant seats are available on its cars operated over such through route. We do not find evidence justifying the authorization of an additional local service between Lancaster and Los Angeles.

O R D E R

Public hearings having been held on the above entitled proceedings, the matters having been duly submitted following briefs filed by counsel for applicant, Motor Transit Company, and protestants, the Commission having carefully considered the evidence and exhibits herein and being now fully advised and basing its order on the findings of fact as appearing in the opinion which precedes this order.

THE RAILROAD COMMISSION HEREBY FINDS AS A FACT that the operative rights of applicant, Motor Transit Company, as authenticated by operation on May 1, 1917 or by subsequent Decisions of this Commission granting certificates of public convenience and necessity or approval of transfer of operative rights are as follows:-

LOS ANGELES TO LANCASTER, VIA MINT CANYON.

Passenger stage service between Los Angeles and Lancaster, serving as intermediate points the communities of Saugus, Fitch's Road, Hillcrest, Acton, Vincent and Palmdale.

LOS ANGELES TO LANCASTER, VIA BOQUET CANYON.

Passenger stage service between Los Angeles and Lancaster, serving as intermediate points the communities of Saugus, Canyon, Dandeas, School House, Leonis Valley and Palmdale.

LOS ANGELES TO BAKERSFIELD AND TAFT.

Passenger stage service between Los Angeles, Bakersfield and Taft, serving as intermediate points the communities at Castiac, Ridge Garage, National Forest Inn, Liebra, Grippers Camp, Sandbergs, Baileys' Ranch, Gorman's, Lebec, Grapevine and Rose Station.

LOS ANGELES TO SAN DIEGO, VIA ANAHEIM.

Passenger stage service between Los Angeles and San Diego, serving as intermediate points the communities at Belvedere, Oak Street, Montebello, Judson's Road, Whittier, Whittier High School, Orange County Line, La Habra, Stewart, Brea, Fullerton, Anaheim, Capistrano, Oceanside, Encinitas and Del Mar.

LOS ANGELES TO DOWNEY AND COUNTY FARM.
and light baggage

Passenger stage service between Los Angeles and County Farm, serving as intermediate points the communities at Bandini, Power House, Laguna, Tweedy Corner, Downey and College Corner.

SAN BERNARDINO MOUNTAIN DIVISION.

Passenger, baggage and freight service over the following routes:-

Redlands to Big Bear, via Mill Creek Canyon, serving as intermediate points the resorts and camps at Lower Control, Mountain Home, Camp Angeles, Upper Control, Weeshaw Club, Seven Oaks, Clark's Ranch, Top Control and I. S. Ranch.

San Bernardino to San Bernardino, via "Rim of the World Drive" serving as intermediate points the resorts and camps at Dorman's Ranch, Clifton Heights, Crestline Store, Skyline Heights, Horseshoe Bend, Squirrel Inn, Pine Crest, Allison's Ranch, Fredalba Junction, Green Valley Store, Fawnskin Store, Big Bear Lake, Northside Lake, Moon Camp Boat Landing, Southside Lake, Pine Knot Boat Landing, I. S. Ranch, Clark's Ranch, Seven Oaks Junction, Upper Control, Camp Angeles, Mountain Home, Lower Control and Redlands.

San Bernardino to Big Bear Lake, via City Creek serving as intermediate points the camps and resorts at Dutch John's Fredalba, Fredalba Junction, Deep Creek Bridge, Green Valley, Fawnskin, Motor Transit Depot on North Side of Lake and Moon Camp Boat Landing.

San Bernardino to Arrowhead Lake, via Waterman Canyon serving as intermediate points the camps and resorts at Dorman's Ranch, Clifton Heights, Crestline Store, Skylands, Horseshoe Bend, Squirrel Inn, Pine Crest, Strawberry Flat and Pacific Electric Camp.

Arrowhead Lake and Big Bear Lake serving as intermediate points the camps and resorts at Cuffles Ranch, Allison's Ranch, Fredalba Junction, Deep Creek Bridge, Green Valley Store, Snow Slide Spring, Fawnskin Store, depot of Motor Transit Company on North Side of Lake and Moon Camp Boat Landing.

Redlands to Forest Home and Camp Dobbs via Mill Creek serving as intermediate points the resorts and camps at Mentone

and Forest Home Junction.

San Bernardino to Big Bear Valley, via Victorville

serving as intermediate points Box "S" Ranch and Doble.

LOS ANGELES TO SAN BERNARDINO, VIA REDLANDS.

Passenger stage service from Los Angeles via the Valley Boulevard serving the intermediate communities at Valley Boulevard and Mission Street, Ramona Acres, San Gabriel Boulevard, Savanna, El Monte, Pico Road, Bassett, Seventh Street, Puente, Otterbein, Walnut, Pacific Colony, Spadra, Pomona, Mills Street, Narod, Chino, Ontario, Upland, Upland County Club, Pine Street, Guasti, Cucamonga, La Foucade, Etiwanda, Wade, Muscat, Fontana, Hedge, Rialto, San Bernardino, Santa Ana River, Loma Linda and Redlands Junction. Also from Ontario to Riverside serving the intermediate communities of Vineyard, Collins, County Line, Wineville, Brown's Store, Agate Avenue, Glenavon and West Riverside.

POMONA AND ONTARIO, VIA CHINO.

Passenger stage service between Pomona and Ontario serving the intermediate communities at Geary and Philadelphia Streets, Riverside and East End, Chino, Chino Avenue and Euclid and Euclid and Philadelphia Streets.

SAN BERNARDINO TO ONTARIO VIA BLOOMINGTON.

Passenger stage service between San Bernardino and Ontario serving the intermediate communities of Colton, Bloomington (Alder Avenue), Fontana Road, Etiwanda Road, Archibald Avenue, Guasti, and Pine Street.

POMONA TO CORONA, VIA CHINO.

Passenger and express service from Pomona to Corona serving the intermediate communities at Geary and Philadelphia Street, Riverside and East End, Chino, Edison Avenue, Robles

Street, Pine Avenue, Pine and Corona Roads, Willow Springs, Ranch, Santa Ana River, and Pulask Street.

LOS ANGELES TO SOBOBA HOT SPRINGS.

Passenger service from Los Angeles to Soboba Hot Springs serving as intermediate points the communities at Uplands, San Bernardino, ^{Allegandro,} Perris, Hemet and San Jacinto.

Freight service between San Jacinto and Soboba Hot Springs and intermediate points.

LOS ANGELES TO SAN DIEGO, via Long Beach.

Passenger and baggage service from Los Angeles to San Diego, via Long Beach, restricted as to local business between Los Angeles and Long Beach, including passenger and baggage service between San Pedro, Wilmington and Long Beach as an extension of the route between Long Beach and San Diego with the restriction that no passengers or baggage should be carried locally between San Pedro and Long Beach and intermediate points, nor between Seal Beach and points north of Tustin. The operative rights for the Long Beach-San Pedro extension of service were those authorized in this Commission's Decision No. 12436 of August 2, 1923, on Application No. 9151 said decision having been rendered subsequent to the filing of the application of Motor Transit Company herein.

LOS ANGELES VIA TELEGRAPH ROAD TO SANTA ANA AND SAN DIEGO

Passenger service between Los Angeles and San Diego, via Telegraph Road, serving the intermediate communities of San Juan Capistrano, Oceanside, Del Mar and La Jolla, also rights permitting detour when stages are fully loaded upon leaving the Los Angeles terminal southbound, or which are fully loaded leaving Tustin northbound over Telegraph Road via Garden Grove and Buena Park, but passing to the east of

Norwalk and the State Hospital by detour, no local business, however, between Los Angeles and Santa Ana, to be picked up or discharged at any point along said Telegraph Road or any detour therefrom.

ONTARIO TO BLOOMINGTON TO COLTON TO SAN BERNARDINO

Passenger and express service over the following route:

"Beginning at a point two miles east of Colton, where Colton Avenue intersects the paved highway from San Bernardino to Redlands, thence westerly along Colton Avenue to Bloomington, thence westerly over the Valley Boulevard, also known as the Ocean to Ocean Highway, to Cucamonga, and vice versa."

and providing that at all times Motor Transit Company should operate its local service between Redlands and San Bernardino and Bloomington to and from Alder Avenue in Bloomington.

RIVERSIDE AND LOMA LINDA, VIA HIGHGROVE

Passenger and express service between Riverside and Loma Linda serving the intermediate communities of Highgrove and Grand Terrace. No authority exists for operation in conjunction with or as a part of any or all other lines of Motor Transit Company's system, particularly as regards lines between Loma Linda and Riverside.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by applicant, Motor Transit Company, of an automobile stage line as a common carrier of passengers, baggage, packages and express (baggage, package and express not to exceed a weight of forty (40) pounds) over a route between Pomona and Chino as follows:

Commencing at the intersection of Philadelphia Street and East End Street in the County of San Bernardino, said point being intermediate between the Cities of Chino and Corona and extending easterly from said intersection along Philadelphia Street to Central Avenue, and thence in a southerly direction along Central Avenue to D Street in the City of Chino.

Also that public convenience and necessity require the operation by applicant, Motor Transit Company, of an automobile stage line as a common carrier of passengers, freight, packages and express on its Mountain Division over a new highway which leaves the San Bernardino-Victorville road at a point approximately one mile south of Hesperia and extends thence in a generally southerly direction to Arrowhead Lake and from Arrowhead Lake in a generally southwesterly direction to the intersection with the existing line of the applicant at a point between Fernrock and Pacific Electric Camp. Also extending from Arrowhead Lake in a generally northeasterly direction to a terminus known as Last Ranch, also around Arrowhead Lake in a southerly and westerly direction to its intersection with the already existing lines of the applicant.

Also that public convenience and necessity require the operation by applicant, Motor Transit Company, of an automobile stage line as a common carrier of passengers, freight, packages and express over a new road constructed in the San Bernardino Mountains from a point on the Rim of the World Route south of Deep Creek Station extending thence easterly to Big Bear Lake, the road dividing into two sections at or near the westerly line of Big Bear Lake, one route extending northeasterly to Gray's Camp at which point it joins the branch extending from Fawnskin Store and Gray's Camp, being a portion of the Rim of the World Route; the other portion extending easterly along the shores of Big Bear Lake to its intersection at North Bay Spawning Station with the Mill Creek Canyon road as now operated as a portion of the Motor Transit Company's San Bernardino Mountain routes.

Also that public convenience and necessity require the operation by applicant, Motor Transit Company, of passengers, baggage, package and express service on its passenger cars over all routes and lines hereinabove in this order specified, and over which lines baggage, express and package service is not now authorized as therein specifically set forth; provided, however, that no single piece of baggage or express package shall exceed forty (40) pounds; and provided, further, that tariffs hereinafter filed in accordance with the authority contained herein shall name one rate for the transportation of baggage, package and express which rate shall be applicable and not subject to increase by reason of the holding out on the part of applicant of a guarantee to forward a particular baggage, express or package shipment on the first car scheduled following the receipt of the baggage, express or package.

Also that public convenience and necessity do not require the joining by applicant, Motor Transit Company, of all its routes and lines that same may be operated as one unified system.

Authority is hereby granted for applicant to join and operate as distinct portions of its system the lines between Bakersfield, Taft and Los Angeles with those between Los Angeles and Lancaster via Mint Canyon and between Los Angeles and Lancaster via Boquet Canyon. Authority is also granted to join the lines comprising the so-called Southern Division of applicant and operate same as one unified portion of its system, provided, however, that no authority hereby conveyed shall be construed as eliminating the present restriction against operation between Los Angeles and San Diego via Long

Beach and prohibiting the carriage of either passengers, parcels or express packages locally between Los Angeles and Long Beach, inclusive, or intermediate points or to and from any points east or north of Los Angeles which are served by applicant, Motor Transit Company, or by protestant, Pacific Electric Railway Company.

Authority is hereby granted to applicant, Motor Transit Company, to join and hereafter operate as one unified portion of its system the separate lines now comprising its Eastern Division, provided, however, that this authority shall not be construed to abrogate the restrictions now contained in operative rights as herein set forth in the specific lines comprising the so-called Eastern Division of the applicant's stage system nor to authorize any additional local service between intermediate points as comprised in the portion of the applicant's system heretofore acquired from the G. & W. Stage Company, nor to enlarge the restrictions heretofore contained in certificates of public convenience and necessity heretofore granted by this Commission and affecting lines which comprise a portion of applicant's so-called Northern Division.

THE RAILROAD COMMISSION HEREBY FURTHER DECLARES that public convenience and necessity do not require the granting of the prayer of applicant, Motor Transit Company, that authority be issued for the sale of through tickets to and from all portions of its operative system or to and from the lines of all other carriers with whom the applicant at present or may in the future desire to connect. Applicant, by appropriate proceedings, in which other carriers with whom joint rates are desired to be established may make appropriate

application to this Commission for the establishment of joint rates in which application the other carriers will be participants and signify their desire for the establishment of such joint rates and their willingness to concur therein. Applicant, insofar as the authority herein contained permits the joining of its separate lines into specified units to facilitate operation, is authorized to establish through fares and sell through tickets covering transportation over the specified unified divisions herein authorized respecting, however, the qualifications and restrictions herein placed as regards such unification in each specific instance herein authorized.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be, and the same hereby is granted to applicant, Motor Transit Company, for the operation of an automobile stage line as a common carrier of passengers, baggage, packages and express (baggage, packages and express not to exceed a weight of forty (40) pounds) between Pomona and Chino as follows:

Commencing at the intersection of Philadelphia Street and East End Street in the County of San Bernardino, said point being intermediate between the Cities of Chino and Corona and extending easterly from said intersection along Philadelphia Street to Central Avenue, and thence in a southerly direction along Central Avenue to D Street in the City of Chino.

IT IS HEREBY FURTHER ORDERED that a certificate of public convenience and necessity be, and the same hereby is issued to applicant, Motor Transit Company, covering the operation of an automobile stage line as a common carrier of passengers, freight, packages and express over the following routes in the San Bernardino Mountains:

Over a new highway which leaves the San Bernardino-Victorville road at a point approximately one mile south of Hesperia and extends thence in a generally southerly direction to Arrowhead Lake and from Arrowhead Lake in a generally southwesterly direction to the intersection with the existing line of the applicant at a point between Fernrock and Pacific Electric Camp. Also extending from Arrowhead Lake in a generally northeasterly direction to a terminus known as Last Ranch, also around Arrowhead Lake in a southerly and westerly direction to its intersection with the already existing lines of the applicant.

Also over a new road constructed in the San Bernardino Mountains from a point on the Rim of the World Route south of Deep Creek Station extending thence easterly to Big Bear Lake, the road dividing into two sections at or near the westerly line of Big Bear Lake, one route extending northeasterly to Gray's Camp at which point it joins the branch extending from Fawnskin Store and Gray's Camp, being a portion of the Rim of the World Route; the other portion extending easterly along the shores of Big Bear Lake to its intersection at North Bay Spawning Station with the Mill Creek Canyon road as now operated as a portion of the Motor Transit Company's San Bernardino Mountain routes.

And to join the operative rights hereinabove granted with those already operated by applicant as a portion of its San Bernardino Mountain Division.

IT IS HEREBY FURTHER ORDERED that applicant, Motor Transit Company, be and it hereby is required to accept the certificates of public convenience and necessity herein authorized within fifteen (15) days from the date of the order herein, such acceptance to state the date or dates upon which the operation of the additional rights herein authorized will be commenced, such date or dates to be not in excess of sixty (60) days from the date of the order herein unless such time be extended by supplemental order of this Commission. Tariffs, rules and regulations and time schedules must be filed, in duplicate, with this Commission at least ten (10) days prior to their effective date.

IT IS HEREBY FURTHER ORDERED that within thirty (30) days from the date of the order herein that applicant, Motor Transit Company, file with this Commission revised tariffs and time schedules, such tariffs and time schedules eliminating all rates for the carriage of baggage, freight, express parcels or packages which are not consistent with the findings hereinabove set forth as the operative rights of applicant, Motor Transit Company, whenever such rates cover the transportation of baggage, freight, express parcels or packages in excess of a weight of forty (40) pounds each and with the exception, however, of rates covering the transportation of property for compensation over the specific lines and routes hereinabove set forth where proper authorization ^{has been shown} by reason of operative rights existing on May 1, 1917 or subsequent decisions of this Commission granting certificates of public convenience and necessity or approving and authorizing transfer of operative rights to applicant, Motor Transit Company.

That applicant, Motor Transit Company, file with this Commission within thirty (30) days from the date of the order herein a new tariff and time schedule, in duplicate, setting forth rates, rules and regulations and operating schedules on its lines from Los Angeles to Lancaster via Mint Canyon and from Los Angeles to Lancaster via Boquet Canyon, such tariffs and time schedules to eliminate the intermediate stations of San Fernando and Newhall, no authority having been granted to applicant to operate locally on its Lancaster lines to points intermediate between Los Angeles and Saugus.

IT IS HEREBY FURTHER ORDERED that as to all other matters herein applied for by applicant, Motor Transit Company, in these proceedings, that same be, and they hereby are denied.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by Packard Stage Line, a corporation, (Successor in interest to K. F. Beyerle, C. A. Sansome, L. J. Austin, R. R. Wilson, T. E. Hutson and W. E. Powell, co-partners operating under the fictitious name of Packard Stage Line, as authorized by this Commission's Decision No. 12715 of October 16, 1923 on Application No. 9275) of local service between Los Angeles and Lancaster, serving as intermediates the communities at Newhall, Saugus, School House, Vincent and Palmdale, such local service to be rendered on through stages of Packard Stage Line, a corporation, as operated between Los Angeles and Bakersfield via Mojave, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be, and the same hereby is granted to Packard Stage Line, a corporation, authorizing the transportation of passengers, baggage and express between Los Angeles and Lancaster serving as intermediates the communities at Newhall, Saugus, School House, Vincent and Palmdale, provided, however, that such carriage of passengers and property be transported on through cars of Packard Stage Line, a corporation, as operated between Los Angeles and Bakersfield via Mojave. No authority is hereby conveyed for the establishment of a local service by the operation of local cars between Lancaster and Los Angeles and intermediate points, the service to be confined to through cars of Packard Stage Line, a corporation. The operative rights herein granted for the transportation of baggage, express and packages are for baggage and express packages not exceeding forty (40) pounds in weight for each package.

Grantee, Packard Stage Line, a corporation, is hereby required to file with this Commission written acceptance of the certificate of public convenience and necessity herein granted within fifteen (15) days from the date of the order herein, said acceptance to state the date upon which the operation herein authorized will commence which date shall not be in excess of thirty (30) days from the date of the order herein unless extended by supplemental order of this Commission. Tariffs and time schedules covering the operation herein authorized must be filed at least ten (10) days prior to the date of commencement of operation, in duplicate, and in accordance with the provisions of General Order No. 51 and other regulations of the Railroad Commission, which insofar as applicable, are hereby made a portion of the order in this proceeding.

IT IS HEREBY FURTHER ORDERED that as to Motor Transit Company, applicant herein, and Packard Stage Line, a corporation, (successor in interest to applicants in Application No. 8525) that the order in this proceeding is subject to the following conditions:

1. The rights and privileges hereby granted may not be sold, leased, transferred, assigned or hypothecated unless the written consent of the Railroad Commission to such sale, lease, transfer, assignment or hypothecation shall first have been secured.

2. No vehicle may be operated under the rights hereby conveyed and granted in these proceedings unless such vehicle is owned by the grantees herein or is leased by such grantees under a contract or agreement on a basis satisfactory to the Railroad Commission.

The effective date of this order is hereby fixed

as of ^{May}~~April~~ 15, 1924.

Dated at San Francisco, California, this 72nd
^{April}~~March~~ day of ~~March~~, 1924.

CP Seaver
CTB Knudsen
Irving Martin
J T Whittier
Commissioners