

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of MOTOR TRANSIT COMPANY, a corporation, for a certificate permitting it to reroute a portion of its automobile stage line service between Los Angeles and Taft, and to conduct said operation as a portion of and in conjunction with applicant's present operation.

} Application No. 9578

- E. W. Kidd and F. D. Howell for Motor Transit Company, Applicant.
- Alfred Seaman for Kern County Transportation Company and Boyd & Matley, Protestants.
- W. E. Howell for Packard Stage Line, Protestant.
- H. E. Bell for Home Stage Lines, Protestant.

BY THE COMMISSION:

O P I N I O N

Motor Transit Company, a corporation, has applied to the Railroad Commission for a certificate permitting it to reroute a portion of its automobile stage line, passenger, baggage and express service between Los Angeles and Taft, and to conduct said operation as a portion of and in conjunction with applicant's present general operations.

A public hearing herein was conducted by Examiner Williams at Bakersfield.

Applicant seeks a certificate of public convenience and necessity for a change of route in delivering its passengers over its Bakersfield division to Taft and Maricopa. At present the junction operation is conducted west from Greenfield Corners, south of Bakersfield over the Bakersfield-Taft road. No local service is performed, the operation

being conducted solely to deliver passengers to Taft and thence over the Cooley line (now owned by applicant) to Maricopa. Applicant now seeks permission to divert its service from the state highway about ten miles north of Wheeler's Ridge using what is known as the Maricopa Flat Road to Maricopa and from there to Taft. This represents a saving of distance of approximately eleven miles in deliveries to Taft from Los Angeles and approximately twenty three miles in delivery to Maricopa, according to the testimony of F. D. Howell, vice president of applicant company. When assured that only a change of routing was proposed by applicant protests of Kern County Transportation Company and Boyd and Matley were withdrawn.

Applicant proposes to divert two of its Bakersfield schedules in each direction by way of the Maricopa Flat Road but to maintain its others to Bakersfield and abandon the use of the Bakersfield-Taft road. The change of routing is not to disturb rates which are to remain the same as by the present methods of operation. The operation between Taft and Maricopa acquired by applicant from C. T. Cooley (Application No. 9152, Decision No. 12750) is to be maintained by eight round trips in addition to four round trips of the through stages.

In support of its rerouting plan applicant produced twenty-four witnesses from Maricopa and Taft, seven of whom were called to the stand, the testimony of the remainder being admitted by stipulation. The testimony uniformly favored service by the shorter route over Maricopa Road and is convincing of necessity and convenience of the change. Only at times of rain, these witnesses said, is the road difficult to traverse.

The application was opposed by C. E. Sansome, operating under the name of the Home Stage Line, between Maricopa and

Taft, on the ground that the diversion of the routing would injure the business of protestant between Maricopa and Taft, as applicant does not now serve Maricopa direct but by a connection with the Cooley line. As applicant intends to maintain the Cooley line service and as it appears that it is to the interest of the public that through service to Maricopa and Taft be established we believe the protest ineffective. The Cooley and Sansome lines have long been competitors between these termini. An exhibit filed by Sansome for the months of January and February, 1924 show that his revenues during this period lacked \$90.34 of equaling the cost of labor, gasoline and oil. This exhibit, in view of the fact that this operation is competitive with the Cooley line in a restricted field and between the same termini means that profitable operation is doubtful under the conditions. The showing of Sansome, we do not believe, is sufficient to show that the through service proposed by applicant will injure his service.

Applicant proposes to serve points intermediate to the state highway and Maricopa along the route traversed. As there is no other transportation between these points and as the Bakersfield-Taft road, which applicant seeks permission to abandon, is many miles to the north, there seems to be no reason why this intermediate service should not be permitted.

By its Decision No. 13454 on Applications Nos. 8454 and 8525 this Commission fixed and determined the operating rights of applicant over its whole system including the Bakersfield-Taft line which was made a part of applicant's Northern Division. In the application under consideration applicant sought baggage and express rights as well as a right to consolidate its Los

Angeles-Taft operation and its Taft-Maricopa operation (Cooley) with the remainder of its service. In view of the determination of all its rights including baggage and express by Decision No. 13454 we believe no further action should be taken at this time except to grant a certificate of public convenience and necessity to alter the route of applicant between the state highway and Taft, to authorize through service from Los Angeles to Maricopa and Taft, via Maricopa Flat Road on the schedules proposed in Exhibit "B" attached to the application, without modifying in any other respect Decision No. 13454 or Decision No. 12750 (Cooley Line) and the order will so provide.

Upon the whole record we find as a fact that public convenience and necessity require the rerouting of applicant's Los Angeles-Taft service as proposed and that a through service to Maricopa and Taft, via Maricopa Flat Road serving points intermediate to state highway and Maricopa be authorized and that applicant be authorized to abandon its routing via Greenfield Corners and the Bakersfield-Taft road to Taft.

O R D E R

Motor Transit Company having made application to the Railroad Commission to reroute a portion of its automotive stage line service between Los Angeles and Taft and to conduct said operation as a portion of and in conjunction with applicant's present operations, a public hearing having been held, the matter having been duly submitted and now being ready for decision,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

HEREBY DECLARES that public convenience and necessity require abandonment of applicant's present route from Greenfield Corner via Bakersfield-Taft Road to Taft and the re-routing of applicant's stage line between Los Angeles and Taft, serving intermediately points along the Maricopa Flat Road and the City of Maricopa as a part of its Northern Division, by the following route;

Maricopa Flat Road, from its junction with the main state highway between Los Angeles and Bakersfield, westwardly to Maricopa and thence over the Maricopa-Taft road via Lakeview No. 1, Standard No. 28 and Section 29 to Taft

and that a certificate of public convenience and necessity therefor be and the same hereby is granted as an extension to and in lieu of applicant's present operative rights between Los Angeles and Taft insofar as applicable to the territory between Maricopa Road Junction and Taft, via Maricopa, subject to the following conditions:-

1. - That applicant, Motor Transit Company, shall file within fifteen (15) days from date hereof a written stipulation accepting the certificate herein granted, and accepting it only as an extension and rerouting of its present rights and not as a new or separate operating right, and shall file within thirty (30) days hereof, duplicate tariff of rates and time schedules, in accordance with General Order No.51 of the Railroad Commission and that service shall begin within thirty (30) days after date hereof.
11. - That applicant, Motor Transit Company, shall not sell, lease, assign or discontinue the service herein authorized, unless such sale, lease, assignment, or discontinuance shall have been authorized by the Railroad Commission.

111.- That no vehicle shall be operated by applicant unless such vehicles are owned by said applicant, or are leased under an agreement satisfactory to the Railroad Commission.

IT IS FURTHER ORDERED that application herein, in all other respects, be and the same hereby is denied.

Dated at San Francisco, California this 31st day of June, 1924.

C. P. Seavey

H. V. Brundage

Dwight M. Martin

Commissioners.