

Decision No. 13467

BEFORE THE RAILROAD COMMISSION STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application)
of Kern County Transportation)
Company, a Corporation, for)
certificate of public convenience) Application No. 9953
and necessity to operate passenger)
auto stage service between Bakers-)
field and Bishop and intermediate)
points.)

Alfred Siemon, for applicant
Harvey W. Guthrie, for Owens Valley Transportation
Company and Raymond F. Kamp, protestants
T.A. Woods, for American Railway Express, protestant
H.H. Gogarty, for Southern Pacific Ry., protestant

BY THE COMMISSION:

O P I N I O N

Kern County Transportation Company, a corporation, has made application to the Railroad Commission for a certificate of public convenience and necessity to establish service for the transportation of passengers and packages between Bakersfield and Democrat Hot Springs, Bodfish, Isabella, Weldon, Onyx, Freeman, Indian Wells, Little Lake, Haiwee, Olanchna, Cottonwood, Lone Pine, Independence, Fish Springs, Big Pine, and Bishop. No local service is proposed between Lone Pine and Bishop.

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

Applicant corporation is now conducting passenger service from Bakersfield to various points of Kern County, including Taft. According to the testimony of C. C. Haworth, president of applicant corporation, the service is proposed in response to an average demand at applicant's office of three persons daily since June 1st for transportation direct to points east of the Sierra Nevada mountains and to mountain resorts. The route proposed by applicant follows the planned state highway eastwardly from Bakersfield, following the Kern river, to the Red Rock Canyon road in the Owens valley, thence north to Bishop. The operation would traverse, except for a portion of the distance, unimproved mountain roads, some of them containing heavy grades and somewhat perilous operation and a journey over unimproved desert roads also under considerable difficulty. Applicant proposes a semi-weekly service leaving Bakersfield Wednesdays and Saturdays and leaving Bishop Mondays and Thursdays. The schedule calls for approximately twelve hours between termini and the equipment offered is two 11-passenger cars of approved type and such additional as may be required. The distance to be traversed is 242 miles between termini and the fares are based on 6.2 cents per passenger mile. Rates for packages are based on distance, the lowest rate being 75 cents for 100 pounds or less with a minimum charge of 50 cents for any distance up to 50 miles and a maximum of \$2.75 per 100 pounds for a distance up to 250 miles, minimum \$1.35. Hand baggage to the amount of 50 pounds

will be carried free, other baggage taking the package rates.

Applicant was supported by the testimony of Homer C. Katz, a member of the Commercial Association of Bakersfield, Paul Derkum, president of the Exchange Club of Bakersfield, Fred E. Fishering, salesman of Redlicks Department Store, and D. E. Brophy. According to these witnesses there is a commercial demand for intercommunication between the east side and the west side of the Sierra Nevada mountains other than the rail route by way of Mojave. It was pointed out that transportation and communication now require a rail journey from Bakersfield to Mojave with a change of cars at Mojave for points north and at Owenyo a further change to points north of Owenyo and a stage journey from the railroad terminus at Laws to Bishop. This involved from 24 to 72 hours for passengers or property in transit according to these witnesses and the proposed service of applicant would reach customers and business houses in a much shorter period.

It was also shown that \$800,000 has been provided for the construction of the new state highway following the Kern river and that the County has provided \$100,000 additional for construction work. The route now existing is traversible by such vehicles as it is proposed to use, the most difficult portion being the divide over the mountains where the road is described as narrow and difficult.

The necessity for transportation to Owens Valley points by "daylight" service was regarded as important by witnesses for applicant and particularly a need for service to points on the west side of the mountains. In addition, witness Fishing testified that Redlick's Department Store had received some orders from Big Pine, Lone Pine, Independence, Bishop, Indian Wells, and Inyo-kern, which had been filled by express or parcels post.

Charles A. Hand, owner of the Kernville Stage Co. operating between Kernville and Bakersfield via Caliente, testified that service is already given by this protestant to Walker's Basin, Bodfish, Isabella, and Onyx, points sought by applicant on the west side of the mountains via the Kern river route. This service is by a connection at Isabella with the Isabella-Onyx stage line operated under valid authority by Peter Larsen. On the east side of the mountain range the Owens Valley Transportation Company provides service between Lone Pine and Bishop, serving all points. In addition protestant Southern Pacific Railroad gives service to all Owens Valley points, leaving Bakersfield at 11:55 p.m. and reaching Laws at 12:10 p.m., returning leaving Laws at 2:30 p.m. and reaching Bakersfield at 2:23 a.m. These services are daily except Sunday. It was the testimony of C. E. Wykes, local agent of protestant Southern Pacific Railway, that during the month of June only twelve tickets had been sold from Bakersfield to Owens Valley points. Other exhibits were filed by this protestant showing that its earnings per train mile for a

year preceding June 30, 1924 were 91 cents between Mojave and Owenyo and \$1.06 between Owenyo and Mojave, regarded by protestant as indicative of the small demand for transportation to Owens Valley points at all times.

The protestants were supported also by the testimony of H. A. Glasscock of Bishop, newspaper publisher, and O. J. Purdy, of Bishop, manager of the Owens Valley Transportation Company. Their testimony was in effect that there was no demand for service between the east side and the west side of the Sierra Nevada mountains and that the needs of the Owens Valley side on the east were fully met by the stage operation between Lone Pine and Bishop and that the traffic was not sufficient to justify any additional service without ruining the existing service. Protestant Southern Pacific Railway produced W. L. Rowan of Bishop, R. L. Gilmore, A. L. Wangenheim and Don Minner of Bakersfield, all of whom testified they used the service of the Southern Pacific and deemed it adequate. Protestant American Railway Express introduced exhibits showing several services connecting with the Southern Pacific trains between Mojave and Laws.

From all the testimony produced by applicant and protestants, it appears that there is not now a need for the service proposed by applicant. Many of the points sought to be served by applicant on the west side of the range now have adequate service which has been in existence in a pioneering manner for the last six years. It is equally true that the service maintained by the Owens

Valley Transportation Company is just emerging from the privations of pioneering and is establishing itself efficiently in its field and covering many of the points applicant seeks to serve from Bakersfield. Reduced to the basis of the application, applicant has not shown that there is either passenger or express destined from Bakersfield to any of the points selected by it or the reverse that cannot now adequately be handled by stage or rail and within a reasonable time. In addition protestant Southern Pacific Railway rates are slightly under the rates of applicant for Owens Valley points, particularly season round-trip tickets. All things considered, the applicant has failed to show a public necessity for the service proposed and for this reason his application should be denied.

We, therefore, find as a fact from the record herein that public convenience and necessity do not require the service proposed by applicant herein.

ORDER

Kern County Transportation Company, a corporation, having made application to the Railroad Commission for a certificate of public convenience and necessity to establish service for the transportation of passengers and packages between Bakersfield and Democrat Hot Springs, Bodfish, Isabella, Welden, Onyx, Freeman, Indian Wells, Little Lake, Haiwee, Olancho, Cottonwood, Lone Pine, Independence, Fish Springs, Big Pine, and Bishop, 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 necessity and convenience do
not require the service applied for herein and that the
application be and the same hereby is denied.

Dated at San Francisco, California this 27th
day of August 1924.

C. Seavey

H. B. ...

Irving Martin

Egerton Shore

J. F. Whittney