

Decision No. 13981

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
A. B. WATSON for certificate of public
convenience and necessity to operate
express service between Riverside,
Corona, Santa Ana and intermediate
points.

ORIGINAL

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) Application No. 10206
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Clyde Bishop, for applicant

E. T. Lucey, for A.T. & S.F. Railway, protestant.

BY THE COMMISSION:

O P I N I O N

A. B. Watson, operating under the fictitious name of the Crown Stages, has made application to the Railroad Commission for a certificate of public convenience and necessity to transport merchandise and excess baggage between Riverside and Santa Ana serving intermediately Arlington, Corona, Prado, Olive, and Orange.

A public hearing was conducted by Examiner Williams at Santa Ana.

Applicant recently acquired the stage line operating between Riverside and Santa Ana from J. C. Best. Best acquired the line in 1919 from R. B. Cregar. It appears from the testimony that Best filed with this Commission, on February 27, 1920, change of rates in package and express service and that said rates remained on file and were observed in good faith by Best until the

certificate for his operation was transferred by him to applicant Watson. It was then discovered that neither Cregar nor Best had ever received from this Commission proper authority to transport express packages or excess baggage and to make charges therefor. Thereupon applicant herein filed the present application in order that a business conducted over the line for several years might continue. Mr. Watson testified that he is now using twenty-nine passenger safety vehicles in the service between the two cities giving four round-trips daily with a running time between termini of one hour and forty minutes. He also testified that the records of the operation show that about eighteen packages daily have been carried between points on the line. R. C. Best, son of the former owner of the line and an operator on it for four years, testified that very seldom had any shipment exceeded 100 pounds and none had exceeded 150 pounds, and that service had been given daily throughout all his period of employment. He further testified that the rates charged had always been the rates filed with the Commission.

Applicant was further supported by the testimony of J. A. Wilson, automobile service garage at Riverside, D. L. Mathews, proprietor of the Santa Ana Ignition Works, O. A. Haley, Automobile dealer at Santa Ana, Walter O. Abbott, garageman of Riverside, N. H. Norton, garage owner at Corona, E. L. Carr, manager of a laundry at Riverside, J. A. McMahon, florist of Riverside, and R. E. Vermillion of Riverside. In addition to the witnesses who were examined in behalf of applicant, ten more were offered but by stipulation of protestant their testimony was deemed similar to those who already had testified.

The testimony of the witnesses is convincing that this service has been maintained at the rates established for a number of years and that business men at all points have been habituated

to use this service frequently and to advantage. So satisfactory is the testimony of these witnesses that it is unnecessary to go into much detail especially in view of the fact that the competitive service of the American Railway Express was not a protestant and the protestant A.T. & S. F. Railway presented no testimony in opposition.

It appears from the record herein that the express service, for which authority is requested, has heretofore been given under the assumption by the holders of the certificate right that the filing of tariffs setting forth rates for the carriage of express authenticated such privilege. It further appears that there has been, and is now, as evidenced by the testimony herein, a public convenience and necessity served by the carriage of express matter, and that justification exists for the granting of the application. The rates proposed are the rates originally filed with this Commission, the same being a 50 per cent charge of the passenger rates with minimum charges for weight classification but no limitation upon the character of merchandise to be transported except a weight limit of 100 pounds for any single package. As applicant offers no other equipment than the passenger vehicles now used in the operation, we believe the service should be limited to such packages, merchandise, and excess baggage as may be carried in suitable compartments upon the passenger vehicles and which will in no way interfere with the passenger capacity of these vehicles.

We hereby find as a fact that public convenience and necessity require the service proposed by applicant with certain limitations which will be contained in the order.

O R D E R

A.B. Watson, operating under the fictitious name of the Crown Stages, having made application to the Railroad

Commission for a certificate of public convenience and necessity to transport merchandise and excess baggage between Riverside and Santa Ana, serving intermediately Arlington, Corona, Prado, Olive, and Orange,

THE RAILROAD COMMISSION STATE OF CALIFORNIA hereby declares that public convenience and necessity require the operation by applicant of package express and excess baggage service between Riverside and Santa Ana over and along the following route:-

The route now traversed by applicant in its authorized passenger service between termini and intermediate points,

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

- (I) That applicant will receive no package express or excess baggage for transportation between termini or intermediate points in excess of 100 pounds and only such package or commodity as may be safely transported on passenger stages without discomfort or inconvenience to passengers and that this certificate does not entitle applicant to use any other vehicle for such transportation except the passenger vehicles used by it.
- (II) That applicant shall file within fifteen (15) days from date hereof, his written acceptance of the certificate herein granted, and shall file within thirty (30) days of the date hereof, duplicate tariff of rates and time schedules in accordance with General Order No. 51 of the Railroad Commission, and shall begin service within sixty (60) days from date hereof.
- (III) That applicant shall not sell, lease, assign, or discontinue the service herein authorized, unless such sale, lease, assignment, or discontinuance shall have been authorized by the Railroad Commission.

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

Dated at San Francisco, California this
29th day of August 1924.

C. L. Seamy

Egerton Shore

J. H. Whittier