

Decision No. 14793.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application)
of LAGUNA BEACH SHORT LINE AUTO-)
MOBILE STAGE COMPANY for certif-)
icate of public convenience and)
necessity to operate Passenger)
and Baggage, to extend its ser-)
vice between Serra Junction and)
San Juan Capistrano via Roscoe)
Road.)

APPLICATION NO. 10466.

Norman E. Robotham, for Applicant.
N. C. Folsom, for Pickwick Stages, Inc.,
Protestant.
E. V. Iredell, for San Juan Capistrano
Stage Line, Protestant.

BY THE COMMISSION.

O P I N I O N

Edward A. Logsdon and Norman E. Robotham, transacting business under the fictitious name "Laguna Beach Short Line Automobile Stage Company", have made application to the Railroad Commission for a certificate of public convenience and necessity to extend its service from Serra Junction to San Juan Capistrano via Roscoe Road for the transportation of passengers and baggage.

A public hearing herein was conducted by Examiner Williams at Laguna Beach.

Applicants now are operating, under a certificate of this Commission, an automobile stage service for passengers and baggage between Balboa, a portion of the City of Newport Beach, and Serra Junction, serving intermediately Laguna Cliffs, Laguna

Beach, Arch Beach, Goff Island, Aliso, Three Arches and Dana Point. In the present application, applicant proposes to extend its service from Serra Junction over Roscoe Road, an unpaved highway, to San Juan Capistrano, serving intermediately Blee's Ranch and Barnes' Orchard. The distance of the extension proposed in the present application is approximately two and one-half miles. The purpose is to afford a shorter and more direct means of transportation between Laguna Beach and San Juan Capistrano. Roscoe Road parallels, but is some distance from, the San Diego state highway, a paved boulevard. Applicant does not intend to use the state highway, but would use the unimproved road, which, according to the testimony, is in good condition, and would take no local passengers except to points intermediate or north of Serra. Upon stipulation of applicant that no local business will be done over the state highway between San Juan Capistrano and Serra, the protest of Pickwick Stages, Inc., was withdrawn.

Applicant produced as witnesses in behalf of public convenience and necessity Howard G. Heisler, Hill G. Ride, F. W. Conkey and John G. Powers, all of Laguna Beach; the Reverend St. John Sullivan, rector of the Mission San Juan Capistrano for the past fourteen years; Joseph A. Beck, real estate, of Balboa, and Foster Elliot of Arch Beach.

In substance these witnesses explained that the necessity for a shorter-distance service was due to a continuous demand at Laguna and nearby beaches. In order to reach San Juan Capistrano by present methods, a journey to Irvine by stage and then by rail or stage to San Juan Capistrano - in all twenty-two miles - was required; while by the service proposed by applicant, the distance would be cut in half. It was the

testimony of these witnesses that the need for such a contact between the two points is great because of the large number of tourists wishing to visit both places. The Reverend Mr. Sullivan testified that approximately 75,000 persons visit the mission annually, many of them coming from Laguna Beach, and that the service proposed would facilitate tourists' movements particularly and eliminate a two-hour lay-over awaiting connection with stage or train.

Applicant proposes two round trips daily, leaving Serra at 8:05 a. m. and 1:45 p.m. and returning at 10:40 a. m. and 4:55 p. m. from San Juan Capistrano.

Mr. Powers, President of the Community Club of Laguna, with a membership of 150, testified that this organization had discussed thoroughly the proposed service and regarded it as a necessary development in this rapidly growing beach section. Joseph W. Skidmore, President of the San Juan Point Corporation, testified that the service would form a connection with the Santa Fe railroad at San Juan Capistrano, and that there is, and for a long time has been, a need of such connection.

The application was protested by H. V. Iredell on the ground that the service maintained by him, under authority of this Commission, between Santa Ana and San Juan Capistrano, would be injured by the operation. This service was started in 1920, and, according to Mr. Iredell's testimony, is not profitable at this time. Protestant testified that in July he hauled 59 passengers to San Juan Capistrano, and 34 on the return trip to Santa Ana; in August, 73 to San Juan Capistrano and 35 from; in October, 38 to San Juan Capistrano and 12 from. Some of this traffic was received from stage connection from

Laguna Beach.

It is probable that the operation proposed by applicant herein would, in a measure, affect protestant's operation, but it is also probable that a great deal of the traffic going from Laguna Beach and other beaches a short distance from San Juan Capistrano would patronize protestant's service back to Santa Ana, or vice versa. It is not apparent that the two services, approaching a common point from opposite directions, would materially injure each other; on the contrary, they would probably aid each other.

Resolutions in support of the application were presented from the Laguna Beach Chamber of Commerce and the Huntington Beach Chamber of Commerce.

We therefore find as a fact, upon the record herein, that public convenience and necessity require the operation proposed by applicants, and the order herein will grant the certificate sought.

O R D E R

Edward A. Logsdon and Norman H. Robotham, co-partners transacting business under the fictitious name of "Laguna Beach Short Line Automobile Stage Company", having made application to the Railroad Commission for a certificate of public convenience and necessity to extend its present service from Serra Junction to San Juan Capistrano, a public hearing having been held, the matter having been duly submitted and now being ready for decision,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA
HEREBY DECLARES that public convenience and necessity require the transportation of passengers and baggage between Serra Junction

and San Juan Capistrano, over and along the following route:

Via Roscoe Road between termini;

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

- I. That the certificate herein granted is an extension of service already established between Balboa and Serra Junction and is a part of such service and not a separate operative right.
- II. Applicant shall file written acceptance of the certificate herein granted within a period of not to exceed ten (10) days from date hereof; shall file time schedules and tariff of rates identical with those as set forth in Exhibit attached to the application herein within a period of not to exceed twenty (20) days from date hereof; and shall commence operation of the service herein authorized within a period of not to exceed thirty (30) days from date hereof.
- III. The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission thereto has first been secured.
- IV. No vehicle may be operated by applicant unless such vehicle is owned or is leased by applicant under a contract or agreement on a basis satisfactory to the Railroad Commission.

For all other purposes, the effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this 15th
day of April 1925.

H. R. Branding
C. Leaver
George D. Squires
Frank W. Wood
Commissioners.