

Decision No. 14204

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of MOTOR TRANSIT COMPANY for a)
certificate of public conve-)
nience and necessity authorizing)
it to extend its automobile stage)
service so as to pick up passen-)
gers at San Fernando, Cascade)
and Newhall, and points interme-)
diate thereto, when destined for)
points on applicant's Northern)
Division north of Saugus, and to)
perform a similar service in the)
reverse direction, and for an)
order authorizing applicant to)
merge said operation with the)
operation of its Northern Divis-)
ion.)

APPLICATION NO. 10644

ORIGINAL

In the matter of the Application)
of Motor Transit Company for a)
certificate of public conve-)
nience and necessity authorizing)
it to extend its existing auto-)
mobile stage service so as to)
pick up passengers at Los Ange-)
les when destined for points in-)
termediate between San Fernando)
and Saugus (but exclusive of any)
local service between Los Ange-)
les and San Fernando), and to)
perform a similar service in the)
reverse direction, and for an)
order authorizing applicant to)
merge said operation with its)
Northern Division operation.)

APPLICATION NO. 10763

Herbert W. Kidd, for Applicant.

Warren E. Libby, for Pickwick Stages, N. D.,
and Packard Stage Line, Protestants.

F. E. Watson, for Southern Pacific Company,
Protestant.

G. E. Overstreet, for Original Stage Line,
Protestant.

BY THE COMMISSION:

O P I N I O N

Motor Transit Company, a corporation, in Application No. 10644, as amended, seeks a certificate of public convenience and necessity to receive passengers and express matter at San Fernando, Cascade, Newhall and Saugus, and points intermediate, for transportation to points on applicant's lines north of Saugus on the Ridge Route to Bakersfield and Taft, and on the Boquet Canyon and Mint Canyon routes to Lancaster, and to transport passengers and express from points north of Saugus to Saugus, Newhall, Cascade and San Fernando. In Application No. 10763, as amended, applicant seeks a certificate to transport passengers and express from Los Angeles and San Fernando to points between San Fernando and Saugus, and vice versa.

Hearings upon the applications were conducted by Examiner Williams at Los Angeles, at which time it was stipulated by all parties that the applications should be consolidated for receiving testimony and for decision. During the hearings applicant was granted permission to file a specific amendment on express carriage and rates therefor, and such amendment was filed by applicant.

By Decision No. 13454 on Application No. 8454, applicant Motor Transit Company, which previously had been serving points between Castaic and Los Angeles and between Saugus and Los Angeles, was restricted from continuing any service intermediate to Los Angeles and Saugus and between Castaic and

Los Angeles on its several lines. The effect of this decision was to eliminate San Fernando, Newhall and Castaic from applicant's operations, and service to these points was discontinued by applicant, in compliance with the order, on July 24, 1924.

Applicant now seeks restoration of the service found by Decision No. 13454 to have been illegally conducted and therefore ordered discontinued.

Applicant stipulated that no new service was proposed or would be given between Los Angeles and San Fernando, and no local service between Sylmar, north of San Fernando, and San Fernando. Whereupon protest of Original Stage Line was withdrawn.

Applicant produced many witnesses in support of public necessity for the restoration of service between Newhall, Cascade and San Fernando and points north of Saugus. Witnesses also were produced in support of the need of service between Cascade, Newhall and intermediate points, and Los Angeles, and vice versa. The witnesses included O. V. Spainhower, superintendent of the San Fernando power plant near Cascade; Thornton Doelle, newspaper publisher; James W. Doty, automobiles and service station; D. A. Densmore, butcher; C. F. Webber, plumber; C. E. Kingsbury, butcher; W. C. Lewman, oil well driller; Fred R. Lamkin, garage; Elwood D. Lowden, garage; Julius W. Weiss, clothing and dry goods, and Chas. D. McGinnis, cafe, all of Newhall; W. J. Watson, service manager, Buyers' Service Corporation, Los Angeles; and Lloyd E. Rowe, automobiles and garage, San Fernando.

In addition to these witnesses, Frank N. Wallace, Placerita Canyon, near Newhall; Helen S. Deaver, Palmdale;

Mrs. Mary Carson, near Palmdale; Mrs. Nina B. Wright, Mint Canyon; E. A. Pehrson, Lancaster, and George E. Harriman, Lancaster, all testified to the need of service from other points.

Testimony of these witnesses seems convincing that the public desires a choice of service and a resumption by applicant of both passenger and express operation. Newhall, the principal point to be served, has a population of approximately 300 people, and the witnesses included representatives of the business interests of the community. These witnesses testified that the community as a whole is interested in the resumption of applicant's service and instances were cited of inability to make use of the vehicles of protestant Pickwick Stages, due to the fact that these vehicles are frequently loaded to capacity and transportation is available only when there are vacant seats, and that the schedules entail long waits.

There was also testimony that there is need of transportation between points north of Saugus and points south of Saugus, including San Fernando, and that persons desiring such transportation are now required to pay the full Los Angeles rate in order to be transported from points north of Saugus to points south thereof, or from San Fernando and points between San Fernando and Saugus to points north on applicant's lines. The witnesses all expressed the view that inasmuch as applicant's vehicles pass through each of the communities, use would be made of them, if authorized, and that public

sentiment is wholly in favor of restoring the service existing prior to July 24, 1924, with which witnesses were familiar. It was also evident from the testimony of these witnesses that not only are passengers discommoded by long waits both at Newhall and at protestant Pickwick Stages' Los Angeles terminal, due to this protestant's vehicles frequently being filled to capacity, but that protestant Pickwick does not carry express matter C. O. D. to points between San Fernando and Saugus and hence there is a considerable quantity of express matter that cannot be shipped over its lines. Chas. D. McGinnis, a witness for applicant and formerly agent for both the Pickwick and Motor Transit services at Newhall, testified that previous to the discontinuance of service by Motor Transit Company in July, 1924, this company (now applicant) carried about two-thirds of the express business in and out of Newhall.

Mr. McGinnis further testified that vehicles of protestant Pickwick reached Newhall from Los Angeles at 8:45 a. m., 9:15 a. m., 11:30 a. m., 1:00 p. m., 1:55 p. m., 4:15 p. m., 5:25 p. m. and 7:15 p. m., with approximately the same distribution of service from Newhall to Los Angeles.

In addition to the service as set forth in the foregoing paragraph, applicant offers 14 schedules southbound and 15 northbound via Ridge Route, two schedules in each direction via Boquet Canyon and two in each direction via Mint Canyon (Lancaster division), and two limited cars operating between Bakersfield and Los Angeles. It was the testimony of F. D. Howell, Vice-President of applicant com-

pany, that frequently two, and sometimes as many as four, cars are operated on a schedule.

Protestant Pickwick Stages did not refute or satisfactorily explain the testimony of witnesses that it had refused to transport express matter C. O. D. to Newhall.

Protestant Southern Pacific Company operates four trains daily in each direction, serving Saugus, Newhall, San Fernando and Los Angeles, with an extra westbound train after midnight.

We do not believe the showing made by protestants meets the test of adequacy of service. The testimony of witnesses is that the service of protestants, while frequent, is not always available at hours that are convenient; that rail service is seldom used by them for this reason; and that the service of protestant Pickwick Stages is frequently not available by reason of the fact that its vehicles are loaded to capacity. Protestant Pickwick Stages' Exhibit No. 3 shows trip segregations of capacity and seat vacancies for December, 1924, and January, 1925. Nine trips each way are shown and the totals for the two months indicate that all vehicles operated possessed a seating capacity of 10,181, with a seat vacancy of 6782. During the same period passengers in both directions between Los Angeles and Newhall aggregated 206; Saugus, 74; San Fernando and Newhall, 173; San Fernando and Saugus, 73; Newhall and Saugus, 22. As against this showing there is the uncontradicted testimony of many witnesses that access to vehicles is frequently denied because of capacity loads both at Newhall and Los Angeles, involving a

wait of at least an hour for another stage, together with a general lack of assurance, prior to the arrival of vehicles, that transportation may be obtained. There was also testimony that protestant Pickwick's vehicles do not stop at roadside points and that they frequently pass through the communities without stopping.

While applicant herein proposes to perform only the same service as protestant Pickwick and not to operate local service between San Fernando and Saugus, the additional facilities offered will give a choice of service as it existed prior to July, 1924, and will, in our opinion, better meet the needs shown by the record herein.

In view of the fact that the vehicles of applicant pass through the communities seeking service, and that such service would therefore be a convenience to the public, we are of the opinion that the applications herein should be granted, both as to passenger and express business, and an order to this effect will be entered.

O R D E R

Motor Transit Company, a corporation, having applied to the Railroad Commission for a certificate of public convenience and necessity to extend its service to include transportation of passengers and express between San Fernando, Cascade and Newhall, and points intermediate, when such passengers and express are destined for points on applicant's lines north of Saugus, and vice versa, and to merge said operation with the general operation of applicant's northern divis-

ion, 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 service herein applied for by applicant, over and along the routes now traversed by applicant in its northern division; and

IT IS ORDERED that a certificate of public convenience and necessity therefor be and the same hereby is granted, subject to conditions appended to and following this order.

Motor Transit Company, a corporation, having made application to the Railroad Commission for a certificate of public convenience and necessity to extend its service by transporting passengers and express between Los Angeles and points intermediate to San Fernando and Saugus, but excluding any local service between Los Angeles and San Fernando, and excluding service between San Fernando and Sylmar, and to merge this operation with the general operation of applicant's northern division, 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 service as proposed by applicant herein, both as to passengers and express, over and along the routes now traversed by applicant in its northern division; and

IT IS ORDERED that a certificate of public convenience and necessity therefor be and the same hereby is granted

subject to the conditions appended to and following this order:

- I. Applicant shall, within twenty (20) days from the date hereof, file with this Commission its written acceptance of the certificates herein granted as an extension and enlargement of its present existing rights as defined by Decision No. 13454 on Application No. 8454, and not as a new or separate right.
- II. Applicant shall file, in duplicate, within twenty (20) days from date hereof, time schedules and tariff of rates identical with those as set forth in Exhibits attached to the applications herein, 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 sold, leased, transferred nor assigned, nor service thereunder discontinued, unless the written consent of the Railroad Commission to such sale, lease, transfer, assignment or discontinuance has first been secured.
- IV. No vehicle may be operated by applicant under the authority hereby granted 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 12th
day of May 1925.

H. B. Anderson
C. L. Sweeney
Egerton Shore
George D. Squires

Commissioners.