

Decision No. 15378

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of P. DEL PORTO to sell and E.M. BURNER to purchase an automobile passenger and express line operating between Bakersfield and Lost Hills, Kern County, California.

Application No. 10949.

Alfred Siemon for applicants.

BY THE COMMISSION:

O P I N I O N

In this proceeding the Commission is asked to approve the transfer from P. Del Porto to E. M. Burner of an operative right for the transportation of passengers and express between Bakersfield and Lost Hills, and permit the consolidation thereof with an automobile stage and express service now operated by E. M. Burner between Bakersfield and Shafter.

A public hearing was held before Examiner Austin at Bakersfield on May 12, 1925, when evidence was offered, the matter was fully submitted, and it is now ready for decision.

Applicant Del Porto is now operating an automobile passenger and express service between Bakersfield and Lost Hills, via Lerdo, Page and Wasco, and a similar service is conducted by Applicant Burner between Bakersfield and Shafter, via Rosedale. At the hearing Burner proposed to abandon that portion of Del

Porto's route between Bakersfield and Wasco, extend his own line from Shafter to Wasco, and operate a through service from Bakersfield to Lost Hills, via Rosedale, Shafter, Palmo and Wasco. It was shown that Del Porto's route from Bakersfield to Wasco traverses a barren and uninhabited territory where very little traffic originates; moreover, the public will suffer no detriment through the abandonment of this portion of the route, since the territory between Bakersfield and Famosa (a short distance beyond Page) is now adequately served by the lines of California Transit Company and Pickwick Stages System. The new route will pass through settled territory, and can be operated at a greater profit than over the present route via Page. Between Shafter and Wasco, where an extension is sought, there are occasional calls for transportation. Mr. Burner proposed to charge the same fares as in the past (except over the abandoned portion of the route) and to operate the same number of schedules as at present, increasing them whenever required by traffic demands.

Since the submission of the case one of the applicants notified the Commission that he desired to withdraw from the application. After considerable correspondence with the parties, designed to ascertain their intentions, an amended application was filed on July 30, 1925, by both applicants, seeking authority to abandon that portion of the route between Wasco and Lost Hills, its operation having proved unremunerative, and asking that in all other respects the original application be granted. It was shown that practically no traffic moves between Wasco and Lost Hills, what little there is being adequately accommodated by the Pickwick Stages System. In our judgment the amended application should be granted without further public hearing. By our letter dated August 24, 1925, File No. Application 7727, we have permitted the temporary discontinuance of service between these points; by

this order the permanent abandonment of such service will be authorized.

We shall accordingly grant permission for the transfer by Del Porto to Burner of his operative rights, as described and limited in the original and amended applications. In order to avoid any possible question we shall grant a new certificate for the route emerging from these changes and amendments. Mr. Burner, the grantee, will be expected to file time schedules and tariffs of fares covering the operations herein authorized.

Upon full consideration of the evidence we are of the opinion and hereby find as a fact that public convenience and necessity require (1) the operation by E. M. Burner of an automobile stage line for the transportation of passengers and express (in connection with and upon his passenger stages only) between Bakersfield and Wasco, via Rosedale, Shafter and Palmo; and (2) the abandonment of similar service heretofore conducted by P. Del Porto between (a) Bakersfield and Palmo, via Lerdo and Page, and (b) Wasco and Lost Hills.

An order will be entered accordingly.

O R D E R

A public hearing having been held in the above entitled application, the matter having been duly submitted, the Commission being now fully advised in the premises,

IT IS HEREBY ORDERED that authority be and the same is hereby granted to P. Del Porto to sell and transfer to E. M. Burner, and to said Burner to purchase and acquire from said Del Porto, the right and privilege to operate an automobile stage line for the transportation of passengers and express between Bakersfield and Lost Hills, via Lerdo, Page and Wasco.

IT IS FURTHER ORDERED that said E. M. Burner be and he

is hereby permitted to extend his present automobile stage service for the transportation of passengers and express between Bakersfield and Shafter via Rosedale, to Wasco via Palmo; and to abandon that portion of said Del Porto's route between Bakersfield and Palmo via Page, and between Wasco and Lost Hills.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation by E. M. Burner of an automobile stage line for the transportation of passengers and express (in connection with and upon his passenger stages only) between Bakersfield and Wasco via Rosedale, Shafter and Palmo.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity to conduct such service be and the same is hereby granted to said E. M. Burner, and that the same shall be in lieu of any and all other certificates of public convenience and necessity, rights and privileges heretofore granted to or held by said E. M. Burner in respect to the operation of such service between any of said points.

The authority herein granted is subject to the following conditions:

1. The consideration to be paid for the property herein authorized to be transferred shall never be urged before this Commission or any other rate fixing body as a measure of value of said property for rate fixing or any purpose other than the transfer herein authorized.

2. Applicants Burner and Del Porto shall immediately withdraw tariff of rates and time schedules now on file with the Railroad Commission under their respective names.

3. Applicant Burner shall immediately issue in duplicate in his own name, entirely new tariffs and time schedules, which tariffs and time schedules shall show rates and service identical with the rates and service shown in tariffs and time schedules withdrawn, except as to the rates and service to points eliminated by the order herein.

4. The rights and privileges herein authorized to be transferred shall not be discontinued, sold, leased, trans-

ferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.

5. No vehicle may be operated by applicant burner unless such vehicle is owned by said applicant or is leased under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 11th day of
September, 1925.

C. S. Sawyer

John Woods

Leon Whitall

Commissioners