

Decision No. 15834

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
MOTOR TRANSIT COMPANY for an order  
permitting it to merge the Dillingham  
leased automobile stage lines with  
applicant's Eastern and Southern  
Divisions, and to operate the same  
(with certain exceptions) as a unified  
system.

ORIGINAL

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) Application No.10698  
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In the Matter of the Application of  
MOTOR TRANSIT COMPANY for an order  
modifying in certain particulars  
C.R.C. Decision No.13371 and permitting  
applicant to merge with its Eastern  
Division the R. B. Cregar leased auto-  
mobile stage lines and to operate same  
as a unified system.

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) Application No.10710  
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H. W. Kidd for applicant.  
Warren E. Libby for Pickwick Stages, Inc.,  
Marrietta Mineral Hot Springs Stage Line  
and Crown Stages, Protestants,  
H. O. Maxler for Pacific Electric Railway  
Company, Protestants.

BY THE COMMISSION -

O P I N I O N

In Application No.10698, Motor Transit Company, a corporation,  
has petitioned the Railroad Commission for an order authorizing  
the merging of the so-called Dillingham lines now under lease by  
applicant under the authority as contained in Decision No.13373 on  
Application No.9917, decided April 5, 1924, with the Eastern and  
Southern Divisions of applicant and to thereafter operate as a  
unified system and by so doing affording available service between  
all points on the so-called Dillingham lines and all points on the  
Eastern and Southern divisions of the Motor Transit Company's lines.

In Application No.10710, Motor Transit Company, a corporation,  
has petitioned the Railroad Commission for an order authorizing (a)  
the correction of certain errors and omissions alleged to exist in  
this Commission's Decision No.13371 on Application No.9780, as

decided April 5, 1924, and (b) authorizing applicant to merge its Eastern Division operation with the so-called R. B. Cregar and Clark and West lines, said lines now being leased by applicant under authority of the Railroad Commission as contained in Decision No.13371 on Application No.9780, decided April 5, 1924, and to hereafter operate said leased lines as a part of the Eastern Division of applicant.

A public hearing on the above applications was conducted by Examiner Handford at Los Angeles at which time the matters were consolidated for the purpose of receiving evidence and for decision, were duly submitted and are now ready for decision.

Mr. F. D. Howell, Assistant General Manager of applicant company, testified as to the advantages to be gained by consolidation of the Dillingham lines with the eastern and southern divisions of the Motor Transit Lines in the elimination of duplicate mileage and in enabling the public to readily transfer at various junction points on the eastern and southern divisions under a revised time schedule permitting proper transfer.

The granting of the application is protested by A. B. Watson, proprietor of Crown Stage Lines, insofar as operation may be proposed between the City of Long Beach and the cities of Pomona and Riverside, protestant alleging that he operates an adequate and convenient service between such points.

There appears no valid reason why the advantages to the public and to the applicant arising from the consolidation of the Dillingham lines with the eastern and southern divisions should not be provided, but no necessity has been shown which justifies authorization for through service between Pomona, Riverside and Long Beach. Applicant seeks authorization for this consolidation and stipulates that it does not seek the removal of any restrictions imposed in this Commission's Decisions Nos.13373 and 13454 nor to operate any through service between Los Angeles and Long Beach via Downey or via any other route. The order herein will provide for such restrictions.

Mr. F. D. Howell, Assistant General Manager of applicant Motor Transit Company, testified as to plan of operation proposed under the desired consolidation of the leased Cregar lines with the Eastern Division of Motor Transit Company and as to economies possible by re-routing and the elimination of duplicate operation. Testimony in support of application was also given by Mr. C.E. Hall, Division Superintendent, and Mr. Max Green, General Passenger Agent.

The granting of this application as regards linking up of service to effect a through route serving Alessandro, Perris, Ethanac, Hemet and Idyllwild is protested by Pickwick Stages, Inc., for the reason that this protestant alleges it is now offering two round trips each day, serving Perris and Alessandro and three round trips daily serving Elsinore, and that ample seating capacity is normally available and that for occasions when additional travel is presented a reserve car is kept at Riverside to care for such emergencies.

It would appear from the evidence herein that the proposed consolidation should be authorized to effect economy of operation and eliminate the duplication of mileage and that the public will be better served by such consolidation as is herein proposed. While protestant Pickwick Stages, Inc., also serve the points regarding which objection is made, the public now has a choice of service and such choice of service will continue to be available under the proposed consolidation together with such additional convenience as may be possible by re-routing and general adjustment of applicants' schedules following consolidation.

Applicant has requested corrections of certain alleged inaccuracies as contained in the opinion in Decision No. 13371 on Application No. 9780 as decided April 5, 1924, and particularly as regards the following portion of the opinion:

"Also the operating rights as authorized in this Commission's Decision No.6439 of June 25, 1919, on Application No.4480 granting certificate for the operation of an automobile stage line as a common carrier of passengers between Riverside and Santa Ana and specifically providing that no local business is authorized between Corona and Olive and intermediate points. This certificate conferred no authority for the transportation of baggage, parcels, express or other property for compensation."

Applicant alleges that at the time R. B. Cregar entered into lease with applicant, which lease was approved by the Commission in its Decision No.13371, there was no operative right owned by said Cregar between Riverside and Santa Ana, the Riverside-Santa Ana line having on January 17, 1920, been sold to J. C. Best and the sale and transfer having been approved by this Commission in its Decision No.7043 on Application No.5251, and that by reason of such fact there should be eliminated from Decision No.13371 all reference to the operating right between Riverside and Santa Ana.

An inspection of the records of the Commission verifies the contention of applicant and the order herein will provide the desired correction.

Applicant alleges that in the opinion contained in Decision No.13371 the operating rights of R.B.Cregar were set forth as follows:

"The operating rights herein proposed to be transferred by lease are those existing by reason of operation by applicant, R. B. Cregar, as of May 1, 1917, of an auto stage line as a common carrier of passengers and baggage between Riverside and Relief Springs, serving as intermediate points the communities at Perris, Hemet and San Jacinto."

and that applicant by reason of such provision as lessee of the Cregar lines has been forbidden and denied the serving of any intermediate points between Riverside and Relief Springs, except Perris, Hemet and San Jacinto. Applicant further alleges that this Commission by its Decision No.11912 on Application No.8563, decided April 6, 1923, in approving a

lease of certain operative rights by R. B. Cregar, as lessor, to Samuel K. Clark and Clarence W. West, as lessees, defined the operating rights to be leased as follows:

"Applicant Cregar's operation between the termini named began before May 1, 1917, and has continued uninterruptedly since. It covers the intermediate points of Box Springs, Alessandro, Val Verde, Snyder, Anderson, Ferris, Ethanac, Coyote Pass, and Hemet. While applicant Cregar has other operations, generally styled "Cregar Stage Lines", none has been joined with the rights proposed to be leased and the only operation involved is the termini and intermediate points named in this paragraph."

and that the Commission should by appropriate order now correct the portion of its Decision No.13371 which limits the intermediate points for which service is authorized to include the additional points as appearing in its Decision No.11912 in which the operative rights of R.B.Cregar between Riverside and Relief Springs were fully set forth.

An inspection of the records of the Commission has been made and it appears that the contentions of the applicant are correct and the order herein will provide the authority for the rendition of service to the additional intermediate points appearing in Decision No.11912 which were omitted from Decision No.13371..

#### O R D E R

A public hearing having been held in the above entitled proceedings, the matters having been consolidated for the purpose of receiving evidence and for decision, having been duly submitted and the Commission being now fully advised and basing its order on the statements of fact as appearing in the foregoing opinion,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the merging by applicant, Motor Transit Company, of the so-called Dillingham lines with the eastern and southern divisions of

said applicant's lines, such eastern and southern divisions being fully defined in this Commission's Decision No.13454 on Application No.8454 as decided April 22, 1924, provided, however, that no authority is hereby conveyed which authorizes the establishment of through service between Riverside, Pomona and Long Beach nor between Los Angeles and Long Beach, either via Downey or any other route which will result in through service between such points; and provided, further, that no authority is herein conveyed for the transportation of property over said Dillingham lines or in connection with the merging of said lines with the eastern and southern division of the lines of applicant.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and the same hereby is issued to Motor Transit Company, a corporation, authorizing the merging of the so-called Dillingham lines with the eastern and southern divisions of applicant in accordance with the foregoing declaration and not otherwise and subject to the conditions hereinafter stated.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the merging of the so-called Cregar lines with the operation of the eastern division of applicant, the said eastern division being fully defined by description appearing in this Commission's Decision No.13454 on Application No.8454, as decided April 22, 1924, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and the same hereby is granted authorizing the merging of the so-called Cregar lines with the eastern division of applicant in accordance with the foregoing declaration, and not otherwise and subject to the conditions hereinafter stated.

IT IS HEREBY FURTHER ORDERED that the description of the Cregar lines as contained in this Commission's Decision No.13371 on Application No.9780, as decided April 5, 1924, be amended by the elimination of reference therein to the right for carriage of passengers between Riverside and Santa Ana and intermediate points,

such right having been authorized transferred from R. B. Cregar to J. C. Best by the Commission's Decision No.7043 on Application No.5251.

IT IS HEREBY FURTHER ORDERED that the intermediate points between Riverside and Relief Springs as set forth in this Commission's Decision No.13371 shall include the communities of Box Springs, Alessandro, Val Verde, Anderson, Ethanac and Coyote Pass, such points having been authorized to be served as intermediates between Riverside and Relief Springs in this Commission's Decision No.11912 on Application No.8563, as decided April 6, 1923, and having been omitted from the list of intermediate points as set forth in Decision No.13371.

IT IS HEREBY FURTHER ORDERED that the rights and privileges herein authorized are subject to the following conditions:

- 1- Applicant herein shall file with the Railroad Commission its written acceptance of the certificates herein granted within a period of not to exceed ten (10) days from date hereof; shall file, in duplicate, tariff of rates and time schedules within a period of not to exceed twenty (20) days from date hereof, such tariff of rates and rules and regulations governing same to be combinations of local rates and fares as now filed with this Commission and covering the separate lines herein authorized to be consolidated; operation of the herein authorized service to be commenced within a period of not to exceed thirty (30) days from date hereof.
- 2- The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.
- 3- No vehicle may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by it under a contract or agreement on a basis satisfactory to the Railroad Commission.
- 4- For all other purposes the effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 13<sup>th</sup> day of January, 1926.

H. B. Cregar

C. S. Squire

George D. Squire

Leon Whitford

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COMMISSIONERS.