

Decision No. 15850

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 EDWARD F. LINGO and CHARLES F. LINGO)
 for certificate of public convenience)
 and necessity to operate a motor pas-) Application No. 11749
 senger express freight service be-)
 tween San Bernardino and Los Angeles)
 County Park, California.)

Warren E. Libbey and Harry N. Blair, for Applicants.

BY THE COMMISSION:

O P I N I O N

In this proceeding Edward F. Lingo and Charles F. Lingo, as copartners, seek a certificate of public convenience and necessity authorizing the establishment of an automotive service for the transportation of passengers, freight and express between San Bernardino, Camp Cajon, Clydes Ranch, Wrightwood and Los Angeles County Park (the official name of which is Big Pines Recreation Camp) and intermediate points, together with the right to handle freight in truck loads to and from lateral points within five miles of the highway traversed, the entire route being 35 miles in length. The proposed schedule of rates and fares, time schedules and description of equipment to be used are set forth in exhibits attached to the application. A tri-weekly service

is proposed between May 15th and September 14th of each year and during the remainder of the year, including the winter season, the service will be weekly.

A public hearing was held before Examiner Austin at San Bernardino on December 28, 1925, when evidence was offered, the matter was duly submitted and it is now ready for decision.

At Big Pines Recreation Camp is situated a summer camp maintained by Los Angeles County for the accommodation of its citizens. Last year over 50,000 people were registered at this camp throughout the season, and camping accommodations will be provided during the coming season to accommodate 3000 people at one time. At present no public transportation service of any kind is available, freight and express being handled in county trucks, while individuals are required to use private means of transportation. The superintendent of the camp testified that many improvements are under way, including the construction of roads, in which the county has been aided by the Federal Government. He stated that a motor transportation service, such as that applied for herein, is desirable and necessary for the accommodation of campers. This service will be need^{ed}, not only for the transportation of passengers, but also for handling supplies of all kinds ranging from building materials to perishable produce and food supplies. He stated that in his judgment the proposed tri-weekly service will be adequate in the beginning, but in the near future a daily service will be required during the summer months. The park will be open throughout the year, it being the intention of the county to provide programs of winter sports so as to attract people during the winter season. He has

discussed the need for additional transportation with many organizations and other persons interested in the development of the park and as a result has concluded that the proposed service is essential and should be established.

At Wrightwood, four miles from Big Pines Recreation Camp, a real estate company is engaged in sub-dividing a tract of 3500 acres into small lots which are sold as camping sites. Fifty cabins have been erected and during the coming year about 250 more will be constructed. A temporary hotel has been erected accommodating about 40 people. At present persons desiring to reach Wrightwood must use private conveyances, there being no public transportation service available. A member of the real estate firm engaged in handling the sub-division testified to the need for the proposed service, stating that a weekly service will soon be required.

Representatives of certain hardware and lumber firms in San Bernardino testified to the need for a public transportation service for handling freight, such as building materials, lumber and hardware, stating there is a considerable demand for these commodities in this territory. The General Agent of the Pacific Electric Railway Company at San Bernardino, testified that, although there existed no present demand so far as his company was concerned for the transportation of passengers to Big Pines Recreation Camp, nevertheless such a demand had arisen in connection with other recreation camps established elsewhere at points along this carrier's lines. He stated that if proper stage connections were established the Pacific Electric

Railway would co-operate in handling the traffic. A representative of the Rex Transfer Company, engaged in handling express between Los Angeles, San Bernardino and Redlands, testified there was a considerable demand for handling freight from Los Angeles to Wrightwood, his company having transported sixty tons to San Bernardino during the past year, which was hauled to Wrightwood by independent truckers. The Secretary of the San Bernardino Chamber of Commerce testified he frequently received inquiries regarding a public transportation service to these points. In his judgment the passenger traffic will move in large groups. There is a need for the transportation of heavy freight, produce and dairy products, much of which will originate in San Bernardino, thus enabling the merchants of that city to extend their markets. The roads are in good condition, he stated; the proposed route traversing the State Highway to Camp Cajon and thence over the County Road to Big Pines Recreation Camp.

Mr. Edward F. Lingo, one of the applicants, expressed a willingness to adjust the service to meet the public demands, and sought permission to increase his summer schedule from a tri-weekly to a daily basis, should the traffic permit. To perform this service applicants will use two trucks and provide additional equipment if needed, arrangements having been made for any necessary financial assistance. The schedule proposed in the application has been so arranged as to provide convenient connections with the Pacific Electric trains at San Bernardino, it being applicants' intention to have their stages meet the trains at the Pacific Electric depot. At Camp Cajon applicants will handle mail and parcel post; at Clydes Ranch and also at Wright-

wood, they will serve a general grocery store and gasoline filling station; in addition, applicants will serve ranches and construction camps along the route, hauling truckloads only to those situated off the highway traversed.

The granting of this application was not protested.

However, it was stipulated between applicants and the representatives of the Victorville Transfer Company, who were present at the hearing, that if the latter were authorized to handle freight and express between San Bernardino and Camp Cajon and intermediate points, the applicants would waive the right to handle freight and express between these points. It was understood that the Commission might refer to all pertinent decisions, in order to determine the extent of the operative rights of the Victorville Transfer Company. It appears from our records that K. M. Stevenson and Paul Shafer, as co-partners, operating under the fictitious name of Victorville Transfer Company, now hold an operative right for the transportation of freight and express between San Bernardino and Victorville and intermediate points over the following routes, namely: Over the State Highway via Verdemon, Devore, Mt. View Camp, Camp Cajon, Summit Filling Station and Miller's Filling Station (Decision 14720, in Application 10884, dated March 31, 1925; Decision 13520, in Application 9980, dated May 5, 1924; Decision 11214, in Application 8259, dated November 10, 1922). Therefore, pursuant to the stipulation mentioned, applicants will not be permitted to transport freight and express between San Bernardino and Camp Cajon and intermediate points. However, applicants may handle freight originating at or destined to San Bernardino and Camp Cajon and intermediate points, handled from or destined to other

points upon their route.

We are convinced from the showing made that there is a need for the proposed service, consequently the application will be granted. Inasmuch as applicants may soon be required to increase the tri-weekly summer service to a daily service, they will be permitted to inaugurate such a service if deemed necessary, without further order from the Commission.

Upon full consideration of the evidence, we are of the opinion and hereby find as a fact that public convenience and necessity require the operation by Edward F. Lingo and Charles P. Lingo, as co-partners, of an automobile service for the transportation of express, freight and passengers between San Bernardino, Camp Cajon, Clydes Ranch, Wrightwood and Big Pines Recreation Camp, and for the transportation of freight in full truckload lots only, from and to points situated laterally along said route within a distance of five (5) miles from the main highway traversed; provided that no freight or express shall be transported locally between San Bernardino and Camp Cajon and intermediate points.

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 and basing its order on the findings of fact which appear in the opinion preceding this order,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA hereby declares that public convenience and necessity require the operation by Edward F. Lingo and Charles P. Lingo, as co-partners, of an automobile service for the transportation of express, freight and pas-

sengers between San Bernardino, Camp Cajon, Clydes Ranch, Wrightwood and Big Pines Recreation Camp, (also known as Los Angeles County Park), and for the transportation of freight in full trunk-load lots only, from and to points situated laterally along said route within a distance of five (5) miles from the main highway traversed, provided that no freight or express shall be transported locally between San Bernardino and Camp Cajon and intermediate points.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and the same is hereby granted to said Edward F. Lingo and Charles P. Lingo, as co-partners, for the establishment of the service hereinabove described.

IT IS FURTHER ORDERED that applicants be and they are hereby authorized, without further order of or permission from the Commission, to increase the service herein described from a tri-weekly service to a daily service, during any part of the period extending from May 15th to September 14th of each year, when in their judgment the demands of traffic shall so require.

The authority herein granted is subject to the following conditions:

1. Applicants shall file their written acceptance of the certificate 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 time schedules to be identical with those attached to the application herein; and shall commence operation of said service 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 him under a contract or agreement on a basis satisfactory to the Railroad Commission.

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

Dated at San Francisco, California, this 14th day of January, 1926.

H. W. Boardman
Chairman
George D. Squires
Leon White
Commissioners.