

Decision No. 15860

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
E. W. EICHBAUM for a certificate of)
public convenience and necessity to) Application No. 11,823
operate passenger, express and baggage)
service between Los Angeles and Death)
Valley, California.)

Jess Hession, for Applicant,
E. W. Kidd, for Motor Transit Company, Protestant,
W. H. Powell, for John H. Eagle, Freight & Express
and Anderson's Auto Passenger Line, Protestants,
H. W. Beck, for The Atchison, Topeka & Santa Fe
Railway Company, Protestant,
Jos. Hellen, for Southern Pacific Company, Protestant,
W. B. Finchman, for Tonopah & Tidewater Railroad
Company, Protestant.

WEIRSELL, Commissioner -

OPINION

ORIGINAL

E. W. Eichbaum in the above entitled application, as amended, has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of a passenger automobile service between Los Angeles and Stovepipe Wells, and intermediate points.

Applicant alleges that it is not the intention to compete with transportation companies now serving portions of the route and that there is an insistent desire on the part of tourists and others to visit Death Valley by direct and convenient methods of transportation. Attached to the application are the tariffs of rates, rules and regulations, and time schedules that are offered in the proposed service.

Hearings on this application were held at Los Angeles, the matter was duly submitted and is now ready for decision.

Applicant E. W. Eichbaum, testifying in his own behalf, stated that he had conducted sightseeing tours in Southern California for fifteen years past and at present is operating the Catalina Jant-

ing cars at Avalon. He placed great stress on the scenic character of the country to be seen by the traveler to Stove Pipe Wells at Death Valley, calling particular attention to Mt. Whitney, the highest point in the United States and Death Valley, the lowest, both seen on this trip. From the knowledge obtained as to the desires of tourists, witness was of the opinion that when reliable transportation and accommodations were to be had, many would avail themselves of the proposed service.

The route proposed to be used between Los Angeles and Stove Pipe Wells is the State Highway via Saugus, Palmdale, Mojave, Lone Pine, Keeler and Darwin, a total distance of about 313 miles. The last forty miles of road before arriving at Stove Pipe Wells is being constructed by applicant as a toll road, under authority granted by Inyo County. It is estimated that this road construction will cost about \$40,000. The tariffs of rates offered include toll charges. At Stove Pipe Wells applicant proposes to erect a hotel for the accommodation of tourists and others. Transportation and hotel service will be available during the winter only, as the heat in the summer is unbearable and no demand exists at that time for service. The three operations, transportation, toll road and hotel will call for an expenditure of at least \$100,000, all to be financed by applicant.

Passengers and baggage will be picked ^{up} daily in Los Angeles in a zone bounded by First and Washington Streets on the north and south, and Figueroa and Los Angeles Streets on the west and east and transported in seven passenger Pierce Arrow cars, efforts being made to render a high class service that will appeal to tourists and persons seeking health. The trip will take two days, an overnight stop being made at Lone Pine, from which point a car more suitable for desert travel will be used.

Round trip and one way tickets will be placed on sale from Los Angeles to Stove Pipe Wells or points beyond Darwin. Passengers picked up between Stove Pipe Wells and Darwin will be transported to Darwin or Los Angeles. Express service is offered between Darwin and Stove Pipe Wells.

With this stipulation as to the limitation of service, the protests of John H. Eagle, Anderson's Auto Line, Atchison, Topeka & Santa Fe Railway Company and Southern Pacific Company were withdrawn.

Motor Transit Company renders a passenger service in the general territory of Southern California, and with reference to this application renders service between Los Angeles and Lancaster. This protestant offered and desired to render the necessary transportation between Los Angeles and Lancaster, at which latter point applicant would receive the passengers and transport them for the remainder of the trip. This was not agreeable to applicant as protestant would not render the pick up service in Los Angeles that was offered and which was thought to be desired by prospective passengers. The necessity of transfer at Lancaster was a further objection.

Mr. C. W. Dow, a merchant and hotel man of Lone Pine, testified that his hotel caters to tourists and mining men, and that many inquiries are received for transportation to Stove Pipe Wells to which transportation can only be had via private conveyance beyond Darwin. Mr. A. T. Smith, a merchant of Keeler, also testified to the need of direct transportation, and was of the opinion that the proposed service would be used by mining men; would be more economical; and would be a great aid in the development of the country. Mr. Cash C. Clark concurred with the testimony of the foregoing witness. W. G. Scott testified that he believed that public convenience and necessity would be served by the inauguration of the proposed service, and as to the need of service by mining men and tourists. This witness is a member of a number of national

and local organizations having for their aim the development of the national and local resources for the public good.

It appears that the major part of the proposed transportation service will be in the nature of sightseeing operations, and that the one-way trips and service between Darwin and Store Pipe Wells will be incidental thereto. Sightseeing service exclusively is specifically exempt from the jurisdiction of this Commission by the terms and provisions of the Auto Stage and Truck Transportation Act. The service herein offered is not thus confined.

From a careful review of the record in this proceeding it appears that the present authorized carriers operating over the proposed route and territory contiguous thereto will not be materially affected, if any, by the granting of this application. It further appears that the public should receive the benefit of the direct and more economical transportation service herein offered than that heretofore enjoyed, and should also be given an opportunity to view the many scenic attractions along this route.

I am of the opinion and hereby find as a fact that public convenience and necessity require the granting of a certificate in accordance with the terms and conditions of the following order, and not otherwise.

I submit the following order:

O R D E R

Public hearings having been held on the above entitled proceeding, the matter having been duly submitted and the Commission being now fully advised and basing its order on the statements and findings of fact as appearing in the opinion which precedes this order,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity requires the operation by E. W. Eichbaum of an automobile stage service for the

transportation of passengers and baggage between Los Angeles and Stove Pipe Wells, and intermediate points between Darwin and Stove Pipe Wells over the State Highway via Saugus, Palmdale, Mojave, Lone Pine, Keeler and Darwin, subject to the following conditions:

- a - Service shall not be rendered between Darwin and Los Angeles
- b - Local passenger, baggage and express service may be rendered between Darwin and Stove Pipe Wells and intermediate points, as a part of and in conjunction with the through service herein authorized between Los Angeles and Stove Pipe Wells,
- c - Passengers and baggage may be picked up between Stove Pipe Wells and Darwin and transported to Darwin or to Los Angeles.
- d - Los Angeles, from which free pickup and delivery service is to be rendered, includes that portion of such city as is comprized within a zone bounded by First Street on the north, Washington Street on the south, Figueroa Street on the west, and Los Angeles Street on the east,
- e - The authority herein granted for the operation of an automobile passenger, baggage and express service recognizes the franchise granted by Inyo County for the construction and operation of a toll road which will be used by applicant under the authority hereby granted.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and the same hereby is granted, in conformity with the foregoing declaration and not otherwise, to H. W. Eichbaum, subject to the following conditions:

- 1- Applicant shall file his written acceptance of the certificate herein granted within a period not to exceed ten (10) days from the date hereof; shall file, in duplicate, within a period of not to exceed twenty (20) days from date hereof, tariffs of rates, time schedules, rules and regulations identical with those filed with the amended application and/or acceptable to this Commission; and shall commence operation of service herein authorized within ninety (90) days from the date of this order.
- 2- The rights and privileges herein authorized may not be sold, leased, transferred, assigned nor service thereunder discontinued unless the written consent of this Commission to such sale, lease, transfer, assignment or discontinuance of service has first been secured.

- 3- No vehicle may be operated by applicant herein under the authority hereby conferred, unless such vehicle is owned by said applicant or is leased by him under a contract or agreement on a basis satisfactory to this Commission.
- 4- For all other purposes the effective date of this order shall be twenty (20) days from the date hereof.

The foregoing Opinion and Order are hereby approved and ordered filed as the Opinion and Order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 15th day of January, 1926.

H. B. Brundage

C. Seaver

George W. Squires

Leon O'Connell
COMMISSIONERS.