

Decision No. 15968

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of A. B. WATSON, doing business)
under the fictitious name and)
style of Crown Stage Lines, for)
a certificate of public neces-)
sity and convenience.)

APPLICATION NO. 11146

ORIGINAL

Clyde Bishop, for Applicant.

O. A. Smith and E. E. Morris, for Pacific
Electric Railway Company, Protestant.

Joseph Hellen, for Southern Pacific Company,
Protestant.

BY THE COMMISSION:

O P I N I O N

A. B. Watson, transacting business under the fictitious name and style of "Crown Stage Lines," has applied to the Railroad Commission for a certificate of public convenience and necessity to operate a passenger and baggage service between Huntington Beach and Long Beach via Seal Beach, and through passenger service between Riverside and Long Beach by way of Huntington Beach.

A public hearing herein was conducted by Examiner Williams at Huntington Beach.

By Decision No. 13843 on Application No. 9771, applicant herein was denied, without prejudice, a similar application. In this decision, while the Commission found a neces-

sity for additional service between Huntington Beach and Long Beach, a distance of fourteen miles along the seashore and parallel to the Coast Highway, it was determined that rail service over the Pacific Electric Railway lines by way of Seal Beach should be established, rather than the service sought by applicant. In accordance with the order made in this decision, the Pacific Electric Railway established through service between Huntington Beach and Long Beach by way of Seal Beach. After an operation of several months, the Pacific Electric Railway filed its Application No. 11083 with this Commission, asking permission to abandon such service upon a showing of lack of patronage and continuous loss in operation, and this application was granted by the Commission in its Decision No. _____.

In the instant proceeding applicant Watson seeks to establish local service between Huntington Beach and Long Beach, and through service between Riverside and Long Beach via Huntington Beach. The schedule of operation proposed in the present operation includes five through trips daily in each direction between Santa Ana and Long Beach via Huntington Beach, and two through trips daily between Riverside and Long Beach in each direction. The fare schedule proposed by applicant is based upon the authorized rates charged for existing portions of the service, and the equipment to be used is of the same type - 29-passenger street-car safety busses. The rules offered are the same as those in force on the remainder of applicant's system.

Early in the proceedings in the instant application, protestant Pacific Electric Railway stipulated that protest

against applicant's proposed service would be withdrawn if applicant would agree to transact no local business between Huntington Beach and Seal Beach, including all intermediate points, but would accept only passengers destined to points beyond either terminal or from points beyond either terminal to points between termini. This stipulation was accepted by applicant. As it appears that the only parallel operation between the two lines is covered by this stipulation, and that the local service between Huntington Beach and Seal Beach, now provided by Pacific Electric Railway, will not be duplicated by applicant's proposed service, we believe the stipulation is consistent with public interest and should meet the approval of this Commission, in view of the palpable fact, as shown by the record, that there is not sufficient patronage to sustain two carriers.

Applicant proposes service over the newly constructed State highway between Huntington Beach and Long Beach, connecting with its present route between Huntington Beach and Riverside.

The parties to the proceeding stipulated that the record in Application No. 9971 might be made a part of the record in the present proceeding. In addition applicant produced as witnesses J. T. Burns of Sunset Beach; L. J. White, G. H. Fort and Henry E. Abplanalp, all of Anaheim Landing; W. S. Templeman, secretary of the Seal Beach Chamber of Commerce, and J. A. Armitage, secretary of the Huntington Beach Chamber of Commerce. These witnesses testified as to the necessity not only for through service between Riverside and Long Beach, but also for through service between Santa Ana and Long Beach and intermediate points. Their testimony was, in substance, that a service is necessary

in order to avoid the transfers required by the Pacific Electric by way of North Long Beach and East Long Beach, which transfers would be avoided by a direct trip via Seal Beach.

Witnesses testifying as to the necessity of through service between Long Beach and Riverside and points east of Santa Ana were W. P. Waters, Mary J. Bonham, John Jahn, John E. Dowd and James Boyd, all of Riverside; W. L. Peeler of Corona, and George A. Walls of Long Beach. In substance their testimony was that each makes frequent journeys to and from Long Beach, that at present it is necessary to change cars at Santa Ana, and that a through service by way of Huntington Beach would save time and be more convenient than the present method of changing cars at Santa Ana and going by way of Westminster. These witnesses also testified that they visit many of the points between Huntington Beach and Long Beach. We think the testimony of these witnesses amply supports the request of applicant for authority to establish a through service as proposed by him.

The granting of that part of the application providing for through service was opposed by protestant Southern Pacific Company. According to the testimony of Joseph Hellen, assistant general passenger agent of this protestant, passengers making the journey by rail from Riverside to Long Beach are carried by the Pacific Electric Railway to Colton, where a change of cars is made to Southern Pacific service, which delivers the passengers to Los Angeles, where another change is made to the Pacific Electric in order to reach Long Beach. The time required for this journey is four hours and fifteen minutes. The one-way rate of protestant is \$2.88, and three schedules

daily are offered. Applicant proposes a schedule transporting passengers from Riverside to Long Beach, without change, in two and one-half hours, and at a rate of \$1.70. The rates of both protestant and applicant provide seasonal and week-end reductions on round trips.

In view of the testimony of A. B. Watson, applicant herein, that an average of 35 passengers daily are required to change cars in a journey from Riverside to Long Beach via Westminster, and in view of the saving of time as compared with the journey by rail, with its two changes of cars, and the testimony of many witnesses, we believe the application herein for the establishment of through service between Riverside and Long Beach via Huntington Beach should be granted.

Analysis of the time schedule proposed by applicant shows inconsistency with the testimony of applicant and witnesses. Mr. Watson testified that he intends to run every other schedule through between Riverside and Long Beach. The schedule proposed in the application provides for two trips from Long Beach to Riverside at 7:30 a. m. and 1:30 p. m. Return trips from Riverside are at 3:00 and 5:00 p. m. Thus, passengers may journey to Santa Ana in the morning and return in the evening, but may only journey from Riverside to Long Beach late in the afternoon, with no through return trip until the following morning. Ability to travel in either direction morning and evening without change of cars, or more frequently, was the burden of the testimony of applicant and the many witnesses produced by him, and unless such service is provided the certificate for through service would be ineffective and

unnecessary. The granting of a certificate for through service, therefore, will be coupled with a condition that applicant file time schedules providing morning and evening service in each direction between through termini.

We therefore find as a fact, upon the record herein, that public convenience and necessity require the establishment of service between Huntington Beach and Long Beach by way of Seal Beach, as proposed by applicant, and of through service between Santa Ana and Long Beach and between Riverside and Long Beach via Seal Beach, with the exception that applicant is to give no local service at all except on such through cars, and that no local service is to be given between Huntington Beach and Seal Beach, or intermediate points. An order to that effect will be entered.

O R D E R

A. B. Watson having made application to the Railroad Commission for a certificate of public convenience and necessity to operate passenger service between Huntington Beach and Long Beach, and to operate through stages between Riverside and Long Beach via Huntington Beach, 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 operation of an automobile passenger and baggage service between Huntington Beach and Long Beach by way of Seal Beach as

an extension of applicant's present authorized service, and a through service between Santa Ana and Long Beach and between Riverside and Long Beach via Seal Beach; provided, that no local service shall be given between Huntington Beach and Seal Beach inclusive, or intermediates, except that applicant may handle all business where either the originating point or destination is beyond Seal Beach on the west and beyond Huntington Beach on the east, over and along the following route:

Coast Highway between Huntington Beach and Seal Beach, and over the routes now authorized for applicant's use between Seal Beach and Long Beach and between Huntington Beach and Riverside; and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity therefor be and the same is hereby granted, subject to the following conditions:

- I. Applicant shall file, within twenty (20) days from the date hereof, his stipulation that the certificate herein granted between Huntington Beach and Long Beach is accepted as an extension of his present service between Santa Ana and Huntington Beach, and not as a separate operating right, and that local business, as authorized herein, will be conducted only on through cars between Santa Ana and Long Beach or between Riverside and Long Beach. Applicant shall also stipulate that the certificate granting through service between Riverside and Long Beach shall not become effective unless and until applicant shall have filed with this Commission time schedules providing morning and evening through service between termini in each direction, and such additional through service as applicant may offer.
- II. Applicant shall file, in duplicate, tariff of rates identical with those as set forth in Exhibit attached to the application herein within a period of not to exceed twenty (20) days from date hereof, 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 9th
day of February 1926.

H. A. Brundage

C. S. Brown

George W. ...

Commissioners.