

Decision No. 18689.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of UNITED STAGES, INC., for certificate of public convenience and necessity to operate passenger service over alternate route between Los Angeles and Calexico, Yuma and Blythe and intermediate points, and between Riverside and Banning via Redlands.

APPLICATION NO. 11518.

In the Matter of the Application of MOTOR TRANSIT COMPANY for certificate of public convenience and necessity authorizing it to operate its automobile stage lines locally and to serve all intermediate points along the Foothill Boulevard between Los Angeles and San Bernardino, and to operate both a through and local auto stage service between Riverside and Redlands via Loma Linda, and to serve all points intermediate thereto for the carriage of passengers, their baggage and express.

APPLICATION NO. 11784.

Hugh Gordon, for United Stages, Inc., Applicant.

H. W. Kidd, for Motor Transit Company, Applicant.

R. L. McNitt, for Pasadena-Pomona Stage Line, Protestant.

C. W. Crandall, for Palm Springs Auto Stage Line, Protestant.

Jos. Hellen, for Southern Pacific Company, Protestant.

H. W. Beck, E. T. Lucey and M. W. Reed, for The Atchison, Topeka & Santa Fe Railway Company, Protestant.

Edw. Stern and T. A. Woods, for American Railway Express, Protestant.

C. W. Cornell, O. A. Smith and Forrest Betts, for Pacific Electric Railway Company, Protestant.

H. N. Blair, for Motor Service Express and Keystone Express, Protestants.

BY THE COMMISSION:

O P I N I O N

United Stages, Inc., has made application to the Railroad Commission for a certificate of public convenience and necessity to operate its stages between Los Angeles and Imperial Valley points over the Foothill Boulevard, and to receive and discharge passengers between Los Angeles, Pasadena and San Bernardino when originating at or destined to points east of Redlands, without local service between any of the points involved; also to conduct both through and local service between Riverside and Banning via Highgrove, Loma Linda and Redlands.

Motor Transit Company, a corporation, has made application to the Railroad Commission for a certificate of public convenience and necessity to operate its stage lines locally and to serve all intermediate points along the Foothill Boulevard between Los Angeles and San Bernardino, and to conduct through and local stage service between Riverside and Redlands via Loma Linda, serving all points for passengers, their baggage and express.

Public hearings herein were conducted by Examiner Austin at Los Angeles, at which time the matters were duly submitted and now are ready for decision.

Applicant United Stages, Inc., now operates a line between Los Angeles and the Imperial Valley over the Valley Boulevard via Riverside. It is proposed to divide its operating schedule so that one or more trips per day will be made via Pasadena, thence over the Foothill Boulevard to San Bernar-

dino, thence via Redlands, Beaumont and Banning to Coachella and points in the Imperial Valley. The application was intended to place applicant in a position to conduct a through haul for all passengers journeying to points east of Redlands, without the necessity of transfer from other lines at Riverside or Banning.

When this application was presented at the hearing, Motor Transit Company, already operating restricted service between Los Angeles and San Bernardino over the Foothill Boulevard, appeared as a protestant and also presented its application for joint hearing with the application of the United Stages. By order of the Commission the applications were set for hearing together, and during the progress of the hearings the Commission consolidated the applications for the receiving of testimony and for decision. It was also ordered that all express rates should be determined by decision on Application No. 11502, now pending.

Subsequent to the submission of both applications, all the rights and interests of the United Stages, Inc., were, by authority of this Commission, transferred to and vested in Pickwick Stages System, including its rights as applicant herein as set forth in Decision No. 17585 on Application No. 13051, dated November 9, 1926. This transfer of interest substantially modified the relationship of applicant Motor Transit Company and Pickwick Stages System and resulted in a stipulation between these parties, filed subsequent to the hearing, whereby Pickwick Stages System, as successor to United Stages, Inc., withdrew all its request for service over the Foothill Boulevard and elsewhere, and retained only that por-

tion of the application requesting authority to conduct through service between Riverside and Redlands via Loma Linda. The result of these modifications is that the Commission is now asked to authorize unrestricted through and local service between Los Angeles, Pasadena and San Bernardino by Motor Transit Company over its existing routes, and through and local service between Riverside and Redlands via Loma Linda, and to authorize Pickwick Stages System to operate through service between Riverside and Redlands; and the question to be determined is the adequacy of existing facilities and the proof of public convenience and necessity as shown by the testimony presented.

It was stipulated during the progress of the proceedings that the testimony as to public convenience and necessity should apply equally to either applicant, and in this respect the testimony introduced by applicant United Stages would be considered as beneficial to the application of Motor Transit Company in so far as its requests are concerned.

During the progress of the hearings thirty-five witnesses were presented by applicants in support of the necessity for the service proposed. Many of these witnesses were agents and employees of the applicant corporations, and their testimony related to demands at various stations now maintained by each applicant, as well as from individuals, pointing out inconvenience of both present stage and rail facilities. In order to present this testimony briefly we shall first discuss the testimony relating to the Foothill Boulevard operation.

Applicant Motor Transit Company proposes unlimited through operation for passengers, their baggage and express between Los Angeles, Pasadena and San Bernardino. This applicant operates from Los Angeles via Huntington Drive to Arcadia, thence turning north to the Foothill Boulevard and following it through Upland and Claremont to San Bernardino. It also has a direct service branching from this line into Pomona. From Pasadena, applicant's service proceeds southerly along Los Robles to a junction with the main line at Huntington Drive, thence over the route as heretofore given, there being no direct operation by this applicant between its station in Pasadena and Arcadia over the Foothill Boulevard.

Witnesses presented in support of this phase of the application testified that at the present time passengers desiring to go from Pasadena or any Foothill Boulevard point, to points east of Glendora, particularly Riverside or Redlands, are obliged either to take the Pacific Electric Railway's Glendora line and travel westwardly to the junction of the Pacific Electric line with the Valley Boulevard, a distance of 11 miles, or less, and there, by transfer to the San Bernardino - Riverside line of the Pacific Electric, gain transportation to these points; or passengers are required to board the stages of the Pasadena-Pomona Stage Line and make connection with the Pacific Electric or applicant either at La Verne or at Pomona. The testimony of these witnesses was to the effect that at applicant's stations in Pasadena, Monrovia, Riverside, San Bernardino, Redlands, Banning and Imperial Valley points, inquiries are received daily for direct transportation by stage to or from Foothill Boulevard points. This testimony shows a continuous expression of need

by the public for direct connections, covering a considerable period of time, and this testimony was not refuted by protestants, except in one or two minor instances. The record in this respect unquestionably shows a public need for the transportation proposed by applicant, in so far as through service is concerned, it being perfectly plain that the Pacific Electric does not furnish through service eastwardly along the Foothill Boulevard beyond Glendora, and that all traffic seeking to go east of Glendora must either ride the Pacific Electric a distance of 11 miles or more westwardly to a junction with the San Bernardino - Riverside line, or journey in the stages of the Pasadena-Pomona line for a connection either at La Verne or Pomona. We think the testimony is clear that these connections are not satisfactory to the public, except with the Pacific Electric at La Verne. This protestant operates six services daily on a two-hour schedule, from 7 a. m. to 7 p. m. It is distinctly a local line and devotes all its efforts to the conduct of local business, and the testimony seems conclusive that it is performing this service satisfactorily.

The larger question of convenience to the public in providing direct and rapid through transportation to distant points outweighs the objections made by this protestant to the establishment of through service by applicant, the public, we believe, being entitled to a choice of services when the demand is large enough, as appears to be the case from the record in this proceeding. We do not believe, however, that the evidence justifies the removal of restrictions upon applicant's local service between Arcadia and San Dimas, as applied for, as for local service protestants Pacific Electric Railway and Pasadena-

Pomona Stage Line maintain adequate facilities.

Applicant also seeks authority to conduct through and local service between Riverside and Redlands via Highgrove and Loma Linda, serving all intermediates for passengers, baggage and express. The testimony of many witnesses from Highgrove, Redlands, Loma Linda and Riverside is sufficient, we believe, to justify the granting of authority for the establishment of this operation. The chief protestant against this service was the Pacific Electric Railway, which conducts service between Riverside and Redlands via San Bernardino, incidentally serving Highgrove and Loma Linda. The testimony shows that the service in both instances is not direct to the communities, and that in both cases a walk of from one-half mile to a mile and a half is necessary in order to board the Pacific Electric cars, and further, that this service is conducted on a two-hour schedule.

Applicant formerly conducted a service between Riverside and Highgrove, but the limitations on this service necessitated its abandonment by permission of this Commission, due to lack of patronage. It was the testimony of witnesses that a direct service between Riverside and Redlands, without the necessity of journeying through San Bernardino, would be of decided benefit, and the Chambers of Commerce of Riverside and Redlands, as well as the Highgrove Chamber of Commerce, supported this demand. The journey by rail between termini is practically hourly, and the distance, 16 miles, takes an hour by the Pacific Electric cars, including the stop in San Bernardino and a change of cars. The routes traversed by the two carriers are entirely different, the rail service going by way of Colton and San Bernardino, while the stage

service would go directly east from Highgrove through Loma Linda. The operating time of the stage service is on a 45-minute schedule between termini, without any change, and the service that the stage line would give is largely to an area now without any transportation service. For these reasons we believe the request of applicant for authority to establish this service should be granted.

Applicant Motor Transit Company stipulated in this proceeding that whatever rights for the transportation of express matter may be granted herein will be subject to modification by whatever decision this Commission may render on Application No. 11502, which is Motor Transit Company's application for a uniform weight limit and rate structure over its entire system.

The application of Pickwick Stages System, having been reduced by elimination to a mere through operation between Riverside and Redlands, with the privilege of receiving only such passengers as are destined to or from points west of Riverside and east of Redlands, seems to be unobjectionable. The right of Pickwick Stages to use this route as it has been used was questioned in the proceeding, but the operation was excused on the ground that the work being done on the route via Moreno, commonly known as the "Jack Rabbit Trail", was such that it was unsafe to operate the large passenger vehicles of applicant over this route. The testimony was not clear that this was a good reason at all times, but it appeared that frequently the detours provided were such that safe stage operation could not have been conducted over them. However, it appears that it is to the public interest to have one branch

of the Pickwick Stages System to the Imperial Valley pass over this route for through service purposes, and as no important objection was made in the hearing to such through service, we believe a certificate should be granted authorizing this applicant to route its stages to Imperial Valley either via Moreno or via Loma Linda east of Riverside.

We are of the opinion, therefore, that applicant Motor Transit Company should be permitted to become a carrier for through business from points on the Foothill Boulevard west of Claremont, and to deliver passengers intending to take the Pickwick System stages to the Imperial Valley or other points, at Redlands; that Motor Transit Company should be permitted to establish service locally between Riverside and Redlands, inclusive, and that applicant Pickwick Stages System should be permitted to route its schedules east of Riverside via Loma Linda and Redlands. In all other respects we believe the applications herein should be denied, and an order will be entered accordingly.

O R D E R

Motor Transit Company, a corporation, having made application to the Railroad Commission for a certificate of public convenience and necessity authorizing it to operate local and through service between Los Angeles and Pasadena and San Bernardino and Redlands via the Foothill Boulevard over its existing routes, and also to establish automobile service for the transportation of passengers, their baggage and express, between Riverside and Redlands, 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 by applicant Motor Transit Company of a through automobile service for the transportation of passengers, their baggage and express, between Los Angeles and Pasadena and San Bernardino and Redlands, over applicant's existing routes as duly authorized by this Commission, this certificate benefiting applicant only by the permission to do such through business without change of rates for either passengers, their baggage or express, until and when such rates shall be modified by this Commission in its decision upon Application No. 11502 of applicant herein and now pending for determination; also for the operation of automobile service for the transportation of passengers, their baggage and express, between Riverside and Redlands, inclusive, and all points intermediate, over the highway via Highgrove and Loma Linda, such certificate as to rates for express to be modified by whatever decision this Commission may render in said Application No. 11502; and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity for such service be and the same hereby is granted to applicant Motor Transit Company, subject to the following conditions:

- I. Applicant Motor Transit Company shall file its written acceptance of the certificate herein granted within a period of not to exceed ten (10) days from date hereof.
- II. Applicant shall file, in duplicate, within a period of not to exceed twenty (20) days from date hereof, tariff of rates and time schedules,

such time schedules and tariff of rates to be identical with those attached to the application herein, or time schedules and rates satisfactory to the Railroad Commission, and shall commence operation of said service within a period of not to exceed sixty (60) days from the 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 herein under the authority hereby granted 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.

Pickwick Stages System, a corporation, having made application to the Railroad Commission, as amended, and as successor in interest to United Stages, Inc., original applicant herein, for a certificate of public convenience and necessity authorizing operation of its through stages between Los Angeles and Imperial Valley points, and between Riverside and Beaumont via Highgrove, Loma Linda and Redlands, public hearings 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 by applicant Pickwick Stages System of its through stages between Los Angeles and Imperial Valley points, and between Riverside and Beaumont via Highgrove, Loma Linda and Redlands; and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity for such service be and the same hereby is granted to applicant Pickwick Stages System, subject

to the following conditions:

- I. Applicant Pickwick Stages System shall file with the Railroad Commission, within a period of not to exceed twenty (20) days from date hereof, its written acceptance of the certificate herein granted.
- II. Applicant shall file, in duplicate, within a period of not to exceed thirty (30) days from date hereof, its time schedules for operation over said route, for through business only, without any transportation of passengers, their baggage, or express, between Riverside and Redlands, inclusive, or intermediates, and for said through business only for the transportation of passengers, their baggage, or express, from or to points west of Riverside, or from or to points east of Redlands, when such passengers, their baggage or express are destined to points west of Riverside or east of Redlands.
- 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 herein under the authority hereby granted unless such vehicle is owned by applicant or is leased by it under a contract or agreement on a basis satisfactory to the Railroad Commission.

IT IS HEREBY FURTHER ORDERED that in all other respects the applications herein and each of them be and the same hereby are denied.

For all purposes except as hereinbefore stated, the effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this 8th
day of August 1927.

Leon O'Whalley
Thos. J. Lott
M. J. Carr
COMMISSIONERS.