

Decision No. 19579

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

**ORIGINAL**

In the Matter of the Application of PICKWICK STAGES SYSTEM, a corporation, for a certificate of public convenience and necessity to extend and operate its automobile stage service as a common carrier of passengers and express matter between Mojave and Lone Pine, California, and intermediate points.

Application No. 12402

In the Matter of the Application of GEORGE W. WILKINS to sell his one-half interest, and GUY S. ALEXANDER to purchase said one-half interest in an automobile stage line, known as the "Bishop-Mono Lake Stage Line," operated between Bishop and Mono Lake, California, and intermediate points, and application of GUY S. ALEXANDER and his co-partner L. B. LARSON for a certificate of public convenience and necessity to extend their service from all points north of Bishop to Pasadena and Los Angeles.

Application No. 13819

In the Matter of the Application of GEO. W. WILKINS and L. B. LARSON for certificate of public convenience and necessity to operate auto passenger and express service between Bishop and Mono Lake and all points intermediate thereto and points within 4 miles of main road.

Application No. 13878

Earl A. Bagby for Applicant in Application No. 12402, for California Transit Co. and Owens Valley Transportation Co. Protestants in Applications Nos. 13819 and 13878.

Edward Stern for American Railway Express Company. Protestant in Applications Nos. 12402 and 13878.

Jos. Hellen and A. A. Jones, for Southern Pacific Company, Protestant in Applications Nos. 12402 and 13819.

Guy S. Alexander and L. B. Larson, for Applicants in Applications Nos. 13819 and 13878 and Protestants in Application No. 12402.

E. D. Melcker, for Pasadena Chamber of Commerce, Altadena Chamber of Commerce, and Isaac Walton League, favoring Application No. 13819.

Harvey W. Guthrie for Smith Auto Company, Protestant in Application No. 13878.

BY THE COMMISSION -

O P I N I O N

In Application No. 12402 Pickwick Stages System, a corporation, has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by it of an automobile stage service as a common carrier of passengers and express between Mojave and Lone Pine and the intermediate communities at Cinco, Ricardo, Tavern, Freeman, Nacka, Little Lake, Haiwee, Olancho and Owens Lake, as a part of and to be operated in conjunction with its present system. By an amended application California Transit Co., a corporation, having succeeded to the interest of Pickwick Stages System is substituted as applicant in Application No. 12402. In the amended application California Transit Co. alleges that it has entered into an agreement with Owens Valley Transportation, Storage and Packing Company, a corporation, for the leasing and ultimate purchase of the operative rights of said Owens Valley Transportation, Storage and Packing Company covering the transportation of passengers, express and freight between Lone Pine and Bishop and intermediate points, together with certain branch line service. By reason of the substitution of applicant California Transit Co. for Pickwick Stages System and the agreement between California Transit Co. and Owens Valley Transportation, Storage and Packing Company, applicant California Transit Co. herein proposed the establishment of an automobile passenger and express service between Mojave and Lone Pine and between Lone Pine and Bishop each of said services to be consolidated with the operations of California Transit Co. as now operated between Los Angeles and Mojave and between Mojave and Bakersfield as well as with the rest of its transportation system. Applicant California Transit Co. represents that the granting of its application, insofar

as it relates to any portion thereof, is dependent upon the granting of other portions thereof, in other words, applicant does not desire to acquire the operative rights of Owens Valley Transportation, Storage and Packing Company if it should not be authorized to acquire the proposed operative rights between Mojave and Lone Pine, nor does applicant desire to acquire the operative rights between Mojave and Lone Pine unless it is also authorized to acquire the operative rights of Owens Valley Transportation, Storage and Packing Company; nor does applicant desire to obtain either of the operative rights unless the same may be consolidated with each other and with the present operative system of applicant, so that through routes and joint fares may be established between Mojave and Bishop and all intermediate points on the one hand, and all points now served by applicant on the other hand, and so that operation may be conducted with through stages between Los Angeles and Bishop, via Mojave and Lone Pine, serving all intermediate points.

Applicant prays for an order authorizing

1- The lease and purchase of the operative rights and equipment of Owens Valley Transportation, Storage and Packing Company.

2- The operation of passenger and express auto stage service as a common carrier between Mojave and Lone Pine, and intermediate points.

3- The consolidation of the above operations with each other and with the present operations of the applicant, thereby resulting in the establishment of through routes and joint rates between said operative rights and routes to be so acquired and the points at present served by the applicant and so that through service might be established between Los Angeles and Bishop, via Mojave and Lone Pine, serving all intermediate points in the transportation of persons and express.

In Application No. 13819, George W. Wilkins, L. B. Larson and Guy S. Alexander have petitioned for an order of the Railroad Commission authorizing a transfer of the half interest in the operative rights and equipment used in the conduct of an automo-

bile stage line between Bishop and Mono Lake and intermediate points from the partnership of Geo. W. Wilkins and L. B. Larsen operating under the name of Bishop-Mono Lake Stage Line, to the partnership of Guy S. Alexander and L. B. Larson, and for a certificate of public convenience and necessity authorizing the extension of service for the transportation of passengers between Los Angeles and Pasadena and all points now served north of Bishop.

In Application No. 13278 George W. Wilkins and L. B. Larson, copartners operating under the name and style of Bishop-Mono Lake Stage Line, have petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by them of automobile stage service for the transportation of passengers and express between all intermediate points between Bishop and Mono Lake and also to and from Whitmore Tubs, Rymer's Camp, and Los Angeles High Sierra Playground and all intermediate points, same being located from 1 to 4 miles off the main highways.

Public hearings on the above applications were conducted by Examiner Handford at Bishop, Mojave, Los Angeles and San Francisco, the matters were consolidated for the purpose of receiving evidence and for decision, were duly submitted, and are now ready for decision.

In Application No. 12402 California Transit Co. proposes to charge rates between Bishop and Lone Pine in accordance with tariffs now established by Owens Valley Transportation, Storage and Packing Company locally between Mojave and Lone Pine, as through rates between Mojave and Bishop, and as through rates between Los Angeles and Bishop applicant proposes rates in accordance with Exhibits D-1 to 4, inclusive, as filed with the application. The proposed time schedules are set forth in amended exhibit "C", it being proposed to serve as intermediate stations between Mojave and Lone Pine the communities at Cinco,

Freeman Junction, Little Lake, Haiwee and Olancho and such additional points as may be desired by the public assessing therefor a rate of 7½ cents per mile with the provision that the fare so assessed shall not exceed the published fare from or to the next more distant tariff point. The equipment proposed to be used between Mojave and Lone Pine is that now used by applicant in its operation between Los Angeles and Bakersfield, via Mojave, together with such additional equipment from its system supply as used in its general transportation business.

Applicant relies as justification for the granting of the desired certificate upon the following alleged facts: (1) that there is no public transportation company operating as a common carrier of passengers between Mojave and Lone Pine; (2) that there is no direct method of transportation from points in California north of Los Angeles, including the whole of the Sacramento and San Joaquin Valleys and San Francisco, to the territory herein proposed to be served between Lone Pine and Bishop; (3) that the only common carrier service available for the whole of said territory is that rendered by the Southern Pacific Company by one daily schedule between Los Angeles and Owenyo by its broad gauge service, and between Lone Pine and Bishop by a narrow gauge service, and that such rail service does not render direct service to the principal points affected by this application, the rail service being about two miles distant from Lone Pine and thence to Laws which is about five miles northeast of Bishop and between such termini the existing rail service is similarly distant from centers of population; (4) that persons desiring to travel between points in the Owens Valley now served by the Owens Valley Transportation, Storage and Packing Company, and points west of the mountain range north of Mojave will have, by the proposed service, an opportunity to receive direct transportation between Mojave and Lone Pine,

rather than be compelled to traverse the distance and expend the time and the transportation expense on a circuitous trip through Los Angeles or other southern points; (5) that the proposed route is the most direct and practicable between the Owens Valley and the City of Los Angeles and its establishment will be a great advantage to the traveling public; (6) that applicant will be able to render the through service proposed as the proposed schedules between Los Angeles and Mojave will supplant the existing schedules and therefore will not incur additional operating costs, and also the present schedules of the Owens Valley Transportation, Storage and Packing Company will be supplanted by other schedules by reason of which satisfactory through and local service will be rendered without increasing the cost of operation, the only additional cost being for the conduct of service between Mojave and Lone Pine; and (7) that by reason of existing transportation conditions applicant is informed that many persons are now being transported over the route herein sought by applicant and between Mojave and Lone Pine by private conveyance, rent cars, and other expensive methods of more or less private transportation, and that as to such persons the proposed operation would be a direct conveyance and to whom the proposed operation is a public necessity.

Applicants Guy S. Alexander and L. B. Larson, as co-partners doing business under the fictitious name of Bishop-Mono Lake Stage Line, propose under Application No. 13819 to charge fares and rates in accordance with a schedule marked "Exhibit B" as attached to and forming a part of the application; to operate on a schedule of three round trips per week, leaving Los Angeles on Tuesdays, Fridays and Saturdays and leaving Mono Inn on Sundays, Wednesdays and Saturdays, serving regularly the intermediate points of Pasadena, Clarks, Tom's Place at Rock Creek, Fobes Camp, Hans Lof Place, Mammoth Hotel, Crest View Camp, Banington Saw Mill, Crater Camp, Boulder Lodge, Culver's Camp, June Lake Lodge,

Cherokee Lodge on Gull Lake, Fern Creek Lodge, Carson's Camp at Silver Lake, Cain Ranch, Farrington Ranch, Leevining and Tioga Lodge. Applicants also propose to serve the following intermediate points on call for the receipt or delivery of passengers, Hilton Lakes, Whitmore Tubs, Raymer's Camp at Convict Lake, Tamarack Lodge, Crystal Crag, Wildrye Camp, W.O.W. Camp, Camp High Sierra, and Highway Stops. Operation is proposed during the tourist or vacation season, extending approximately from June 15 to September 15th of each year. The equipment proposed to be used by applicants consists of one 11 passenger Pierce Arrow Bus and such other additional equipment as may be justified by the demands of traffic.

Applicants rely as justification for the granting of the desired certificate on the following alleged facts: (1) that there is no direct transportation service of any kind now operating between Los Angeles or Pasadena and the mountain resort points now served by applicants and located between Bishop and Mono Lake; (2) that seventy-five percent of the passenger traffic anticipated and for which the through service is requested consists of traffic to or from the Los Angeles City Play Grounds known as Camp High Sierra to which passengers travel on tickets purchased through the Playground Department of the City of Los Angeles and which transportation has heretofore been contracted for by said Los Angeles Playground Department; and (3) that numerous requests have been received by applicants from the general public requesting the establishment of the proposed through service from Los Angeles and Pasadena as an extension of service now and heretofore performed by applicants between Bishop and Mono Inn and intermediate points.

In Application No. 13878, Geo. W. Wilkins and L.B. Larson, co-partners operating under the fictitious name of Bishop-Mono Lake Stage Line, seek authority for passenger and express service

to all intermediate points on their existing route between Bishop and Mono Lake and also for extension of passenger and express service as a portion of their existing operative rights to and from Whitmore Tubs, Rymer's Camps, Crystal Crag, Tamarack Lodge, and Los Angeles High Sierra Playground, such points being located from one to four miles from the main highway and are proposed to be served on call. The additional intermediate points proposed to be served are Clark's Rock Creek Camp, Boulder Lodge, Culver's Camp, June Lake Lodge, Cherokee Lodge, Carson's Ranch, and Lewning-

Applicants rely as justification for the granting of the desired certificate upon the following alleged facts: (1) that the certificate under which applicants are at present operating was granted by the Railroad Commission's Decision No. 11722 on Application No. 8027, as decided February 27, 1923, and authorized the operation of automobile stage passenger and express service between Bishop and Cunningham (now known as Mono Lake) serving as intermediate points Rock Creek Station, Eaton's Ranch, Summer's Ranch, Mammoth Camp, and Cain's Ranch, (2) that applicants were of the opinion that because Application No. 8027 as filed contemplated the serving of any and all intermediate points it included such right and that only recently were they advised that the operative rights were restricted to the intermediate points as set forth in said Decision No. 11722; (3) that the territory served consists of seasonal resorts and since the granting of Application No. 8027 there have been various changes in names and location of resorts, also a number of new resorts have been established at points directly intermediate on, and at points from one to four miles from the main traveled highway; (4) that applicants have at all times rendered service to the directly intermediate points and to the off-highway points, such service having been rendered on call; and (5) that there is a



public necessity for the continuation of the intermediate and off-highway service.

W. L. Smith, automobile dealer; O. S. Brock, bank cashier; C. B. Culver, sporting goods dealer; E. L. Ray, garage owner; Joseph Edward Riley, garage and automobile dealer; Geo. C. Keough, former resort owner; and Mrs. Margaret Gilbert, hotel operator; all residents of Bishop, testified in behalf of applicants proposing through service from Bishop to Los Angeles. It appears from the testimony of these witnesses that frequent inquiry is made for through service between Bishop and Los Angeles; that the majority of Bishop residents and visitors use their own cars or the stage service of the Owens Valley Transportation, Storage and Packing Company between Bishop and Lone Pine in their trips between Bishop and Los Angeles; that express service, especially on small shipments is not satisfactory when routed all rail, at least three hours less time being required on shipments from Los Angeles if a transfer to the stage line is made at Lone Pine; and that the long layover at Mojave is inconvenient for through passengers using the rail facilities as is also the transfer to a narrow gauge mixed train operating between Owenyo and Laws, the nearest rail station serving Bishop. All these witnesses prefer the proposed through stage service, and would use it if authorized in preference to their own cars or the present existing public transportation. By stipulation, the testimony of Carl Keough, a rancher, Mr. Vonderkeid, operating Keough Hot Springs resort, and S. Williams, a merchant, all of Bishop, was received.

Peter Steffen, residing at Aberdeen and operating a general merchandise store, believes the proposed service to be necessary having heard frequent inquiries and complaints from the public, the rail station being four miles from the community and no shelter facilities being available. Witness would also use the proposed service for express shipments in preference to traveling twelve miles to the rail station at Independence where agency

facilities are available, the rail station at Aberdeen being a non-agency where shipments are delivered at owner's risk and without protection from the weather, pilferage or theft.

E. J. Seymour, residing in Los Angeles, testified that he had recently taken over all the privately owned land in Mono National Park and was erecting a 50 room hotel, bungalows and cabins; that there was a need for the proposed transportation for laborers, citizens and guests of his resorts; and that an investment in excess of \$200,000 was being made in his resort projects; that he is at present operating his own trucks in transporting his materials and supplies from Los Angeles. Witness does not use the train service for his trips, claiming that it is too slow and inconvenient, although would use the proposed stage service, if authorized, in preference to his own car, believing the proposed service to be a genuine necessity not only for his personal needs but for the guests of his resorts, he having accommodations for 350 guests and anticipating that seventy-five percent of such number would patronize a stage service.

T. J. Yerby, residing at Tom's Place, Rock Creek, twenty five miles north of Bishop, testified regarding inquiries received for through stage service from patrons who would prefer such transportation rather than the use of their own automobiles; that the present rail transportation was not satisfactory due to the delay at Mojave, the transfer at Owenyo and the desert trip by railroad on the east side of the Owens Valley.

G.W. Dow, residing at Lone Pine and in the hotel and lumber business, favored the establishment of through stage service. This witness operates three hotels in the Owens Valley and receives frequent inquiries from his patrons for through stage service, seventy-five percent of the travel north of Lone Pine being destined to resorts north of Bishop.

Harry A. Culver, operating Culver's Camp on June Lake, testified that the establishment of through stage service from Los Angeles was desirable, the existing service having kept many people from visiting the mountain resort territory. Witness opens his resort on May 1st and closes in January and is of the opinion that any authorized stage service should operate until the latter part of September of each year.

Roy Carson, operating Carson's Camp on the June Lake road, testified he had heretofore received service from the Bishop-Mono Lake Stage Line, that such service had been satisfactory and an extension of such service to Los Angeles would be desirable, his patrons having complained of inconvenience and delay on the railroad portion of the trip. This witness has facilities for the accommodation of 70 guests and has handled 200 during the month of June, practically all coming to his resort from Southern California points.

Miss Jean Mc Cullough, in charge of the High Sierra Camp, operated by the Los Angeles Playgrounds Commission, favors the establishment of through stage service from Los Angeles for a seasonal operation of at least three months during the summer. This camp is open from 10 to 11 weeks during the summer and is patronized by families who are residents of the City of Los Angeles and who arrange for their vacations in the High Sierra Camp through the Board of Playgrounds and Recreation of that city. Many of the users of the camp request stage transportation and object to the rail portion of the trips by reason of the time consumed, long delays at Mojave and the changes at Owenyo and Laws.

Frederick G. Leonard, residing at Los Angeles, testified he was formerly a member of the Board of Playgrounds and Recreation of the City of Los Angeles, having been Chairman of such board for eight years; that he had made many trips to the High Sierra and was fully familiar with the High Sierra Camp at Mammoth Lake the survey having been completed in 1922, the work of construction

being commenced in 1925. During the first season the camp was opened for the residents of Los Angeles it had a capacity of fifty and has been enlarged until its present capacity is ninety. This witness has always used his own automobile on his trips from Los Angeles, preferring to do so as the present public transportation service is not satisfactory, the present train service being poor and any through stage service offered in substitution being preferable. Witness would have used a through stage service at least five times during the past year in preference to his own car.

Lloyd B. Austin, operating Tamarack Lodge and the owner of Switzerland, testified the proposed through stage service would be a material benefit to his resorts and also to others in the territory north of Bishop, that prospective patrons and guests refuse to make the trip when advised of the existing transportation facilities; and that the class of patronage seeking recreation and vacations will not use the type of transportation now available preferring to go to other resorts and other localities where transportation difficulties are not present. B. G. Johnson, proprietor Crystal Crag Lodge, Lake Merriam; Mrs. Elizabeth W. Mc Kee, of Cherokee Lodge, June Lake, and M.E. Troxel, operating a garage and service station on the June Lake Cutoff, were witnesses whose testimony was stipulated to be substantially the same as that of witnesses Austin and Carson.

Wallace D. Mc Pherson, proprietor of Mono Inn on Mono Lake, testified as to satisfactory passenger and express service rendered by the Bishop-Mono Lake Stage Line during the past five years; that the proposed through stage service to Los Angeles would be a material advantage to all Mono County resorts and would provide an adequate connection at Mono Lake for a through route to Bridgeport, Minden, Reno and Nevada points; that frequent inquiries were made at his hotel for stage transportation through to Los Angeles; and that the establishment of through service would result in new

business for resorts and enable tourists and vacationists to return via Yosemite or via Nevada or Lake Tahoe, and also passengers originating over such routes to reach Los Angeles via the scenic highway on the easterly side of the Sierra. J. B. Craig, representing W. W. Cunningham, owner of Mono Lodge, testified substantially as did witness Mc Pherson regarding the benefits to accrue to Mono County resorts by the establishment of a through stage line to Los Angeles.

C. A. Tripp, proprietor Hotel Mojave; C. W. Townsend, Justice of the Peace; K. Eucken of Kingston Hotel; J.F. Freed, bookkeeper in department store; V.D. Beane, Postmaster and President of Mojave Chamber of Commerce; B.F. Soster, proprietor of a rooming house; and Andy Smith, garage proprietor; all of Mojave, testified in favor of the establishment of stage service between Mojave and Lone Pine. These witnesses testified that many complaints were made by travelers regarding the Southern Pacific rail service, especially as to the layover at Mojave both on north and southbound trips; that frequent inquiries were made regarding stage service to points in the Owens Valley; that by reason of the long wait between trains passengers, particularly women with children, secured rooms at hotels or lodging houses; that the present leaving time of northbound trains was very inconvenient; that travelers frequently engaged private machines at Mojave rather than wait long intervals for train service into the Owens Valley; and that the establishment of the proposed service would enable express shipments of automobile parts, meats and perishables to be promptly forwarded.

The Mojave Chamber of Commerce by its formal resolution, filed as an exhibit herein, endorses the granting of a permit for a permanent stage line between Mojave and Bishop.

Fred A. Alley, a resident and automobile dealer of Palmdale, and President of the Palmdale Chamber of Commerce, favors the establishment of auto stage service between Los Angeles and Owens Valley

points believing that the public needs such service in replacement of the present inadequate passenger service available by the railroad. Similar testimony was given by F. J. Fehrensens, a druggist of Palmdale and a member of the advisory board of the Bank of Italy for Palmdale and Lancaster.

M. H. Rowell, residing at Lancaster and Principal of the Lancaster High School, testified as a representative of the Lancaster Chamber of Commerce and in favor of the establishment of the proposed stage line from Lone Pine to Mojave enabling through stage service to be rendered between Bishop and Los Angeles. School children living on the proposed route attend the Lancaster Union High School, some living as far distant as Lone Pine, and the transportation needs of these children would be better cared for, and the proposed service would be a material benefit to the entire territory served.

W. S. Webb, operating a garage and general merchandise business at Rosemond, testified the proposed service would be of advantage in the handling of emergency express shipments of automobile parts, several instances having occurred where replacement parts had been furnished by him to tourists who had experienced automobile trouble between Lone Pine and Mojave and who were required to wait for deliveries by the present rail service.

Rudolph Hagen of Ricardo, Red Rock Canyon; Mrs. R.W. Van Dyke of Homestead Service Station; and Karl Bruno of Lone Pine, testified as to the need of auto stage service for points intermediate between Lone Pine and Mojave and the convenience which would be afforded for the transportation of passengers. By stipulation the testimony of Mr. Messinger of Traveler's Rest, near Indian Wells; Mr. West, residing near Cinco; and Mr. Sterling, residing at Linnie, north of Indian Wells; was to be considered similar to that of the above mentioned witness.

Geo. F. Brown and Frank Zwack, merchants at Olancho, testified as to the desire of their community for the establishment of

stage service between Mojave and Lone Pine. Frequent inquiry is made by the public for more satisfactory service than is afforded by present existing public transportation. Express packages now received at the Southern Pacific station at Olancha and which now require a local delivery charge of twenty-five cents per package would be delivered direct and the present delay at Mojave would be eliminated.

A. Ransom, engaged in the hotel business at Big Pine, for testified regarding daily inquiries made/through stage service; that his patrons would not patronize the narrow gauge line of the Southern Pacific Company; and that the proposed stage schedules and rates were satisfactory. The community at Lone Pine is served by the Southern Pacific station of Zurich, 2½ miles distant.

J. K. Keneely, employed in the legal department of the Bureau of Water and Power of the City of Los Angeles, testified that while no official action had been taken by his organization it would be of advantage to have daily stage service into the Owens Valley; that proposed new construction work would necessitate additional service; and that the rates and schedules proposed appeared to be satisfactory.

E. D. Melcher, Secretary of the Transportation Committee of the Pasadena Chamber of Commerce, testified that he was instructed by his organization and by the Altadena Chamber of Commerce to investigate the conditions regarding through service to the Inyo and Mono County resort sections. His investigation with resort owners disclosed that one-third the patronage originated in Pasadena. An average of from 30 to 40 inquiries per week, during the summer vacation season, are received regarding methods of reaching the Sierra country, by the information bureau maintained by the Pasadena Chamber of Commerce. This witness is of the opinion that the proposed through service serving Pasadena, is a necessity; that it would be patronized by many vacationists now using their own automobiles but who would prefer the facilities

of a public carrier offering reliable passenger stage service; and that the proposed rates and service were satisfactory.

Henry C. Kline, proprietor of June Lake Lodge, testified his resort had a capacity of one hundred; and that frequent inquiries were received from residents of Los Angeles, Pasadena and Glendale for through stage service, such inquiries averaging twenty per week during the vacation season. Witness is now engaged in subdividing 339 acres as a vacation community, 330 lots of such subdivision having been sold, and in the development and sale of his property has transported patrons in his own automobile for the reason that no satisfactory through service was now available.

Robert J. Keating, a resident of Pasadena and Vice President of the Isaac Walton League, an organization of 206 members residing in Pasadena, Altadena and La Canada, testified the proposed service was desired by his organization and that the proposed rates and service were satisfactory.

H. C. Pollock, Los Angeles passenger agent of California Transit Co., and formerly employed on the information desk of the Union Stage Depot at Los Angeles; Albert W. Carlisle, operating the Southern California Information Bureau in the Spring Arcade Building, Los Angeles; M. H. Seifrie, employed as information clerk at the Union Stage Depot, Los Angeles; J. Sturtevant, employed on the information desk of the B. H. Dyas Co. sporting goods dealers of Los Angeles; and C.E. Johnson, employed by the camp department of the Western Auto Company at Los Angeles, testified regarding the inquiries received for through transportation to Sierra fishing, hunting and vacation resorts. It appears that frequent inquiries are made for through service, from tourists, vacationists and others for a through service that will eliminate the present delays and changes now necessary by existing public transportation.

J.W. Bledsoe and Jas. E. Davis of Los Angeles, R.M. Palmer, Lamber P. Gagneare, and Chas. E. Holdson of Pasadena, all testified



in behalf of a through auto stage service between Los Angeles and Mono County points north of Bishop, believing the proposed service to be a necessary one and a material relief from the existing delays.

L.A. Anderson, operating stage service between Mono Lake and Gardnerville, Nevada, via Bridgeport, testified as to inquiries received from his patrons for through stage service to Los Angeles and Southern California points, and that any authorized service would be beneficial for the public and for the Mono resort territory. Similar testimony was presented by Jas. T. Mc Alec of Bridgeport, the operator of a stage line from Bridgeport to Cow Creek, via Sonora Pass.

The granting of applications Nos. 10402 and 13819 is protested by Southern Pacific Company and American Railway Express Company.

Officials of the American Railway Express Company described the service and schedules available for the transportation of express between Los Angeles and Bishop and intermediate points and presented exhibits showing existing rates. The principal express movement is from Bakersfield and Los Angeles to points in the Owens Valley there being but little outbound traffic. Seventy-five percent of the express handled is perishable, much of which moves under ice. Agencies are maintained at all railroad stations where railroad agents are employed and also at Big Pine, Independence and Bishop, the latter points being located some distance from the railroad. It is the contention of this protestant that there is no necessity for additional express service between Los Angeles and Bishop; that adequate express facilities now exist; and that the volume of business now handled into the Owens Valley is decreasing. As illustrative of the trend of the express business the following figures were furnished showing gross receipts at the agencies of Lone Pine and Bishop for the years shown:

<u>Year</u>	<u>Lone Pine</u>	<u>Bishop</u>
1921	\$ 10862.	\$ 42400.
1922	7351.	40511.
1923	8614.	41438.
1924	8983.	36190.
1925	9801.	29751.
1926	9361.	28765.

Southern Pacific Company presented a number of exhibits showing fares and rates, passengers carried during representative periods, and other data as to schedules and accommodations available for the public.

T. G. Watterson, a retail dry goods merchant of Bishop and Clerk of the Board of Trustees of that city, testified that the service of the Southern Pacific Company was satisfactory as was also the express service of the American Railway Express Company; and that business conditions in the Owens Valley were not good, there being a rapidly decreasing volume of retail trade due to residents leaving the territory. Witness in his trips to Los Angeles uses his automobile to Lone Pine and Southern Pacific service from such point to and from destination.

M. Q. Watterson, a banker and hardware merchant of Bishop and for forty years a resident of that city, testified that although on his trips to Los Angeles he used his own automobile he knew of no need for additional public transportation such as would be provided by a proposed stage line. Mr. Austin, a merchant and rancher, and Fred W. Hess, in the lumber and building material business, both of Bishop, testified as to satisfactory service now rendered by the Southern Pacific Company.

A resolution of the Board of Trustees of the City of Bishop, under date June 13, 1927, was received as an exhibit. This resolution recommends the denial of all applications and alleges that it is the unanimous opinion of the Board that the present existing

transportation facilities both passenger and freight, are more than ample and sufficient to meet the needs of the community; that the business of Owens Valley is not sufficiently remunerative to support additional facilities which would result in impairment of existing service.

The schedules proposed by applicants show an elapsed time between Los Angeles and Bishop varying from 8 hours, 45 minutes to 20 hours, 15 minutes (the latter covering overnight stop at Lone Pine), the average schedule being 9 hours, 45 minutes. The Southern Pacific schedule Los Angeles to Bishop (including stage trip between Laws and Bishop) requires 13 hours, 20 minutes northbound and 18 hours, 40 minutes southbound.

A comparison of one-way and round trip fares between Los Angeles and Mojave and the principal points proposed to be served is as follows:

<u>Between</u>	<u>Calif. Transit</u>		<u>Bishop-Mono</u>		<u>Southern Pacific Co.</u>		
	<u>One</u> <u>Way</u>	<u>Round</u> <u>trip</u>	<u>One</u> <u>way</u>	<u>Round</u> <u>trip</u>	<u>One</u> <u>Way</u>	<u>Round Trip</u> <u>Season-16 days</u>	
Los Angeles and Lone Pine	10.65	18.50	-	-	12.12	19.50	16.25
Independence	11.50	20.15	-	-	13.02	--	--
Bishop	14.55	26.00	-	-	15.60	26.30	22.30
Mammoth Lake	-	-	20.65	28.60		34.50	32.25
June Lake Points	-	-	22.65	32.20		40.00	36.75
Tioga Lodge (Mono Lake)			24.65	35.80		43.15	39.85
Mojave and Lone Pine	7.00	11.20	-	-	8.40	--	--
Independence	7.85	12.85	-	-	9.30	--	--
Bishop	10.90	18.70	-	-	11.88	--	--

Note: Pullman fare is not included in Southern Pacific rates, the one way Pullman fare being \$2.50 for lower berth and \$2.00 for upper berth.

Protestant Southern Pacific Company presented exhibits showing the traffic handled on its passenger trains serving the Owens Valley, and an abstract from such exhibits shows the following number of passengers carried:

<u>Period</u>	<u>Between Los Angeles and</u>			<u>All other points</u>
	<u>Lone Pine</u>	<u>Independence</u>	<u>Bishop</u>	
Months of June and July, 1923.	921	0	0	74
" " " " " 1924.	954	0	0	76
" " " " " 1927.	919	7	60	38

  

	<u>Between Mojave and</u>			<u>All other points</u>
	<u>Lone Pine</u>	<u>Independence</u>	<u>Bishop</u>	
Months of June and July, 1923.	133	0	0	33
" " " " " 1924	89	0	0	25
" " " " " 1927	111	0	11	90

  

	<u>Between Local Stations on Mojave-Owens Branch not included above</u>	
Months of June and July, 1923.	60	
" " " " " 1924.	51	
" " " " " 1927.	254	

From exhibits filed the estimated passenger revenue per train mile from trains Nos. 88 and 89, operating between Mojave and Owens for the period May, 1925, to August, 1927, inclusive, was 71 cents for train No. 88 and 81.46 cents for train No. 89.

The estimated total revenue, including passenger, baggage, express and mail revenue, per passenger train mile for the period from June, 1926, to August, 1927, inclusive, was 99.2 cents for train No. 88 and 97.6 cents for train No. 89.

The cost of branch line operation of the Mojave-Owens Branch was estimated by Mr. G. J. Elliott, a witness for Protestant Southern Pacific Company, as being 81.45 cents per passenger train

mile for the out of pocket expense, and \$1.6967 for all expenses.

The record of the unoccupied space in the standard Pullman car operated on the Los Angeles-Owenyo run, northbound, for the period May 15th to June 15, 1927, inclusive, shows 53.9 percent of the lower berths, 87.8 percent of the upper berths, and 87.5 percent of the drawing rooms, to have been unoccupied.

The service proposed parallels that of the Southern Pacific between Mojave and Bishop, the railroad being located east of the highway at distances varying from two to four miles from the communities served, stage transportation being necessary to reach the community at Lone Pine from Lone Pine Station, to reach Independence from Kearsarge Station, and to reach Bishop from Laws Station. Broad gauge service exists between Mojave and Owenyo, a daily round trip service being available with standard Pullman accommodation. From Owenyo to Laws a narrow gauge mixed train service is operated daily. Due to the long layovers at Mojave and the change and delay at Owenyo, passengers destined to Bishop and points north thereof in Mono County, including all the vacation, fishing and resort territory, complain of the inconvenience caused by the necessary changes and delays.

We have given careful consideration to all the evidence and exhibits herein and while it appears that a through stage service as proposed would be desirable for the public wishing to travel to and from the resort country east of the Sierra and north of Bishop, and that a more expeditious service is desirable for the residents in the sparsely settled country between Mojave and Lone Pine as well as for the communities of Lone Pine and Bishop and intermediate between such points, that the establishment of such stage service would seriously affect the ability of the Southern Pacific Company to continue the present daily passenger and express service. The record herein shows that the service between Mojave and Owenyo is now being maintained at a substantial loss, and it is assumed that the service on the narrow gauge from Owenyo northerly is in a similar condition.

The through service proposed by the Bishop-Mono Lake Stage Company is a seasonal one, proposed to be operated during the months when peak travel of tourists and vacationists is available, and while extremely desirable from the viewpoint of resort owners and their patrons and the individual vacationist, would divert travel from the present authorized transportation company which must function throughout the entire year, and whose service remains available during the seasons when travel is light. The volume of business to and from the Owens Valley as at present existing and for the immediate future is not sufficient to justify the establishment and authorization of further public transportation. In reaching this conclusion we have not overlooked the record herein which contains many complaints as to the character of the existing service, such complaints indicating that the present service is in need of considerable improvement. The delays at Mojave should be eliminated by a rearrangement of train schedules. Trains between Mojave and Owenyo should be operated on schedule time, particularly as regards the northbound schedule as to which the record shows for the period July 1st to September 14, 1927, inclusive, a daily average delay in arrival at Lone Pine of 41 minutes, delays of over one hour duration being frequent. The service of the narrow gauge for passengers to and from Bishop receives but scant patronage, passengers preferring to patronize the stage line of the Owens Valley Transportation, Storage and Packing Company between Lone Pine and Bishop, thereby saving 30 minutes on the northbound trip as well as eliminating the inconvenience and delay caused by the transfer from the standard to the narrow gauge at Owenyo. The inconvenience of the narrow gauge mixed train service and transfer at Owenyo is accentuated for Bishop passengers and passengers destined to points north of Bishop when the northbound standard gauge train is late, as it results in arrival at unreasonable hours in the resort territory or the necessity of an overnight stopover at Bishop. That the conditions surrounding the Owenyo transfer are recognized and provided by the traveling public is shown by the limited volume of traffic

moving via such route, exhibits of the Southern Pacific Company showing practically no Bishop passengers, as evidenced by the following data:

<u>PERIOD</u>	<u>BETWEEN</u>			
	<u>Los Angeles</u> <u>And</u>		<u>Mojave</u> <u>And</u>	
	<u>Bishop</u>	<u>Lone Pine</u>	<u>Bishop</u>	<u>Lone Pine</u>
June and July, 1923.	0	921	0	133
June and July, 1924.	0	954	0	89
June and July, 1927.	60	919	4	111

Southern Pacific tariffs naming round trip rates to Mono County resort points specify routing via Lone Pine, Owens Valley Transportation Company, and Bishop-Mono Lake Stage Company, no routing via Laws and stage line to Bishop being shown. Through rates for one-way, round trip and excursion fares should be established by Southern Pacific Company with a connection at Lone Pine with the stage service of the Owens Valley Transportation, Storage and Packing Company.

We conclude from the record herein that the public convenience and necessity does not require the establishment of a through automobile stage line from Los Angeles to Bishop and Mono County points, nor between Mojave and Lone Pine as a separate service, or as a part of a through service between Los Angeles and Bishop; that there is not at this time sufficient business to justify the establishment of additional passenger and express transportation service over the routes herein proposed; that the continuation of existing rail transportation service is necessary for the public in Owens Valley; and that the rail service should be improved by the elimination of present delays at junction points and by the sale of through tickets connecting at Lone Pine with the stage service of the Owens Valley Transportation, Storage and Packing Company.

As to the transfer proposed in Application No. 13819 whereby Geo. W. Wilkins withdraws from the partnership of Geo. W. Wilkins and L. B. Larsen, operating under the fictitious name of Bishop-Mono Lake Stage Line, and Guy S. Alexander proposes to purchase the one-half interest of said Geo. W. Wilkins for the sum of \$5000, of which amount \$2000 represents the value of one half the equipment and \$3000 the value of one half of the operative rights and good will of the business, the remaining partner L. B. Larson consenting to the transfer by joining in the application and by his approval of an agreement which is attached to and forms a part of the application; while no protestant appeared objecting to the granting of the proposed transfer of the one-half interest, there appear certain inequalities in the proposed agreement which in our opinion should be corrected and the matter of formal approval of the requested transfer will be the subject of a supplemental order herein when applicants will have filed a revised agreement satisfactory to the Commission.

In the matter of Application No. 13878, Geo. W. Wilkins and L. B. Larson as co-partners operating under the fictitious name of Bishop-Mono Lake Stage Company seek authority to transport passengers and express to all points on the route between Bishop and Mono Lake and also to and from Whitmore Tubs, Rymer's Camp, Crystal Crag, Tamarack Lodge and Los Angeles High Sierra Playground and points intermediate to such termini; all such points being reached by diversions from the main highway between Bishop and Mono Lake.

Applicants allege that under the authority contained in Decision No. 11722 on Application No. 8027, as decided February 27, 1923, said certificate authorizing the operation of automobile service for the carriage of passengers and express between Bishop and Cunningham (now known as Mono Lake) and the intermediate points of Rock Creek Station, Eaton's Ranch, Summer's Ranch, Mammoth Camp and Cain's Ranch, it was assumed that authority was granted for any and all points that might be established on the main highway between Bishop and Cunningham (Mono Lake) and also for operation to camps and resorts which were then, and since have been, established on



highways off the main highway at points from 1 to 4 miles distant from said main highway; that such unauthorized points have been served regularly when request was made or as an "on call" service; and that public convenience and necessity require the continuance of such service during the season when the through service on the main highway is being operated.

The new points proposed to be served are Clarks Rock Creek Camp, Leevining, and Mono Inn, all of which are located on the main highway and Raymer's Camp, Whitmore Tubs, Crystal Crag, Tamarack Lodge, Los Angeles High Sierra Playground, Boulder Lodge, Culvers Camp, June Lodge, Cherokee Camp and Carson's Camp, which are located off the main highway at varying distances.

Roy Carson, operating Carson's Camp on June Lake Road; Andrew Downs, operating Boulder Lodge; and E.A. Meacham, operating Fern Creek Lodge between Silver Lake and June Lake, testified as to satisfactory service rendered by applicants in the transportation of express and property to and from their respective camps and the necessity for such service being continued.

The granting of the application is protested by the Smith Automobile Company operating a seasonal freight service (from May 1 to October 1) between Bishop and Silver Lake and the intermediate points at Hansloff's Rock Creek Station, Convict Crossing, Mammoth Hotel, Tamarack Lodge, Crystal Craig and June Lake.

The operative rights of the Smith Auto Company (a co-partnership consisting of V. C. Smith and Irl S. Newlin) were granted by this Commission's Decisions Nos. 12468, 16996 and 17981.

Decision No. 12468 on Application No. 9223, as decided August 11, 1923, authorizes service

"as a common carrier of freight between Bishop and Mammoth Hotel serving Loff's Rock Creek Station and Convict Crossing as intermediate points during the period May 1st to October 1st of each year."

Decision No. 16996 on Application No. 12956, as decided June 28, 1926, authorizes

"the operation by V.G. Smith and I.H. Newlan, co-partners, of an automobile freight transportation service between Mammoth and Crystal Craig and Tamarack Lodge and camping spots and other places located within four (4) miles on either side of the main traveled highway between Mammoth and Tamarack Lodge, said service to be given in connection with and as an extension of the automobile freight transportation service now being given by Smith and Newlan between Bishop and Mammoth."

Decision No. 17981 on Application No. 13516, decided February 8, 1927, authorizes

"automobile service for the transportation of freight between Mammoth and June Lake and Silver Lake, as an extension of and in connection with the service now being given by applicants between Bishop and Mammoth, said operation to be seasonal, namely, between May 1st and October 1st of each year."

V. G. Smith, one of the copartners operating under the name and style of Smith Automobile Company, testified that his copartnership operated the United States mail contract between Bishop and Mammoth and hauled freight in connection with such mail contract; that there was not sufficient business available to justify the operation of two truck lines for the carriage of property; and that for 75 percent of the season a truck of one ton capacity was ample to care for all the business. A driver for the Smith Automobile Company testified that over one ton was usually hauled on each northbound trip and that overloads, requiring additional trucks, were present about one-quarter of the time during the opening of the resort and camp season. But little freight is destined to Bishop, fuel wood being the majority of the back haul.

A comparison of the freight rates of the Smith Automobile Company and the present and proposed rates of applicant Bishop-Mono Lake Stage Company is as follows:

<u>Between</u>	<u>Smith Automobile Co.</u>	<u>Over 1 ton</u>
Bishop and Rock Creek Station	50¢ CWT	-
Convict Crossing	75¢ CWT	-
Mammoth	\$ 1.00 CWT	75¢ CWT
Tamarack Lodge	1.25 CWT	1.00 CWT
Crystal Craig	1.25 CWT	1.00 CWT
June Lake	1.25 CWT	-
Silver Lake	1.30 CWT	-

<u>Between</u>	<u>BISHOP-Mono Lake Stage Company</u>			
	<u>100 lbs or less</u>	<u>100 to 1000 lbs Per CWT.</u>	<u>1000 to 2000 lbs. Per CWT.</u>	<u>2000 lbs. and over Per Cwt.</u>
Bishop and Rock Creek Station ) Whitmore Tubs ) Rymers Camp ) Mammoth Lake ) Boulder Lodge ) Culver's Camp ) \$1.50 CWT. ----- June Lake Lodge ) Cherokee Lodge ) 2.00 " \$1.50 \$1.25 \$1.00 Carson's Ranch ) Cain Ranch ) (Faringtons) ) Levinig ) Mono Lake )				
Mammoth and Camp High Sierra ) Tamarack ) Crystal Craig ) Boulder Lodge ) 1.50 ----- Culvers Camp ) June Lake Lodge ) Cherokee Lodge ) Carson's Camp. )				

From the evidence of resort owners and others using motor truck service for the transportation of property, it appears that the matter of rates is of slight consideration and that prompt service is the essential requirement. The Bishop-Mono Lake Stage Company offers and furnishes a daily service, the freight service of the Smith Automobile Company is a tri-weekly service, supplemented by additional service if the volume of traffic warrants. For material or supplies, if no urgency exists and the volume is sufficient to warrant the operation of a truck, patrons hire private trucks if the rates of either of the authorized carriers are thought to be more than the particular shipment will justify. The authorized carriers, however, are required to furnish regular service during the short season and the rates, considering the territory in which the operation is given and the limited volume of seasonal traffic available are not considered unreasonable by the patrons of the contesting carriers.

During the hearings on these proceedings a question arose regarding the road which is a detour from the state highway between Bishop and Mono Lake, said road leaving the state highway at Cain

Ranch and running southerly to Carson's Camp and Cherokee Camp on Silver Lake thence southeasterly serving June Lake and Culvers Camp, past Gull Lake to Boulder Lodge on June Lake and thence to a connection with the main state highway. By stipulation of counsel it was agreed that the Commission should make an investigation to determine if such road was a public highway and that the results of the Commission's investigation were to be considered as evidence herein. Our investigation does not show any acceptance of this road as a public highway by the County, but it does show that the road is and has been open at all times to public use and has been maintained through the efforts and assistance of the Forest Service of the United States Department of Agriculture, the County of Mono, the Southern Sierras Power Company and various individuals.

We are of the opinion that the record shows affirmatively a need for the continuance of passenger and express service to Clark's Rock Creek Camp, Boulder Lodge, Culvers Camp, June Lodge, Cherokee Camp, Carson's Camps, Whitmore Tubs (on call only), Rymer's Camp on Convict Lake (on call only), Los Angeles High Sierra Playground (on call only) Crystal Craig (on call only), Tamarack Lodge (on call only) and Leevining, and that a certificate authorizing such operation should be issued.

#### O R D E R

Public hearings having been held on the above entitled applications, the matters having been consolidated for the receiving of evidence and for decision, and having been duly

submitted, the Commission being now fully advised and basing its order on the conclusions 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 do not require the operation by California Transit Co., a corporation, of an automobile stage service as a common carrier of passengers, baggage and express, for compensation between Mojave and Lone Pine and intermediate points, or the operation of such automobile stage service between Los Angeles and Bishop as a part of its present existing service between Los Angeles and Mojave connecting with other points on its operative stage system, and

IT IS HEREBY ORDERED that Application No.12402 be and the same hereby is denied without prejudice.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity do not require the operation by Guy S. Alexander and L. B. Larson, as co-partners operating under the fictitious name of Bishop-Mono Lake Stage Line, of an automobile stage line as a common carrier of passengers, baggage and express, for compensation between Los Angeles and Pasadena on the one hand and Bishop and Mono Lake and points intermediate thereto on the other hand, and

IT IS HEREBY ORDERED that Application No.13819, insofar as said application requests authority for the establishment of an automobile stage service as more particularly set forth in the preceding declaration be and the same hereby is denied.

IT IS HEREBY FURTHER ORDERED that the decision of this Commission regarding the portion of Application No.13819 requesting authority for the transfer of the one-half interest of George W. Wilkins in the partnership of Geo. W. Wilkins and L.B.Larson, operating under the fictitious name of Bishop-Mono Lake Stage Line, to Guy S. Alexander be deferred until applicants shall have filed

herein an agreement of transfer satisfactory to this Commission and upon the filing of such agreement the matter will be cared for by supplemental order herein.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation by Geo. W. Wilkins and L. B. Larson, co-partners operating under the fictitious name of Bishop-Mono Lake Stage Line of an automobile stage service as a common carrier of passengers, baggage and express between Bishop and Mono Lake serving regularly the intermediate points of Clark's Rock Creek Camp, Boulder Lodge, Culver's Camp, June Lodge, Cherokee Camp, Carson's Camp, and Leevining and on call only, the points off the main highway at Whitmore Tubs, Los Angeles High Sierra Playground, Tamarack Lodge, Crystal Crag and Rymers Camp on Convict Lake, and

IT IS HEREBY ORDERED that a certificate of public necessity and convenience be and the same hereby is granted to Geo. W. Wilkins and L. B. Larson, co-partners operating under the fictitious name of Bishop-Mono Lake Stage Line for the operation of an automobile stage line as a common carrier of passengers, baggage and express, for compensation between Bishop and the intermediate points on the main highway between Bishop and Mono Lake known as Clark's Rock Creek Camp, Boulder Lodge, Culver's Camp, June Lodge, Cherokee Camp, Carson's Camp and Leevining, and an on call service to the following points located off said main highway: Whitmore Tubs, Rymers Camp on Convict Lake, Los Angeles High Sierra Playground, Tamarack Lodge and Crystal Crag, not as a new and separate operation but to be supplementary to and in conjunction with the present operative rights of Geo. W. Wilkins and L. B. Larson between Bishop and Mono Lake and intermediate points, such rights being seasonal from June to October, inclusive, of each year, and subject to the following conditions:

1- Applicants shall file their written acceptance of the certificate herein granted within a period of not to exceed twenty (20) days from date hereof.

2- Applicants shall file, in duplicate, within a period of not to exceed sixty (60) days from the date hereof, tariff of rates and time schedules, such tariffs of rates and time schedules to be those attached to the application herein, or rates and time schedules 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.

3- 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.

4- No vehicle may be operated by applicants herein unless such vehicle is owned by said applicants or is leased by them under a contract or agreement on a basis satisfactory to the Railroad Commission.

Geo. W. Wilkins and L.B. Larson, co-partners operating under the fictitious name of Bishop-Mono Lake Stage Line, are hereby placed upon notice that "Operative Rights" do not constitute a class of property which should be capitalized or used as an element of value in determining reasonable rates. Aside from their purely permissive aspect, they extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be changed or destroyed at any time by the state which is not in any respect limited by the number of rights which may be given.

For all purposes, other than hereinabove stated, the effective date of this order is hereby fixed as twenty (20) days from the date hereof.

Dated at San Francisco, California, this 10<sup>th</sup> day of

April, 1928.

Leon Whipple  
Ch. Deane  
Ernest W. G.  
Thos. J. G.  
W. J. C.  
COMMISSIONERS.