

Decision No. 13922

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 WILLIAM A. TIPPIN for certificate)
 of public convenience and necessity)
 to operate passenger and freight) Application No. 14496
 service as a common carrier between)
 San Bernardino and Swartout,)
 (Big Pines L. A. County Park).)

W. E. Byrne, for applicant.

ORIGINAL

BY THE COMMISSION -

O P I N I O N

William A. Tippin has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of an automobile transportation service, as a common carrier, for compensation, between San Bernardino and Swartout (Los Angeles County Park at Big Pines) and the intermediate points of Verdement, Devore, Cajon, Clyde's, and Wrightwood.

A public hearing on this application was conducted by Examiner Handford at San Bernardino at which time the matter was duly submitted, and it is now ready for decision.

Applicant proposes to charge rates in accordance with a schedule marked "Amended Exhibit A" as filed herein; to operate a daily service from May 1st to October 31st of each year, and three round trips per week from November 1st to April 30th of each year; using as equipment one closed sedan of five passenger capacity and having arranged for the leasing of additional equipment from the Motor Transit Company to care for periods of heavy traffic.

Applicant has a mail contract between San Bernardino and Swartout, the postoffice located at Los Angeles County Big Pines Recreation Camp and has observed conditions regarding the necessity

for public transportation since July, 1927, there being a considerable demand during the summer vacation season, both for passengers and freight for the construction and operation of camps.

Chas. J. Baker, Asst. Superintendent of Los Angeles County Big Pines Recreation Camp, testified that frequent inquiries were received at the Los Angeles Office for public transportation between San Bernardino and the Recreation Camp, and that the proposal of applicant was favored by the county officials. The camp is rapidly becoming a popular recreation center, there having been a total attendance of 152,000 during the year 1927, and 98,000 people having used its facilities during the first $4\frac{1}{2}$ months of 1928, principally attracted by winter sports.

Warren L. Sears, tract manager for Wrightwood Company, testified in behalf of applicant. The Wrightwood Company are engaged in the operation of a mountain resort and in the sale of property. The holdings of this company comprise 3400 acres upon which about 100 houses have been erected. The company operates a hotel with a capacity of 40 guests, 12 hotel cottages and 150 rent cottages; 125 privately owned cabins are also located on the tract owned by the company.

According to this witness, seventy-five percent of the public visiting the Los Angeles County Park stop at his company's resort, which is rapidly developing as a winter attraction as well as for summer vacation travel. The service of applicant has heretofore been satisfactory, his rates are considered reasonable for the public, and there is a genuine need for the establishment of a reliable public transportation service.

Fred Clyde, owning property in Lone Pine Canyon east of Swartout, and operating a gasoline filling station 5 miles east of Wrightwood, testified in behalf of applicant stating that there was a demand for the proposed service.

No protest was received against the granting of the desired certificate.

By stipulation between applicant and Motor Transit Company under date April 18, 1928, duly filed herein, applicant waives the right to pick up or deliver any passengers, express or freight on the portion of the route between San Bernardino and the junction of the Big Pine and Victorville roads in the County of San Bernardino. The order herein will so provide.

W. A. Tippin is 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 to the number of rights which may be given.

O R D E R

A public hearing having been held on the above entitled application, the matter having been duly submitted and the Commission being now fully advised,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation by William A. Tippin of an automobile stage service as a common carrier, for compensation, of passengers, express and freight between San Bernardino and Swartout (Big Pines Los Angeles County Park) and the intermediate points of Lime Quarry, Clydes and Wrightwood, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and the same hereby is granted to William A. Tippin for the operation of an automobile stage line as a common carrier, for compensation, of passengers, express and freight between San Bernardino and Swartout (Big Pines Los Angeles County Park) and

the intermediate points of Lime Quarry, Clydes and Wrightwood, subject to the following conditions:

- 1- No passengers, express or freight are to be picked up or delivered on the portion of the route herein authorized lying between San Bernardino and the junction of the Big Pine and Victorville roads in the County of San Bernardino.
- 2- Applicant shall file his written acceptance of the certificate herein granted within a period of not to exceed ten (10) days from date hereof.
- 3- Applicant shall file, in duplicate, within a period of not to exceed twenty (20) 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 thirty (30) days from the date hereof.
- 4- 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.
- 5- No vehicle may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by him under a contract or agreement on a basis satisfactory to the Railroad Commission.

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

Dated at San Francisco, California, this 25th day of June, 1928.

Leon Whitwell

Ch. Seamy

W. M. ...

John S. Lovitt

M. A. ...

Commissioners.