

Decision No. 20676.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the Matter of the Application of
PICKWICK STAGES SYSTEM
a corporation, for a certificate of
public convenience and necessity
authorizing the operation and exten-
sion of its automobile stage service,
as a common carrier of passengers,
baggage and express, between Los Angeles
and the California-Nevada State Line
north of Wheaton Springs and intermediate
points, and to consolidate and merge the
same with its existing operations.

ORIGINAL

Application No. 14682.

Warren E. Libby and Frank B. Austin,
by Frank B. Austin, for applicant.

Edward Stern, for American Railway Express
Company, Protestant.

Carl A. LeBoyteaux, for Union Pacific Railroad
Company, Protestant.

E. T. Lucey, for Union Pacific and The Atchison,
Topeka & Santa Fe Railroads, Protestants.

H. W. Beck, for The Atchison, Topeka and
Santa Fe Railway Company, Protestant.

BY THE COMMISSION:

O P I N I O N

The Pickwick Stages System conducts an interstate motor stage service between California and eastern points over the "Arrowhead Trail", a highway leading eastward from Los Angeles through Pomona, Ontario, Colton, San Bernardino, Victorville, Oro Grande, Barstow, Daggett, Yermo, Baker and Wheaton Springs, the last named point being near the California-Nevada State line. This application is for authority to render an intra-state service over the same route and for an order consolidating the right sought with existing rights of the Pickwick Stages System. The application as amended limits the proposed service

to the transportation of passengers and express destined to or coming from points east of Oro Grande.

The Santa Fe Railway, the Union Pacific Railway and The American Railway Express each protest the granting of the application, in part at least, claiming that they now adequately supply every transportation need at the points named which are served by their rail lines, namely, Barstow, Dagget and Yermo.

The evidence introduced by the applicant at public hearings held in Los Angeles and Barstow indicates that there is a need for the proposed service to points along the highway which are not now served by the lines of protestants, but it fails to show that public necessity requires an additional service at Barstow, Daggett and Yermo. Barstow is now particularly well served by the rail carriers, while Daggett and Yermo with three passenger schedules each way daily appear to have transportation service adequate for such communities. The certificate which will be granted will therefore be limited to points east of Yermo.

The applicant proposes to operate two schedules each way daily as shown on its Exhibit "B" filed with the application. Its proposed express and package rates as shown on Exhibit "A" are in a form not before used by the applicant nor other carriers in this state and is a schedule which as it stands appears to us to be impracticable. The order herein will provide that the applicant shall file a new schedule of express rates which shall be satisfactory to the Commission and in accordance with our general order covering the express rates of such carriers.

The applicant 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.

ORDER

A public hearing having been held on the above entitled application, the matter submitted and now being ready for decision,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA hereby declares that public convenience and necessity require that Pickwick Stages System conduct an automobile stage service for the transportation of passengers and express between Los Angeles and a point on the California-Nevada State line near Wheaton Springs, California, and all intermediate points over and along the following route, to-wit:

Over the Valley Boulevard extending easterly from Los Angeles via Pomona to Ontario, thence easterly over Holt Avenue to Archibald Avenue, thence northerly over Archibald Avenue to Colton Avenue, thence easterly over Colton Avenue via Guasti and Bloomington to Colton, thence northerly over Mt. Vernon Avenue to San Bernardino, thence northerly over United States Highway No. 66 through Cajon, Victorville, Oro Grande and Barstow to Daggett, and thence northeasterly over the Arrowhead Trail via Yermo, Baker and Wheaton Springs to the point where the said highway intersects the California-Nevada State line;

PROVIDED, however, that only such passengers and express shall be transported over and along said route as shall be destined to or shall originate at points on said route north of Yermo, and provided further that such express matter may be transported only on the regular passenger stages operated by applicant and shall be limited to packages weighing not in excess of one hundred pounds each.

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

1. Applicant shall file its written acceptance of the certificate herein granted within a period of not to exceed ten (10) days from the date herein.
2. Applicant shall file in duplicate within a period of not to exceed twenty (20) days from the date hereof, tariff of passenger and express rates and time schedules, such tariff of passenger rates and time schedules to be identical to those submitted with the application, and the tariff of express rates to be in form satisfactory to this Commission, and to commence operation of said service within a period not to exceed thirty (30) 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 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.

IT IS HEREBY FURTHER ORDERED that the certificate of public convenience and necessity herein granted be and the same is hereby consolidated and merged with the operating rights heretofore granted to Pickwick Stages System covering service between San Francisco and Los Angeles, via the Coast Route, and between Los Angeles and San Diego, via both the coast and inland routes, also between San Pedro and San Diego, via Long Beach, and between San Diego and El Centro and between Los Angeles and Warner's Hot Springs, via Murietta, all of which rights have heretofore been consolidated under authority of the Railroad Commission granted by its Decision No. 15764, issued on Application No. 11694 and by Decision No. 16725 issued on App. No. 12812; and

IT IS HEREBY FURTHER ORDERED that the authority to consolidate and merge the right granted herein with the rights now owned by Pickwick Stages System as described in the order herein, shall be construed only as authority to publish rates and charges between all points served under authority of the certificates of public convenience and necessity already granted and to operate through automotive stages between any of said points, no authority being conveyed for the operation of any lesser service than that authorized by the certificate granted herein, or heretofore granted.

The effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 17th day of January, 1929.

David L. Smith
E. C. Seaver
Ernest B. Smith
Leon Whitell
W. H. Kim
Commissioners.