

Decision No. 21031

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
PICKWICK STAGES SYSTEM, a corpora-
tion, for a certificate of public
convenience and necessity to extend
its automobile stage service as a
common carrier of passengers, baggage
and express between Long Beach and
San Diego, and intermediate points,
via the Sea Shore and Coast routes,
and to consolidate and merge the same
with its existing operations.

ORIGINAL

Application No. 14,553.

Warren E. Libby, for Applicant.

R. E. Wedekind and O.A. Smith, for Pacific
Coast Motor Coach Company and Pacific
Electric Railway Company, Protestants.

T.A. Woods for American Railway Express
Company, Protestant.

Charles A. Bland, for Long Beach Chamber
of Commerce and City of Long Beach,
Interested Parties.

Thomas F. Murphine, for City of San Clemente
and San Clemente Chamber of Commerce,
Interested Parties.

H. H. Hammer, for Orange County Coast
Association, Interested Party.

J. W. Weightman, Secretary, for Wilmington
Chamber of Commerce, Interested Party.

E. T. Lucey, for The Atchison, Topeka and
Santa Fe Railway Company, Protestant.

Ole Hanson, in propria persona, Interested
Party.

LOUTTIT, Commissioner:

OPINION ON REHEARING

Pickwick Stages System applied for a certificate of public convenience and necessity to extend its automobile passenger, baggage and express service between Long Beach and San Diego by the routing of an additional service via Newport Beach, Laguna Beach and Serra, and to merge the same with its existing operations.

Public hearings herein were conducted by Examiner Williams and by stipulation of all the parties, the Pickwick application was consolidated with and heard with Application No. 14492.

The Commission rendered its Decision (No. 20350) on the consolidated proceeding on the 18th day of October, 1928, granting Application No. 14492 and denying the Pickwick Stages System Application No. 14553. Thereafter, petitions for rehearing were filed in both of these applications and the petition in Application No. 14492 for a rehearing was denied. Petition for Rehearing in Application No. 14553 was granted and thereafter the Pickwick Stages System appeared and argued the matter so far as the Pickwick Stages application was concerned and the matter was submitted for determination.

The effect of the denial of the petition for rehearing in Application No. 14492 has been that all of the statements, findings and discussion with reference to that application, as the same are set forth in said Decision No. 20350, still remain in full force and effect. So far as said Decision No. 20350 affects the application of the Pickwick Stages System (Application No. 14553), the same hereby is set aside and annulled.

An examination of the record in this proceeding discloses that the Pickwick Stages System application is for an additional routing of through service from San Pedro, Wilmington, Long Beach and Seal Beach, over the Seashore Highway, via Newport Beach, Laguna Beach and Serra to San Diego.

Applicant now possesses a certificate authorizing it to conduct a through service between San Pedro, Wilmington, Long Beach and Seal Beach, via Santa Ana, to San Diego. The difference in mileage between the two routes is very slight, the route via Seashore Highway being possibly five to six miles shorter.

The applicant produced in its behalf many witnesses whose testimony in general was to the effect that a through service without transfer was preferable to the service now given via Santa Ana. Many of these witnesses were actual users of the stage service, and practically all of them complained of the transfer to stages of this applicant's lines at Santa Ana, it being the practice of applicant not to send a car through from Long Beach to San Diego unless it contains a sufficient number of passengers to move one vehicle through; otherwise the traffic has been accommodated by transfer at Santa Ana to its stages from Los Angeles.

That this method of operation between the termini involved has been in the past unsatisfactory to applicant's patrons, because of the change of conveyance, is very clearly shown by the evidence in this record.

Although the Company has at all times had the right and been under the obligation to perform an adequate, proper and satisfactory service, it has operated this particular service in such manner as to justify a finding that it has failed to fulfill its obligation to the public. Under such circumstances, the facts established should not be considered in determining the necessity for a new service.

If more or better service is necessary between Long Beach and San Diego, it may very properly be furnished by this Company by the operation of through conveyances under schedules in such number as will supply demands of the traffic between these points.

The record shows that local service to and from points between Long Beach and Serra is amply supplied by existing carriers under rights acquired prior to the filing of this application, together with the service authorized by Decision No. 20,350.

From a careful view of the evidence in this proceeding, it appears that the applicant has failed to sustain the burden of showing that public convenience and necessity require the service proposed, and I recommend that the application be denied in the following form of order:

ORDER ON REHEARING

PICKWICK STAGES SYSTEM having made application to the Railroad Commission for a certificate of public convenience and necessity to establish automotive stage service for passengers and express between Long Beach and San Diego, Laguna Beach and Serra, a public hearing having been held, a rehearing having been granted, and a rehearing 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 do not require the service as proposed by applicant herein; and

IT IS HEREBY ORDERED that the application be, and the same is, hereby denied.

For all other purposes the effective date of this decision shall be twenty (20) days from the date hereof.

The foregoing Opinion and Order on Rehearing are hereby approved and ordered filed as the Opinion and Order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 29th day of April, 1929.

David Lott

Ed Scamney

Ernest Cook

Leon Whitell

W. J. Carr
Commissioners.