

H. W. Hobbs, for the Southern Pacific Company.

E. H. Agee, for the Oxnard Chamber of Commerce.

John B. Wallace, for the Ventura Chamber of Commerce.

E. T. Lacey, H. W. Beck, and Chas. E. Forward, for
The Atchison, Topeka & Santa Fe Railway, Protestant.

C. A. Bland, for City of Long Beach and Long Beach
Chamber of Commerce.

Orlands H. Rhodes, Assistant City Attorney, for
City of Santa Monica, interested party.

C. F. Reynolds, for San Diego Chamber of Commerce,
interested party.

C. F. Reynolds and Ole Hanson, for San Clemente
Chamber of Commerce, interested party.

F. F. Ball, for Board of Public Utilities and
Transportation of the City of Los Angeles, interested
party.

Mark Thompson and Edward Stern, for Railway Express
Agency, Inc., interested party.

LOUTHER, Commissioner -

OPINION and ORDER

Public hearings were held in the above entitled proceedings, Applications Nos. 11922, 12928, 15217 and 15652 having been consolidated for hearing. On October 15, 1929, by Decision No. 21671, the Commission made its order granting Application No. 11922 and No. 15217 and denying Application No. 12928 and No. 15652. A rehearing was sought and, after hearing oral argument en banc on the request for rehearing, the Commission, on November 26, 1929, granted the rehearing prayed for.

Public hearings were also held on Application No. 15216 and No. 15732. They were consolidated and an order of submission made. On December 3, 1929, the order of submission was set aside by the Commission and further hearing ordered.

At the public hearing held in Los Angeles on December 10, 1929, the six applications were consolidated.

Following the issuance of the Commission's order granting a rehearing on Application No. 11922, No. 12928, No. 15217 and No. 15652, Pickwick Stages System filed an amended and supplemental application to Application No. 12928 asking that it be substituted as party applicant for Southern Pacific Motor Transport Company in Application No. 11922 (Southern Pacific Motor Transport Company having previously been substituted for Pacific Coast Motor Coach Company in said proceeding); also offering said amended and supplemental application as a substitute application for Applications No. 11922, No. 12928 and No. 15732. Application No. 15732 had previously been amended by changing the request for authority to lease Pacific Coast Motor Coach Company rights to a request for authority to buy said rights. At the hearing, Pickwick Stages System amended the amended and supplemental application, filed in Application No. 12928, its counsel filing the following stipulation:

It is stipulated by Pickwick Stages System that its amended application filed December 5, 1929, may be considered as amended so as to strike out the proposed new routes between Los Angeles and Long Beach, and between Los Angeles and Santa Monica; that its tariff and schedule exhibits will be amended accordingly; that such changes will be made in the proposed schedules as will leave the same proposals for the amount of service to be rendered between Long Beach and points south and between Santa Monica and points north, and instead of those schedules being routed into and out of Los Angeles as formerly proposed, that they will be connected between Long Beach and Santa Monica for through service between ultimate termini.

Motor Coach Company at the hearing on December 10th and following the order consolidating the above entitled matters for hearing, filed an amendment to its Application No. 15216, said amendment proposing through service for the transportation of passengers and their baggage between San Diego and San Francisco, with certain restrictions. By Application No. 15217 it had asked for a right to operate between Long Beach and San Francisco; its Application No. 15216 asked for a right between

San Diego and Santa Monica, and a consolidation of the two rights with its Long Beach-Santa Monica existing rights.

Santa Monica Mountain Coach Lines advised it would prosecute its original application for authority to operate between Santa Monica and Ventura and intermediate points.

It thus appears from the record that:

PICKWICK STAGES SYSTEM, by its amended application, is asking for:

Authority to purchase the operating rights of the Pacific Coast Motor Coach Company for the sum of \$45,000, and for a certificate of public convenience and necessity to operate an automobile service for the transportation of passengers, baggage and express between Oxnard and Serra via the Malibu Highway to Santa Monica, thence via the main highway through Venice, Playa del Rey, Manhattan, Hermosa, Redondo, San Pedro, Long Beach, Huntington Beach and Newport Beach, said service to be consolidated with its general system as established between San Diego and San Francisco, with the provision, however, that certain local service designated by its application is not to be performed.

MOTOR COACH COMPANY, by its amended application is asking for:

A certificate of public convenience and necessity to operate an automobile service for the transportation of passengers and their baggage between San Francisco and San Diego over the Coast, Malibu and beach highways, performing no local service between San Francisco and El Rio and intermediate points, or between Oxnard and Santa Monica and intermediate points, but performing service between any point north of El Rio on the one hand and any point south of El Rio on the other hand; and between any point north of Serra on the one hand and any point south of Serra on the other; and between any points north of, but not including Long Beach on the one hand and any point between Long Beach and Serra, but not inclusive of those points, and for the consolidation of said right with rights applicant now owns covering service between Santa Monica and Long Beach and intermediate points.

SANTA MONICA MOUNTAIN COACH LINES is asking for:

A certificate of public convenience and necessity to operate an automobile service for the transportation of passengers and express between Santa Monica and Ventura and intermediate points via the Malibu Highway.

Applicants were advised that the Commission, basing its judgment on the voluminous record in the proceedings, covering many days of hearing, was of the opinion that public convenience and necessity required the service proposed; that the one question to be determined was which of the applicants could best serve the public in this necessary transportation service.

Considering the existing operations of applicants with their applications, as amended, it appears that:

PICKWICK STAGES SYSTEM is now operating a service between San Diego and San Pedro, via Long Beach and San Diego and Los Angeles, via Santa Ana, thence to San Francisco. It proposes to purchase the operating right of Pacific Coast Motor Coach Company between Long Beach and San Juan Capistrano via the Seashore or beach highway, and to consolidate it with its existing rights between Los Angeles and San Diego and San Francisco, and San Pedro-San Diego right. Its instant application, bearing in mind the acquisition of the Pacific Coast Motor Coach Company Long Beach-Capistrano right, is in effect, then, a request for authority to operate over what may be termed a continuation of the (Seashore) beach highway between Capistrano and Long Beach from Long Beach to Oxnard, from which point it will operate over its existing rights to San Francisco. Between Santa Monica and Oxnard the Malibu highway will be used. Pickwick waives the right to serve locally between Long Beach and Los Flores, territory served by local lines but will pick up or discharge passengers in the restricted territory where they are destined to or are from points beyond the locally restricted territory. Over the new routing, for such it may be termed, and part of the old, it proposes to operate a through service between San Francisco and San Diego and between Santa Barbara and San Diego.

MOTOR COACH COMPANY is now operating between Santa Monica and Long Beach. It is, in effect, asking authority to extend this service northward from Santa Monica to San Francisco, via the Malibu highway and southward from Long Beach over the Seashore highway, waiving the right to serve locally between points served by Pickwick but proposing a through service between San Francisco and San Diego with the right to serve the terminals from certain points intermediate. So far as routing is concerned, it will parallel the proposed new Pickwick route the entire distance, also Pickwick's old route, Serra to San Diego and Oxnard to San Francisco.

SANTA MONICA MOUNTAIN COACH LINES proposes a service between Santa Monica and Ventura. The president of this corporation is now operating between Santa Monica and Topanga Canyon and Los Flores, so, in effect, he is proposing an extension of his service from Los Flores to Ventura over the Malibu highway.

There is no reason why Pickwick's application to acquire the Capistrano-Long Beach right of Pacific Coast Motor Coach Company should not be approved. With this right merged with its main system between San Francisco and San Diego, it will have acquired the right to operate over 513 miles of the 591 miles between San Francisco and San Diego herein proposed to be served. It would not be logical to deny it the right to serve the remaining 78 miles, thus preventing passengers seeking its service from transportation over a highly scenic, more direct and less congested highway between the termini, San Francisco-San Diego. Motor Coach Company is now serving but approximately 40 miles of the 591 miles. It appears to me that the demand for this through service does not justify the operation of two stage lines, particularly in view of the fact that the records show that Pickwick Stages now serving between the terminals are not carrying capacity loads. If the Motor Coach Company application were granted, it would be necessary to place more restrictions on the operations of the Motor Coach Company in order to protect the carriers now in the field and this would tend to confuse and discommode the traveling public.

Considering all of the evidence, both in this and previous hearings, and the numerous exhibits offered by applicants, I cannot escape the conclusion that sound public policy requires that the application of Pickwick Stages System be granted and that the applications of Motor Coach Company and Santa Monica Mountain Coach Lines be denied.

There remains to be considered the matter of local service between Santa Monica and Ventura. While some complaint was made that local passengers could not always obtain seats on Pickwick Stages because of the requirements of through southbound travelers boarding its cars north of Ventura, and that existing schedules at Ventura were not satisfactory, Exhibit (N-55) offered by Pickwick shows that Pickwick cars are seldom loaded to capacity

when leaving Ventura or Santa Barbara for Los Angeles.

It is undoubtedly a fact that the Malibu Road, between Ventura and Santa Monica, will rapidly develop the territory it traverses and that an adequate transportation service will materially aid in that development.

In addition to the facts established by evidence, it was stipulated by the parties that a local service between Santa Monica and Ventura by the route involved was necessary; witnesses expressed opinion that more frequent schedules than have been proposed by either the Pickwick or the Motor Coach Company in their respective applications for through service were necessary between Ventura and Santa Monica in order to properly serve the local traffic demands between these two points but the opinions are not supported by any traffic studies or data, and, as an operation separated entirely from the through service, I am unable, from the evidence, to find that it has any opportunity of becoming a compensatory one. Moreover, if it were granted, it would result in the imposition of added restrictions on the through operator, a result to be avoided, if possible. It may be that schedules in addition to those offered by the applicant Pickwick Stages System are necessary to a proper performance by it of the purely local service. If so, this local service should be performed and performed in such manner as will meet the reasonable requirements of the local needs.

I am of the opinion that the public can be better served both in the through service and in the proposed local service between Los Flores and Ventura by the Pickwick Stages System and both the Motor Coach Company and the Santa Monica Mountain Coach Lines should be protected in their present operations, respectively, between Long Beach and Santa Monica and Santa Monica and Los Flores.

The records of the Commission, as to the rights sought to be transferred to the Pickwick Stages System show that:

By Decision No.13689, dated June 12, 1924, on Application No.9219, the Commission granted to Edward A. Logsdon and Norman H. Robotham, operating under the fictitious name of Laguna Beach Shortline-Automobile Stage Company, a certificate for the transportation of passengers and baggage as proposed by the applicant between Balboa, a portion of the City of Newport Beach, and Serra via the main Coast Highway between Termini. Exhibit "A" of Application No.9219 is Local Passenger Tariff No.1 naming one way and round trip passenger fares, etc., between Balboa and Serra and intermediate points via Balboa Palisades (Landing Stage), Balboa Palisades (Tavern), Irvine Beach, Abalone Point, Laguna Beach, Arch Beach and Arroyo Salada.

By Decision No.14793, dated April 15, 1925, on Application No.10466, the Commission granted a certificate to Edward A. Logsdon and Norman H. Robotham for the transportation of passengers and baggage between Serra Junction and San Juan Capistrano via Roscoe Road between termini. This certificate was granted subject to the condition, among others, "that the certificate herein granted is an extension of service already established between Balboa and Serra Junction and is a part of such service and not a separate operative right."

By Decision No.16003, dated February 15, 1926, on Application No.12445, the Commission authorized Edward A. Logsdon to sell and transfer his interest in the co-partnership of Edward A. Logsdon and Norman H. Robotham to F. W. Conkey. The order of this decision further authorized Robotham and Conkey to transfer to Pacific Coast Motor Coach Company, a corporation, certain properties described in Exhibit "E" together with operative rights theretofore granted by the Commission in Decision 13689, dated June 12, 1924, and Decision No.14793, dated April 15, 1925, as amended.

By Decision No.17429, dated October 5, 1926, on Application No.11737, the Commission granted a certificate to Pacific Coast Motor Coach Company, a corporation, for the transportation by automotive stage of express as a common carrier between Newport Beach and San Juan Capistrano and intermediate points as a part of and in conjunction with the applicant's present authorized rights for the transportation of passengers and baggage.

By Decision No.20350, dated October 18, 1928, on Application No.14492, the Commission granted a certificate to Pacific Coast Motor Coach Company, a corporation, for an automotive through car service for the transportation of passengers and their baggage between Long Beach and Newport Beach, Laguna Beach, Serra and San Juan Capistrano; provided, that no local service may be conducted between Long Beach and Newport Beach nor shall passengers be transported from Serra to San Juan Capistrano but passengers may be transported from points intermediate thereto, over and along the following route:

From San Juan Capistrano to Serra via Coast State Highway; from Serra to Long Beach via Seashore State Highway to Newport Beach and via Coast State Highway to Long Beach, and over Second Street, Livingston Drive and Ocean Boulevard in the City of Long Beach to terminal at Pacific Electric station or to ground of the Pacific Southwest Exposition

This certificate was not to become effective unless and until the applicant acquired and provided equipment of the type and kind of 29 or 33 passenger coaches as offered by the applicant.

The grant in Decision No.20350 was merged and united with the operations of the applicant as defined in Decision No.13689, Decision No.14793 and Decision No.17429.

The applicant was authorized to abandon all service between Dana Point and San Juan Capistrano via Mc Kinley Avenue as authorized in Decision No.14793 on Application No.10466.

By Decision No.20631, dated December 28, 1928, on Supplemental Application No.14493, the Commission revoked Condition No.1 of Decision No.20350, hereinbefore referred to, with respect to the type and kind of coaches to be used.

By Decision No.20690, dated January 17, 1929, the Commission, on Supplemental Application No.14492, revoked that portion of Decision No.20350 which provided that no local service was to be conducted between Long Beach and Newport Beach.

It is the purpose of this opinion and order to dispose of all of the issues which have been presented to the Commission for its consideration in all of the above entitled and numbered proceedings, therefore, Decision No.21671 should be set aside and annulled; and, as the amended applications in proceedings numbered 12928 and 15216 together with Application No.15652 present for consideration all matters pertinent to a full determination of the various applications heretofore filed, involving both the through service between San Francisco and San Diego and the local service between Santa Monica and Ventura, all other proceedings should be dismissed; application of Pickwick Stages System No.12928 should be granted, and Applications No.15216 and No.15652 denied.

I recommend the following form of order:

O R D E R

A rehearing and further hearing on the above entitled matters having been held, and the matters submitted,

IT IS HEREBY ORDERED that Decision No.21671 be and the same is hereby revoked, annulled and set aside.

IT IS HEREBY FURTHER ORDERED that Applications No.11922, No.15217 and No.15732 be and the same are hereby dismissed.

IT IS HEREBY FURTHER ORDERED that Application No.15216 of Motor Coach Company be and the same is hereby denied.

IT IS HEREBY FURTHER ORDERED that Application No.15652 of Santa Monica Mountain Coach Lines be and the same is hereby denied.

IT IS HEREBY FURTHER ORDERED that the amended and supplemental application of Pacific Coast Motor Coach Company, No.12928, for authority to sell and Pickwick Stages System for authority to buy, for the sum of \$45,000, operating rights of Pacific Coast Motor Coach Company, said rights being more fully described in the opinion preceding this order, and for a consolidation of said rights with existing rights of Pickwick Stages System between San Diego and San Francisco, be and the same is hereby granted, subject to the following conditions:

1- The consideration to be paid for the property herein authorized to be transferred shall never be urged before this Commission or any other rate fixing body as a measure of value of said property for rate fixing, or any purpose other than the transfer herein authorized.

2- Applicant Pacific Coast Motor Coach Company shall immediately unite with applicant Pickwick Stages System in common supplement to the tariffs on file with the Commission, applicant Pacific Coast Motor Coach Company on the one hand withdrawing, and applicant Pickwick Stages System on the other hand accepting and establishing such tariffs and all effective supplements thereto.

3- Applicant Pacific Coast Motor Coach Company shall immediately withdraw time schedules filed in its name with the Railroad Commission, and applicant Pickwick Stages System shall immediately file, in duplicate, in its own name time schedules covering service heretofore given by applicant Pacific Coast Motor Coach Company, which time schedules shall be identical with the time schedules now on file with the Railroad Commission in the name of applicant Pacific Coast Motor Coach Company, or time schedules satisfactory to the Railroad Commission.

4- 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.

5- No vehicle may be operated by applicant Pickwick Stages System 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.

IT IS HEREBY FURTHER ORDERED the authority herein granted for the transfer of the operative rights of Pacific Coast Motor Coach Company is not to be construed as an approval by the Commission of the purchase price proposed to be paid therefor by Pickwick Stages System, and Pickwick Stages System in recording on its books of account the purchase of said operative rights may not charge to its plant and equipment account any portion of said purchase price unless hereafter permitted by this Commission to do so.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation by Pickwick Stages System of an automobile service for the transportation of passengers, baggage and express between Serra and Oxnard and intermediate points over and along the following route:

Between Oxnard and Serra via the Malibu Highway to Santa Monica, thence via the main highway through Venice, Playa del Rey, Manhattan, Hermosa, Redondo, San Pedro, Long Beach, Huntington Beach and Newport Beach, and

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

IT IS HEREBY FURTHER ORDERED that a certificate of public convenience and necessity for the consolidation of said right with the operating rights of Pickwick Stages System between San Francisco and San Diego be and the same is hereby granted, said consolidated right to be subject to the following conditions:

1- That no local service shall be performed between Los Flores and Long Beach and intermediate points, nor between San Pedro and Long Beach but service may be performed to and from Los Flores and Long Beach and from points intermediate between Los Flores and Long Beach to and from points north of Los Flores and south of Long Beach.

2- That in the operation of said consolidated right herein authorized Pickwick Stages System shall not perform any service between Los Angeles and Long Beach.

3- That except between Newport Beach and San Juan Capistrano and intermediate points express shall be transported only on passenger stages of applicant, and no package weighing in excess of 100 pounds shall be transported.

4- That for the general operation of the rights herein defined on reconstruction or relocation of highways not affecting intermediate points, applicant may follow the reconstructed or relocated highway.

5- That applicant shall within ten (10) days from the date hereof file an acceptance of the certificate herein granted.

6- Applicant shall file, in duplicate, within a period of not to exceed thirty (30) days from the date hereof, tariff of rates and time schedules, such tariffs of rates and time schedules to be identical with those filed at the re-hearing and marked Exhibit N-54, and Exhibits N-57 to N-64, inclusive, 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.

7- 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.

8- No vehicle may be operated by applicant herein 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.

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

The above opinion and order are hereby declared to be the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 18th day of January, 1930.

C. C. Scaver
Emmerts

W. B. Dutton

W. P. Linn
COMMISSIONERS.