

Decision No. 10526

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application  
of A.M. COOPER, for permission to  
operate a passenger and express  
service Automobile Stage between  
Santa Monica, California, and  
Topanga Camp, California, and inter-  
mediate points.

Application No. 7541.

J.W. Hastings, for Applicant  
E.H. Sharpe, for Pacific Electric Railway,  
Protestant  
E.L. English, for Dolly H. Pritchard (Rapid  
Transit Company of Pasadena), Protestant.

BY THE COMMISSION:

O P I N I O N

A.M. Cooper has applied to the Railroad Commission for a certificate of public convenience and necessity to operate an automobile passenger and express service between Santa Monica and Topanga Camp.

Public hearings herein were held by Examiner Williams at Los Angeles.

Applicant proposes a round trip twice daily between termini and such additional service as may be necessary. The distance is given at 5.58 miles and the road to be traversed is not paved highway. He proposes a one-way fare of 25 cents and intermediate rates, a round-trip fare of 45 cents, and half fare for school children going to and from school. The equipment proposed is a twenty-passenger vehicle.

The application was opposed by Dolly H. Pritchard, operating under the fictitious name of the Rapid Transit Company of Pasadena, on the ground that she had established service in August, 1921, under decision No. 8968.

Abundant proof of the need of this service was made. The route is along the ocean and passes many points that are summer resorts and in need of service. Protestant denied the need of additional service and asserted preparedness to resume May 1st.

The record shows that the Pritchard service was suspended January 20, 1921. Permission to suspend service was granted by the Commission on a showing that the road was in "such a bad state of repair" that it caused excessive cost, particularly in up-keep of the truck, and would be unprofitable. Protestant, as a part of this showing, indicated readiness to resume operation when "the road is repaired and placed in a safe condition for vehicle traffic."

Careful consideration of the operation by protestant, as shown by the testimony, leads to the conclusion that it was attempted with a worn out sixteen-passenger truck and that patronage was withheld because the facilities were not inviting. This truck cost \$700.00 and had been in use several years as a stage. It was used five and one-half months and protestant testified it cost \$3208.93 to use it in the service and that the receipts for the same period were only \$750.05. There was also testimony that at the time of suspension there was a land slide that temporarily interrupted travel but that, with the exception of this short period, the road was about the same so far as operation was concerned, as it had been when service was begun in August, 1921. In fact, protestant arranged for continuation of service for

school children and the vehicle provided operated every school day over the entire road alleged to be unfit for operation. The testimony conclusively shows that protestant had not made any effort to restore service, except to negotiate for another truck. It also showed that the road was capable of operation, and that automobile traffic, including the school vehicle, had operated daily. The suspension was because of financial reasons more than operating conditions, as protestant admitted that much of the operating expenses reported are still unpaid.

Many witnesses supported the need for service.

Applicant conducts a camp where he testified, twenty-two families live permanently and that over 200 leases for camp sites have been issued and 130 of these have erected tents. Even his chief competitor supported applicant's request and declared that the service previously maintained by protestant Fritchard was not useful and he regarded the vehicle as dangerous.

As applicant seems amply prepared to give adequate and efficient service and maintain it the year round and is willing to do so, his application should be granted in the interest of good public service. The poor service of protestant Fritchard, her financial collapse, and her failure to attempt resumption, fully justifies the admission of a responsible operator.

No express rates are proposed by applicant, though he testified such service would be incidental to his passenger service in carrying supplies and packages and was so needed. The authority to carry packages and express matter is limited to packages of not more than 100 pounds weight and no such express or package matter is to be carried in preference to

passengers or to their inconvenience or discomfort.

As applicant stipulated that he would receive no passengers between the Pacific Electric station in Santa Monica and the terminus of its line at Palisades, protestant Pacific Electric withdrew objection.

### ORDER

A.M. Cooper having applied to the Railroad Commission for a certificate of public convenience and necessity to operate automobile passenger and express service between Santa Monica and Topango Camp, public hearings 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 require the operation by applicant of the service applied for herein, over the following route:

From Topango store, near the mouth of Topango Canyon, along Malibu Road to California Street Hill in Santa Monica; thence over said California Street Hill to Ocean Avenue, and thence to the Pacific Electric Railway Depot in Santa Monica, returning over identically the same route,

And that a certificate of public convenience and necessity therefor be and the same hereby is issued, subject to the following conditions:

- I - That no passengers or express be carried between the Pacific Electric Railway depot in Santa Monica and the terminus of the Pacific Electric Railway at Palisades, except those destined to or from Seaside, or points north, and that express and packages be limited to 100 pounds in weight.
- II - That applicant, A.M. Cooper, shall at all times operate his local service between Santa Monica and Topango Camp to and from the Pacific Electric Railway Depot in Santa Monica.

- III - That applicant, A.M. Cooper shall file within ten (10) days from the date hereof, his written acceptance of the certificate herein granted and shall file within twenty (20) days of the date hereof, duplicate tariff of rates and time schedules, in accordance with General Order No. 51 of the Railroad Commission, and that operation of such service shall begin within a period of thirty (30) days from the date hereof.
- IV - That the applicant, A.M. Cooper, shall not sell, lease, assign, or discontinue the service herein authorized, unless such sale, lease, assignment, or discontinuance shall have been authorized by the Railroad Commission.
- V - That no vehicle shall be operated by applicant unless such vehicles are owned by said applicant, or are leased under an agreement satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 1st  
day of June, 1922.

H. B. Burdick

Living Martin  
Robert A. Powell  
H. B. Burdick  
Commissioners.