

Decision No. 10658

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application
of BEN H. McFARLAND, for a cer-
tificate of public convenience and
necessity to operate an automobile
stage line between San Bernardino,
California, and the Rand District,
and intermediate points, and Rands-
burg, California.

Application No. 7863.

William Guthrie, for Applicant
E.T. Lucey, for Atchison, Topoka and Santa Fe Railway
T.A. Woods, for American Railway Express
W.E. Anderson, for Anderson's Stage Line
R.H. Mack, for San Bernardino Chamber of Commerce.

BY THE COMMISSION:

OPINION

Ben H. McFarland has applied to the Railroad Commission of the State of California for a certificate of public convenience and necessity to operate an automobile passenger and express service between San Bernardino and the Rand District and Randsburg.

A public hearing was held by Examiner Williams at San Bernardino.

Applicant proposes to furnish service with one or two seven-passenger, six-cylinder automobiles of late manufacture and to equip them to carry 300 pounds of express matter in addition to passengers' hand baggage. He proposes one round trip daily from Randsburg and other points in the Rand District to San Bernardino. The distance is about 100 miles. Later he proposes to operate a similar schedule from San Bernardino, if traffic requires it. Applicant has had long experience in the

taxicab business at San Bernardino and seems capable of providing good service.

Applicant's route is across the Mojave Desert from El Cajon to the Rand District via Adelanto. Except for this hamlet there is no community on this road for sixty miles, but the route is the most direct and economical between termini. Applicant testified his operation would cost about \$25.00 a day, including depreciation and repairs. His proposed fare is \$15.00 for a round trip between San Bernardino and Randsburg, Johannesburg, Osdick and Atolia, with one way fares from \$8.50 to \$7.75. Fares to other points are proportionate. No objection was made to the rates proposed.

Applicant limits his express business to packages of small merchandise not in excess of 50 pounds. The application does not include fresh meats and perishable goods and although applicant testified that he expected to transport such articles, authority so to do should not be granted because there was no proof that such service was required and it should not be permitted with the equipment provided. The express rate, 50 cents minimum up to ten pounds and 5 cents a pound up to 50 pounds, met no opposition. Applicant testified he would make whatever pick-up and delivery was necessary at either terminus.

R.D. Emery, W.E. Smith, and Albert E. Mackley, of Johannesburg, Thomas E. Gray, of Randsburg, E.W. Smith, of Osdick and (by stipulation) Messrs. Geballe, Chambers, Crane and Downs, testified as to the need of service in the Rand District. The general character of their testimony was that the service of protestant Santa Fe was inadequate, requiring from 6 to 12 hours, with long stopovers, and that there is a demand for quick transportation from the district, largely in San Bernardino County, to the County Seat, San Bernardino City. The operation proposed,

they hold, would permit a visit to the County Seat and return the same day, with ample time to attend to business between journeys.

E.H. Richardson, a capitalist, interested in developing the orcharding region about Adelanto, testified that there are about 50 persons at this point that need transportation service. He said two persons each day would use the service. E.S. Webster, Business Manager of the San Bernardino Sun and Evening Telegram, said the service proposed was needed to distribute newspapers. W.E. Rogers, a member of the City Council, testified that dependable quick transportation to the Rand District was needed by many in San Bernardino who had mining and business interests there.

That the application herein was stimulated by the San Bernardino Chamber of Commerce was the testimony of R.H. Mack, Secretary of that organization. He said the directors approved applicant's operation as a whole and believed him able to give the adequate and efficient service which the directors, on a visit to the Rand District, discovered to be necessary.

Opposition by protestant Santa Fe Railway to the service proved ineffective as the witness put forward, W.R. Dowler, District Passenger Agent at San Bernardino for protestant, described the service of protestant from Johannesburg to San Bernardino as "indefensible" it requiring from 5:10 in the afternoon to 5:10 the following morning to make the trip, including a midnight layover at Barstow. Witness thought the trip in the other direction, taking about six and one-half hours "good service", though he said in May, 1922, only six tickets by that route were sold in the San Bernardino office. Protestant put in evidence its schedule of many trains from Barstow to San Bernardino, but most

of them were between midnight and morning. Protestant also disputed service of applicant to Devore, Camp Cajon and Summit, but each is sufficiently distant from protestant's service as to entitle it to service of applicant.

Protestant American Railway Express Company offered no affirmative opposition. It tendered its rates which are approximately the same as applicant's. Its service is over the lines of protestant Atchison, Topeka & Santa Fe Railway and open to much the same operating criticism, though in a less degree. Applicant's express service, as limited in the accompanying order will not seriously affect protestant American Railway Express Company's business, as applicant's business largely will be new. Applicant, however, in his application, stipulates that the merchandise pickup and delivery service he expects will not be general express business but small parcels such as the Parcel Post handles.

It is our opinion that the service proposed by applicant is needed and that the service maintained by protestant Atchison, Topeka & Santa Fe Railway is not adequate under present conditions.

O R D E R

Ben E. McFarland having applied to the Railroad Commission for a certificate of public convenience and necessity to operate an automobile stage line between San Bernardino and the Rand District and Randsburg and intermediate points, a public hearing herein 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 of passenger, baggage and express service between

IV - That no vehicles 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 6th
day of July, 1922.

H. A. Brundage

Charles H. Brown

J. F. Hendon
Commissioners.