

ORIGINAL

Decision No. 11026.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of
J. H. COTTRELL for a certificate of
public convenience and necessity to
operate passenger and light express
service between the city of San Diego
and Tecate, in the State of California,
and intermediate points.

Application No. 8160.

ORIGINAL

H. E. Brunelle and B. F. Bennett
for Applicant.

W. E. Libby for Pickwick Stages, Inc.,
United Stages, Inc., White Star
Auto Stages and Wiley J. Gibson,
Protestants.

H. J. Bischoff for Mountain Express,
Protestant.

BY THE COMMISSION.

OPINION

The applicant herein on July 1, 1922, took over the contract for carrying the United States mails between the city of San Diego and Tecate in San Diego County, via Jamul, Dulzura and Potrero, succeeding A. M. Stroehl, the former holder of the government contract. The latter on July 8, 1918, applied for a certificate of public convenience and necessity, which certificate was granted on August 16, 1918, subject to the condition that local permits be secured from incorporated cities and county officials and filed with this Commission. This condition was never complied with and no supplemental order perfecting the

operative rights of Stroehl was issued. Under the circumstances, therefore, the operations of Stroehl over this route have been illegal, in violation of Chapter 213 of the Statutes of 1917. Upon the expiration of his mail contract on June 30, 1922, Stroehl ceased to operate over the route in question. Mr. Cottrell now seeks a certificate of public convenience and necessity to operate, in connection with the carriage of the mails, a passenger and light express service between San Diego and Tecate.

A public hearing was had before Examiner Eddy at San Diego on September 15th, at which time the matter was submitted and is now ready for decision.

Counsel for Mr. Cottrell stated that it was not the intention of the applicant to carry any heavy freight which would conflict with the traffic now being handled over this route by the Mountain Express. It was stipulated between counsel that our order should limit the amount of express or freight to be carried by the applicant for any one individual on any one day to 50 pounds, exclusive of fresh cream and milk, the total shipments of which in any one day should not exceed 250 pounds. The applicant uses for carrying the mails a Chevrolet touring car and is able to carry only a limited amount of light freight. The testimony indicates that, aside from cream (the total daily shipments of which from this territory to San Diego will not amount to more than five cans, weighing about 50 pounds each), the demand of the community is for a service which will enable the residents thereof to ship and receive small packages, particularly of perishable goods. No objection to the handling of this class of traffic was offered by counsel for the Mountain Express. The application to handle express matter will be granted, subject to the weight limitations, above stated.

With respect to the passenger traffic, the situation is not so clear. The White Star Auto Stages, Pickwick Stages, Inc., and United Stages, Inc., hereinafter referred to as the stage lines, operate a through service between San Diego and El Centro, serving all the points desired to be served by the applicant, except Tecate which is two miles off the main highway at Potrero, 44 miles from San Diego. The stage lines protested the granting of the certificate. The average number of cars operated by the stage lines over this route is five cars per day each way. The passenger service between San Diego and El Centro is seasonal: during certain months the heavy traffic of the stage lines is toward El Centro; in other months, the heavy traffic is toward San Diego. At times it is necessary to operate from 8 to 25 cars daily between these points, not all of which, however, go via the Potrero route. Cars leave San Diego for El Centro via Potrero at 8:00 a.m., 1:00 p.m. and 4:00 p.m.; in the opposite direction, the cars leave El Centro at 8:00 a.m., 10:30 a.m. and 4:00 p.m. The applicant proposes to leave San Diego at 7:20 a.m., arriving at Potrero 10:50 a.m. and Tecate at noon; the Pickwick Stage leaving San Diego at 8:00 a.m. reaches Potrero about 10:10 a.m. On the return trip, the applicant proposes to leave Tecate at noon and reach San Diego at 3:30 p.m.; the through Pickwick stage leaving El Centro at 10:30 a.m. reaches San Diego at 4:30 p.m. It will be seen, therefore, that the schedule proposed by the applicant will practically duplicate one round trip schedule now being offered the public by the Pickwick Line. Apparently it is the feeling of some residents along this route that the stage lines are operating a through schedule and do not give to the intermediate stations the consideration to which they are entitled. The mail stage has, in the past, more nearly met the

local requirements and has been used almost wholly by some persons as a means of travel to and from local points on the route, but more particularly from their homes to San Diego. There is usually ample room on the mail stage for such passengers and, as testified by one witness, those "people do not figure on the Pickwick Stages." The record indicates that some difficulty has been experienced in getting the Pickwick Stage drivers to stop for local passengers when en route from El Centro to San Diego, and that frequently no seats are available on the through stages. On the return trip from San Diego to their homes, many of the residents along this route make use of the regular stage lines. On behalf of those lines, it was testified that to take care of this local traffic it had been necessary on occasions to send cars as far as Potrero with but two passengers, the cars returning to San Diego empty. An exhibit filed by the protestants shows that during the months of June, July and August they handled from San Diego to El Centro 1634 passengers, and from El Centro to San Diego 2516 passengers, or a total of 4150 passengers. During the same period 451 passengers were handled on the San Diego-El Centro runs to and from intermediate points, and 426 passengers on the El Centro-San Diego runs. The total number of empty seats during this period was 2218. In view of this showing, it is clear that public convenience and necessity do not require the operation of an additional passenger service between San Diego and Potrero. As has been stated, Tecate is located off the main highway, about 2 miles from Potrero. It is reached by the San Diego & Arizona Railway which operates two trains a day in each direction, the distance being 52 miles and the running time between two and three hours. The applicant will be permitted to transport through passengers between San

Diego and Tecate, but will not be permitted to transport any local passengers between points on this route, San Diego and Potrero inclusive. He will be permitted to transport packages weighing, singly, or in the aggregate, not in excess of 50 pounds, shipped in one day by one consignor and intended for one consignee, with the exception of cream, the total shipments of which in any one day are not to exceed 250 pounds.

An order will be entered accordingly.

O R D E R

A public hearing having been held in the above entitled proceeding, evidence submitted and the Commission being fully advised,

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by J. H. Cotroll of an automobile stage line as a common carrier of passengers and freight between San Diego and Tecate, serving the intermediate points of Spring, Valley, Jamul, Dulzura, Barrett and Potrero, and a certificate of public convenience and necessity be, and the same is, hereby granted, subject to the following conditions and restrictions:

1. The transportation of freight between San Diego, Tecate and intermediate points shall be confined solely to packages of which no single shipment from one consignor to one consignee shall weigh in excess of 50 pounds, with the exception of milk and cream of which commodity no single shipment from one consignor to one consignee shall weigh in excess of 250 pounds. Passenger traffic is to be limited solely to through passengers destined to or originating at Tecate. No transportation of passengers locally between San Diego and Potrero and intermediate points is hereby authorized or permitted.
2. That the applicant herein shall file within a period of not to exceed ten (10) days from date hereof, his written acceptance of the certificate

herein granted; shall file, in duplicate, within a period of not to exceed twenty (20) days from date hereof, tariff of rates and time schedules, such tariff of rates and time schedules to be identical with those filed as Exhibits "A" and "B" attached to the application herein.

3. That the rights and privileges herein granted shall 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. That 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.

Dated at San Francisco, California, this 26th
day of September, 1922.

H. B. Brundage
Dwight Martin

H. B. Brundage
Commissioners.