

# ORIGINAL

Decision No. 5792.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application )  
of A. R. G. BUS COMPANY for )  
certificate of public convenience )  
and necessity to operate a pass- )  
enger motor stage service between ) Application No. 3976.  
the City of San Diego and the )  
Cities of Brawley and Calexico, )  
via El Centro, in the State of )  
California )

In the Matter of the Application )  
for certificate of public con- )  
venience and necessity of the ) Application No. 4030.  
INDEPENDENT AUTO SERVICE CO., a )  
corporation, )

Arthur Wright, for A. R. G. Bus Company, Applicant

A. L. Wissburg, for Independent Auto Service Co, Applicant

Warren E. Libby for Pickwick and United Stages, Protestants

H. J. Bischoff, for United Stages, Protestant

H. N. Dike, City Attorney, for City of Imperial, Protestant

BY THE COMMISSION

## O P I N I O N

A. R. G. Bus Company, a corporation, and Independent Auto Service Co., a corporation, have petitioned the Railroad Commission for orders declaring that public convenience and necessity require the operation by/ each of them of automobile stage lines as common carriers of passengers and baggage between the City of San Diego and the Cities of Brawley and Calexico via El Centro, and serving intermediate points.

A public hearing was conducted by Examiner Encoll at San Diego on September 4, 1918, the matters were duly submitted

and are now ready for decision.

As the route proposed to be served by the applicants herein is identical it was stipulated by all interested parties that the applications should be heard jointly and that the testimony be considered applicable to both proceedings.

Applicants herein propose to charge rates in accordance with schedules marked exhibit "A" and filed with the applications in this proceeding.

Applicants herein propose to operate on a schedule of two round trips daily between Calexico and Brawley and San Diego, via El Centro in the case of the A. R. G. Bus Company and on a schedule of two round trips daily between San Diego and El Centro and on half-hourly service between the hours of 7.00 A.M. and 7.00 P. M. between El Centro and Brawley, Imperial, Holtville and Calexico in the case of the Independent Auto Service Company. Both companies propose to serve as intermediate stops the communities at Dulzura, Potrero, Campo, Warren's Ranch, Boulevard, Jacumba, Mt. Springs, Coyote Wells, Dixieland and Seeley.

The equipment proposed to be used by the A. R. G. Bus Company consists of Twin-six Packard Automobiles, that proposed to be used by the Independent Auto Service Company consists of seven-passenger capacity Automobiles, eight in number, and of the following makes

Hudson, 28 H. P., State License No. 318276  
Willys-Knight, 27 H. P., State License No. 348675  
Cadillac 8, 31 H. P., State License No. 404567  
Studebaker, 36 H. P., State License No. 47152  
Studebaker, 36 H. P., State License No. 434892  
Willys-Overland, 29 H. P., State License applied for  
Studebaker, 36 H. P., State License No. 272143  
Hudson, 29 H. P., State License No. 340636

Witnesses for applicants testified that for the last two or three months the travel over the proposed route has been

heavy and that cars have frequently been overloaded and that to care for the traffic on the route it has been necessary for drivers to make a round trip over the road resulting in drivers being on duty over the ten hour period as specified by the Railroad Commission's regulations as being the maximum time that a driver or operator shall be required to work in any twenty-four hour period. (Rule 11, Safety Rules and Operating Regulations, Decision 4814 of Railroad Commission in Case 1110, decided November 6th, 1917).

A survey of the traffic possibilities was made by a representative of the A. R. G. Bus Company and petitions from residents of El Centro (signed by fifty-five persons) and Calexico (signed by seventy persons) which were circulated at the time of the traffic investigation were presented as evidence that the proposed service was desired by the residents of these communities. A similar petition in behalf of the Independent Auto Service Company was presented bearing the signatures of twenty-nine residents, merchants and hotel-keepers of the City of San Diego.

The granting of the desired certificates was opposed by the Pickwick Stages, the United Stages and the White Star Stages. These companies operate twenty-four stages between San Diego and El Centro and approximately the same number between El Centro and local points in the Imperial Valley. Prior to May 1, 1918, each of these companies operated on independent schedules. Since May 1, 1918, a combined schedule has been effective and has been maintained by the joint operation of these three companies.

The present authorized companies protest against the granting of the desired certificates claiming that the traffic requirements over the proposed routes are now satisfactorily cared for and that if additional operators are permitted to serve over the established routes that the character of service will be impaired and the present companies will operate under conditions that will not enable a satisfactory service to be rendered to the traveling public. Statements of traffic handled were presented as exhibits on behalf of protestants and these statements show the following data:

UNITED STAGES (when operating independently).

FROM SAN DIEGO TO EL CENTRO.

<u>Month</u>	<u>Passenger Capacity</u>	<u>Number Trips</u>	<u>Passengers Carried</u>	<u>Average No. Passengers to Car</u>	<u>Number Empty Seats</u>	<u>Per Cent of Capacity Handled</u>
January, 1918	5	87	307	4.00	128	70½ %
	7	3	20	6.66	1	95 %
February, 1918	5	55	194	3.52	81	70.5%
	7	15	75	5.00	30	71.5%
March, 1918	5	45	161	3.57	64	71.5%
	7	24	119	4.95	49	70.8%
April, 1918	5	34	98	2.88	72	57.5%
	7	76	355	4.67	177	66.7%

FROM EL CENTRO TO SAN DIEGO

<u>Month</u>	<u>Passenger Capacity</u>	<u>Number Trips</u>	<u>Passengers Carried</u>	<u>Average No. Passengers to Car</u>	<u>Number Empty Seats</u>	<u>Per Cent of Capacity Handled</u>
January, 1918	5	86	352	4.00	78	81 %
	7	8	51	6.37	5	91 %
February, 1918	5	67	285	4.25	50	85 %
	7	17	94	5.52	25	75.6%
March, 1918	5	53	234	4.41	31	88 %
	7	29	162	5.58	41	79.8%
April, 1918	5	21	84	4.00	21	80. %
	7	64	389	6.07	59	86.9%

PICKWICK STAGES (when operating independantly)

SAN DIEGO - EL CENTRO DIVISION

<u>Month</u>	<u>Total Trips</u>	<u>Total Passengers</u>	<u>Empty Seats</u>
January, 1918	96	521	143
February, 1918	78	420	118
March, 1918	80	413	138
April, 1918	<u>70</u>	<u>304</u>	<u>186</u>
Total	- 324	1658	585

No definite record was available covering the operation of the White Star Stages during the period January 1 to May 1, 1918 inclusive; although the former manager of the line testified that he had averaged five or six passengers in a car of seven-passenger capacity.

Since May 1, 1918, a full record is available of the travel statistics of the combined companies operating between San Diego and El Centro and an exhibit was filed by protestants which reflects the following data:

SAN DIEGO TO EL CENTROEL CENTRO TO SAN DIEGO

<u>Month</u>	<u>Number of Cars Operated</u>	<u>Number of Passengers Carried</u>	<u>Number of Vacant Seats</u>	<u>Number of Cars Operated</u>	<u>Number of Passengers Carried</u>	<u>Number of Vacant Seats</u>
May, 1918	193	962	365	198	1138	224
June, 1918	268	891	964	285	1856	134
July, 1918	258	1119	810	267	1855	149
Aug., 1918	<u>286</u>	<u>1599</u>	<u>405</u>	<u>283</u>	<u>1532</u>	<u>491</u>
Total -	1 005	4591	2544	1033	6381	998

From the above record it appears that the combined companies have operated during the months of May to August, 1918, inclusive, with an unused seating capacity of 35.6% between San Diego and El Centro and an unused seating capacity of 13.5% between El Centro and San Diego.

The City Attorney of the City of Imperial presented a resolution passed by the Board of Trustees of that city, such resolution declaring that there was no public necessity for the operation of additional stage lines between San Diego and El Centro and points in the Imperial Valley and stating that the present stage lines operating are sufficient for and are caring for all traffic, that regular schedules are being maintained and sufficient equipment is operated to care for all business offering and that there is not sufficient business to justify additional stage lines. Attorneys for applicants requested that applications be amended eliminating the City of Imperial as a portion of the routes proposed to be served.

Protestants filed a letter from the Mayor of the City of Calexico protesting against the granting of a certificate of public convenience and necessity to the Independent Auto Service Company and outlining the opinion that another stage line was

not required and that the facilities of the existing lines were ample to meet all traffic demands and the convenience of the general public.

A witness on behalf of the protestants testified that the El Centro Chamber of Commerce had considered the matter of necessity for more stage lines over the routes sought by applicants herein and the opinion of the Board of Directors was unfavorable regarding additional lines being authorized.

The operating arrangements under which the Pickwick, United and White Star Stages pool their equipment and protect schedules under a common management has resulted in materially improved service between San Diego and El Centro and points in the Imperial Valley and the character of service now rendered is evidently approved by the officials and business men's associations of the several communities served. The General Manager of the Pickwick Stages, who is responsible for the joint operation, testified that the combined companies are in position to satisfactorily handle all the traffic offered and to supply additional equipment if the requirements of the traffic necessitate same.

As the Commission has frequently stated in opinions involving requests for certificates of public convenience and necessity to operate stage lines the desire of an applicant to enter the stage business is not a controlling factor in the matter of public convenience and necessity and where authorized lines are operating over a route and are satisfactorily performing the duties of a common carrier and are able and willing to provide such equipment and service as may be required by the

public need, new lines will not be authorized as competitors over already established routes. The testimony in these proceedings is to the effect that such a condition exists with regard to the routes for which applicants have applied for certificate of public convenience and necessity.

After careful consideration of all the testimony in the above-entitled proceedings we are of the opinion and find as a fact that the public convenience and necessity do not require the operation by A. R. G. Bus Company and Independent Auto Service Company or either of them of automobile stage lines as common carriers of passengers and baggage between San Diego and the Cities of Brawley and Calexico via El Centro, and intermediate points,

#### O R D E R

A. R. G. BUS COMPANY, a corporation, and INDEPENDENT AUTO SERVICE COMPANY, a corporation, each having petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by them of an automobile stage service as a common carrier of passengers and baggage between the City of San Diego and the Cities of Brawley and Calexico via El Centro, and serving intermediate points; a public hearing having been held, the matters having been duly submitted and the Commission being fully advised and basing its order on the finding of fact as appearing in the opinion which precedes this order,



IT IS HEREBY ORDERED that these applications be and the same hereby are denied.

Dated at San Francisco, California, this 24<sup>th</sup> day of September, 1918.

Edwin O. Edgerton  
Alfred G. ...  
Francis R. ...

Commissioners.