

ORIGINAL

Decision No. 6908.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the Matter of the Application of
MERI T. HOXIE for a certificate declar-
ing that the public convenience and
necessity require a passenger and baggage
automobile stage and transportation line,
between Oceanside, California, and Los
Angeles, California, via Coast highway
and Boulevard, and permit to maintain and
operate same.

Application No. 4961.

Malcolm and Turrentine for Applicant.

Harry T. Honnessy for United States Railroad Administration,
Southern Pacific Railroad, Protestant.

T. Morgan for United Stages, Protestant.

H. W. Reed for The Atchison, Topeka and Santa Fe Rail-
road, Protestant.

E. S. Good for A. R. G. Bus Company, Protestant.

A. L. Hayes for Pickwick Stages, Inc., Protestant.

W. E. Powell for White Bus Line, Protestant.

BY THE COMMISSION:

ORDER

MERI T. HOXIE has petitioned the Railroad Commission
for an order declaring that public convenience and necessity
require the operation by him of an automobile stage line as a
common carrier of passengers and baggage between Los Angeles
and Oceanside.

Public hearings were conducted by Examiner Handford at Los Angeles on October 13th and November 19th, 1919, the matter was duly submitted and is now ready for decision.

Applicant proposes to charge rates in accordance with a schedule marked exhibit "A" and attached to the application in this proceeding and to operate on a schedule of one round trip daily serving the terminal points of Los Angeles and Oceanside, no intermediate or local business to be handled.

Applicant is now engaged in the business of operating a stage line between Oceanside and Escondido and alleges that through service is necessary for the public for the reason that passengers destined Los Angeles have difficulty in procuring transportation between Oceanside and Los Angeles and that the stages operating between San Diego and Los Angeles do not stop at Oceanside for local passengers unless seating capacity is available at the time of passage through Oceanside.

The inland route of the Pickwick Stages, Inc., passes through Oceanside but applicant claims the proposed route would be thirty miles less than that of the present inland route of the Pickwick Stages.

Witnesses for applicant residing at Escondido and Oceanside testified as to inquiries which were made by prospective passengers desiring transportation by stage from Oceanside and Escondido to Los Angeles although no testimony was introduced indicating that parties desiring to reach Los Angeles were not able to do so either by stage or by the trains of The Atchison, Topeka and Santa Fe Railroad.

This application is protested by The Atchison, Topeka and Santa Fe Railroad, the A. R. G. Bus Company, the Pickwick Stages, Inc., ^{and} the United Stages. The Atchison, Topeka and Santa Fe Railroad operates a service of four round trips per day

between Los Angeles and San Diego serving the station of Oceanside at the same one way fare as proposed by applicant. This protestant claims to have adequate facilities to satisfactorily meet the demands of the public for transportation between these points and at a rate which is considered reasonable.

The A. R. G. Bus Company protest the granting of this application and operate a schedule of six round trips per day between Los Angeles and San Diego serving Oceanside as an intermediate point. An average of nineteen cars each way per day are required to fill this schedule and such cars are being operated with an average of about seven empty seats daily. The Pickwick Stages, Inc., and the United Stages operate a schedule of four round trips daily between Los Angeles and San Diego serving Oceanside as an intermediate point. These protestants filed as an exhibit at the hearing statements showing the passenger traffic for the months of September and October, 1919, and for the period November 1st to November 13th inclusive.

These statements show the following data:

	<u>Cars Operated</u>	<u>Available Seats</u>	<u>Passengers Hauled</u>	<u>Empty Seats</u>	<u>Average Pass. Per Car.</u>	<u>Percentage Seating Capacity Vacant.</u>
September, 1919-	530	4240	3378	872	6.37	20.57
October, 1919 -	476	3808	2988	820	6.27	21.54
November 1 to 13 Inc., 1919 -	185	1480	1065	425	5.75	39.91

The Pickwick Stages, Inc., also operate a service of one round trip daily via the inland route, Escondido being an intermediate point on such route. The contention of all stage companies appearing as protestants against the granting of this application is that their facilities are ample to care

for all the traffic offering between Oceanside and Los Angeles and desiring stage transportation whether such traffic originates at Oceanside or is that originating at or destined to Escondido via the line between Escondido and Oceanside at present operated by applicant.

The time schedule of the applicant proposes a departure from Los Angeles at 8:00 A. M. daily and at such time the stages of the A. R. G. Bus Company, United Stages and Pickwick Stages, Inc., are also scheduled to leave Los Angeles, such companies furnishing all cars that may be necessary to care for travel by stage originating at Los Angeles. The Santa Fe Railroad schedules a train leaving Los Angeles at 9:05 A. M. arriving at Oceanside at 11:35 A. M. or ten minutes prior to the arrival of the proposed stage of applicant. Leaving Oceanside applicant proposes a departure at 3:15 P. M. This departure is too late to make connection with the stage lines at present operating which are scheduled to leave Oceanside at 2:25 P. M. The Santa Fe Railroad schedules a train leaving Oceanside at 2:35 P. M. Upon inquiry as to why applicant could not adjust his present schedule leaving Escondido so as to afford a connection at Oceanside with the train of the Santa Fe Railroad or the stage lines of protestants, it appears that the applicant is operating in connection with his stage service a United States mail route which requires a departure from Escondido for Oceanside at 2:00 P. M.

The possession of a United States mail contract and the necessity for compliance with a time of departure, as imposed by such contract, is not an indication that public convenience and necessity require the operation of a stage line as a common carrier under the jurisdiction of this Commission in conformity

with the statutory law. The stage lines, protestants in this proceeding, claim to have adequate facilities for the transportation of all passengers desiring to use stage line service between Los Angeles and Oceanside and applicant herein does not desire other than the through business between such points.

After careful consideration of all the evidence in this proceeding, we are of the opinion that the existing transportation facilities, as provided by the Santa Fe Railroad, United Stages, Pickwick Stages, Inc., and A. R. G. Bus Company are adequate to satisfactorily meet the demands of the public desiring transportation between Oceanside and Los Angeles and that such transportation facilities are capable of expansion to meet the demands of the public for transportation between these points and that therefore this application should be denied.

