

ORIGINAL

Decision No. 7149.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the Matter of the Application of)	
THE KERN COUNTY TRANSPORTATION CORPOR-)	
ATION and ELMER KITCHEN, WALTER BOYD)	
and CARL E. INGALLS for certificate of)	
public convenience and necessity to)	
operate a passenger service between)	Application No.5338.
Bakersfield and Maricopa and inter-)	
mediate points.)	
.....)	

- R. B. Lambert for Applicants.

- E. L. Foster for C. T. Cooley and C. E. Sansome.
Protestants.

- H. H. Gogarty for United States Railroad Admin-
istration; Southern Pacific Railroad,
Protestant.

BY THE COMMISSION:

ORDER

The Kern County Transportation Corporation, a corporation, and Elmer Kitchen, Walter Boyd and Carl E. Ingalls, a co-partnership, have petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by them of an stage line as a common carrier of passengers between Bakersfield and Maricopa and intermediate points.

A public hearing on this application was conducted by Examiner Handford at Bakersfield on February 13, 1920, the matter was duly submitted and is now ready for decision.

Applicants propose 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 two round trips daily serving as intermediate points the communities at Panama, Old River, Lakeside Ranch, Connor's Station and Pentland Junction; using as equipment one Packard automobile eight passenger capacity, licensed by State Motor Vehicle Department under license number 425902.

Applicants rely as justification for the granting of the desired certificate upon the alleged fact that there is no line operating over the route between Bakersfield and Maricopa as proposed by applicant herein and that there is but one train each way daily between Maricopa and Bakersfield over the line of the Sunset Railroad.

At the hearing on this application it was stipulated that the Kern County Transportation Corporation should be eliminated from the application in this proceeding and the application will be considered on the basis of the certificate being desired by Elmer Kitchen, Walter Boyd and Carl E. Ingalls, a co-partnership. Witnesses for applicants testified that there was no direct service by auto stage between Bakersfield and Maricopa, the existing route extending from Bakersfield to Taft at which point a change of cars was made to the stage lines operated by protestants C. T. Cooley and C. E. Sansome. The mileage via the existing authorized routes being forty-six miles as against forty-two miles over the route herein proposed. Witnesses for applicants testified that the train service over the line of the Sunset Railroad was unsatisfactory and that a direct route without change of cars was desired as regards the auto stage service.

This application is protested by C. T. Cooley and C. E. Sansome, authorized stage operators over the route between Maricopa and Taft, also by the United States Railroad Administration on behalf of its lessor the Southern Pacific Railroad.

Protestants, Cooley and Sansome, operate stage service between Maricopa and Taft connecting at Taft with the stages operated by Kitchen, Boyd and Ingalls. Protestants claim that between twelve and fifteen passengers are carried over their respective lines daily originated at or destined to Maricopa to or from Bakersfield. The Southern Pacific Railroad, now operating the Sunset Railroad, protest the granting of this application on the basis that train service between Bakersfield and Maricopa is alleged to be adequate, one round trip per day being operated leaving Bakersfield at 12:25 P. M. for Maricopa and leaving Maricopa for Bakersfield at 4:35 P. M.

The evidence in this proceeding indicates that applicants desire to establish via a new route passenger stage service between Bakersfield and Maricopa. The rate proposed by applicant is the same rate as is now available to the public via the combination of locals - Bakersfield to Taft and Taft to Maricopa. The time proposed by the new route is one hour and fifty minutes. The time via the existing authorized routes is one hour and fifty-five minutes. There was no showing made as to any volume of business originating at any point intermediate between Bakersfield and Maricopa on the proposed route which would justify the granting of this application as regards such intermediate business and the intent of this application appears to be an effort on the part of an existing authorized carrier now operating between Bakersfield and Taft to establish a new service between Bakersfield and Maricopa, such service elimin-

ating the use of the connecting lines between Taft and Maricopa. We find no justification for the establishment of such a service and believe that the public is offered nothing by such proposed establishment with the exception of a very slight saving in time. If complaint exists as to schedules of connecting lines not being maintained, the remedy for such condition is a complaint to the Commission and such complaint, if not adjusted by the carriers in interest, will be made the matter of investigation and subsequent order of the Commission. The authorization of a competing line in the absence of a more affirmative showing than has been made at the hearing on this proceeding is not justified and the granting of this application will be denied.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity does not require the operation by Elmer Kitchen, Walter Boyd and Carl E. Ingalls , a co-partnership, of an automobile stage line as a common carrier of passengers between Maricopa and Taft; and

IT IS HEREBY ORDERED that this application be and the same hereby is denied.

Dated at San Francisco, California, this 20th day of February, 1920.

Edwin C. Edgerton
A. D. Leonard
Frank R. W. W.
Waring M. ...

Commissioners.