

McS

Decision No. 7790

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

-000-

In the Matter of the Application of)
C. J. GRAHAM for certificate of pub-)
lic convenience and necessity to) Application No. 5738
operate stage or truck service bet-)
ween Lindsay and Hanford, via Tulare.)

Charles E. Watkinson for Applicant
Earl Bagby for Miller Protestant
E. E. Wade and P. Slater for Southern
Pacific Company, Protestant
F. L. Hanna for Atchison, Topeka &
Santa Fe RR Co. Protestant.
J. R. Allen for American Railway Express
Company, Protestant.

BY THE COMMISSION.

ORDER

C. J. Graham 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 express packages between Lindsay and Hanford via Tulare and intermediate points.

A public hearing on this application was conducted before Examiner Satterwhite at Hanford on June 2nd, 1920, the matter was duly submitted and is now ready for decision.

Applicant proposes to charge rates in accordance with schedule marked Exhibit "A" filed with said application and to operate on a time schedule of four round trips daily using as equipment two 7-passenger Cadillac automobiles.

The Southern Pacific Company, Atchison, Topeka & Santa Fe Railroad Company and the American Railway Express Company and Joseph Miller protested the granting of the application.

Applicant testified and also called several other witnesses in support of the application. A certificate of public convenience and necessity was granted to E. Moore by the Commission on February 5th, 1920, Decision No. 7078, to operate a passenger-express service over this identical route, but it was shown that Moore has never even commenced or operated this service.

The evidence shows that there is no stage line operating directly between the points proposed to be served, nor any direct operation by steam or electric railroad over the proposed route; and there is no through service by any steam, electric or stage line from Lindsay to Tulare or from Tulare to Hanford or from Lindsay to Hanford. The proposed route of applicant would cover the distance by the shortest and most direct route possible by going directly from Tulare northerly by way of County Highway to State Highway at Plaza Garage, thence westerly direct to Hanford, a distance of about 22 miles.

Mr. J. M. Birkhead, County Supervisor, at Tulare, gave testimony to the effect that there is a strong public demand for this service based upon the expressed desire of farmers and others who live along the proposed route. It was shown that many inquiries have been made by passengers at Hanford and Lindsay for direct transportation between these terminals. Strong endorsements from the Tulare Board of Trade and from the Lindsay Chamber of Commerce were introduced in evidence, each endorsement indicating that the present circuitous route was very unsatisfactory involving more time and expense in traveling between these terminals. It was shown that many commercial men, traveling men and others of the traveling public have from time to time expressed a desire to have this proposed service.

The applicant stipulated at the hearing that he would not carry any local passengers between Hanford and Plaza Garage on account of the fact that Joseph Miller was now operating along that particular portion of the proposed route and was rendering a

satisfactory service.

After careful consideration of the evidence we are of the opinion that the application should be granted:

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by C. J. Graham of an automobile stage line as a common carrier of passengers and express packages between Lindsay and Hanford via Tulare and intermediate points.

Provided, however, that no local passengers, ^{or} express packages will be carried in connection with permit between Hanford and Plaza Garage, and

Provided further, that the rights and privileges herein authorized may not be transferred nor assigned unless the written consent of the Railroad Commission to such transfer or assignment has first been procured,

IT IS HEREBY ORDERED that applicant file with the Railroad Commission within ten days from the date of service of this order a written acceptance of the certificate herein granted, such acceptance to contain advice as to the date upon which service will be commenced, which date shall not be more than 90 days from the date of service of this order,

IT IS HEREBY FURTHER ORDERED that no vehicle may be operated under this certificate, unless such vehicle is owned by applicant herein, or is leased by said applicant under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 24th day of June, 1920.

W. H. Boardman
Frank K. L. L. L.
James Macdonald

Commissioners.