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Decision No. 8018

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of  
J. M. REESE and D. MOYER for a  
certificate of public convenience  
and necessity to operate an automo-  
bile stage line for the transporta-  
tion of passengers and baggage between  
the City of Los Banos and Tracy,  
California.

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Application No. 5323

Gallaher & Simpson by W.E. Simpson  
for Applicants.  
E. E. Wade, C. H. Redington and  
C. E. Fleming for Southern  
Pacific Co.- Protestant.

BY THE COMMISSION.

ORDER

J. M. Reese and D. Moyer have petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by them of an automobile stage line as a common carrier of passengers and hand baggage between the City of Los Banos, County of Merced and the City of Tracy, County of San Joaquin.

Public hearings on this application were conducted by Examiner Satterwhite at Fresno on June 1st, and June 28th, 1920, the matter was duly submitted and is now ready for decision.

Applicants propose to charge rates in accordance with a schedule marked Exhibit "B" filed with the application in this proceeding and to operate on a schedule of two round trips daily. The equipment proposed to be used consists of two seven passenger Cadillac automobiles.

Swett & Figeroa and the Southern Pacific Company protested the granting of this application. At the hearing on June 28th, the application was amended by the withdrawal of J. M. Reese as one of the applicants.

D. Moyer testified in support of the application and called other witnesses who testified as to the public necessity for the proposed line.

The route of the proposed service passes through a prosperous farming and dairy district and also through a fruit growing section. It was shown that all classes of passengers consisting of merchants, traveling salesmen and farmhands will patronize this service. A very large number of seasonal laborers demand transportation over this proposed route, seeking work upon the ranches and in the grain fields.

The proposed line will connect with the stage lines of Allen & Moyer now operating between Los Banos and the City of Fresno and the residents of the towns along the proposed route will be able to procure through stage service from Tracy to Fresno.

It was shown that numerous requests have been made to applicants for the establishment of this line for the reason that the protestants Swett and Figeroa have utterly failed to maintain any regular or satisfactory service under their certificate from this Commission over this identical route.

The evidence indicates that there is also complaint on account of the poor train service of the protestant Southern Pacific Company.

Swett and Figeroa introduced no testimony whatever in support of their protest or in contradiction to the evidence introduced by the applicant. The testimony clearly and conclusively shows that Swett and Figeroa have failed to maintain a regular running schedule and have suspended operation for several days at a time and have offered no adequate or dependable method for the

transportation of the residents along the line and the traveling public. It was shown without any contradiction whatever that Swett and Figueroa have maintained a very bad, irregular and unsatisfactory service and at the last hearing on this application, it was shown that they had no stage in operation at all over this line.

The Southern Pacific Company offered in evidence their tariff and time schedules which indicated that they were operating two trains each day between said terminals and that the volume of business did not justify any further or additional service. The proposed route of applicant does not parallel the line of the Southern Pacific Company, but traverses territory one-half to three miles away. It is the intention of the applicant to connect directly with the stage lines of Allen & Moyer operating from Los Banos to Fresno, thus offering a through stage service from Tracy to Fresno on the West Side.

After a careful consideration of the evidence, we are of the opinion and find as a fact that the public convenience and necessity will be served by the granting of the above named application.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by D. Moyer of an automobile stage service as a common carrier of passengers and hand baggage between the City of Los Banos, County of Merced and the City of Tracy, County of San Joaquin.

Provided, however, that the rights and privileges hereby 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 no vehicle may be operated under this certificate unless such vehicle is owned by applicant

herein or is leased by such applicant under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 27<sup>th</sup>  
day of August, 1920.

Edwin O. Edgerton  
H. D. Taylor  
Frank K. Brown  
H. B. Brundage

Commissioners.