

50101

ORIGINAL

Decision No. 8468

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

---000---

In the matter of the application of A. R. G. BUS COMPANY, Inc. for certificate of public convenience and necessity to operate passenger auto stage service between Los Angeles and Santa Ana, California via Long Beach.

Application No. 5105.

In the matter of the application of COMMON TRANSPORTATION COMPANY, a corporation, for certificate of public convenience and necessity to operate an automobile bus or stage passenger service between Long Beach and San Diego.

Application No. 6060.

H. W. Kidd, Rex Hardy and F. D. Howell for O. R. Fuller.
Clyde Bishop and Douglas Brookman for A. E. Watson, protestant.
S. W. Thompson for United Stages, Inc.
Frank Marr for Pacific Electric Railway.

BY THE COMMISSION:

O P I N I O N

The above Application No. 5105, as originally filed by A. R. G. Bus Company is for authority to operate an automobile stage service for the common carriage of passengers between Los Angeles and Santa Ana, via Long Beach, two round trips per day, the alleged justification being that the present service of United Stages, Inc. between Long Beach and

1208

San Diego via Santa Ana, in connection with Crown Stages operating locally between Long Beach and Santa Ana, is not satisfactory to passengers traveling between Long Beach and San Diego because of the objection to transfer at Santa Ana.

Operative rights of A.R.G. Bus Company between Los Angeles and San Diego via Santa Ana were transferred to C. R. Fuller by authority of Decision No. 7082 on Application No. 5290, and amended application herein was filed before the first hearing, reciting the fact, and praying that said C. R. Fuller be substituted as applicant. The former A.R.G. line is being operated by Motor Transit Company as part of its system under lease from Mr. Fuller.

Subsequently, Compton Transportation Company filed above Application No. 6060, asking authority to operate a passenger stage service between Long Beach and San Diego, serving as intermediate points San Juan Capistrano and points south thereof to and including San Diego, operating two round trips per day over the same route covered by the A. R. G. Bus Company application.

Application No. 5105 of C. R. Fuller was vigorously protested by L. B. Watson operating local passenger stage line between Long Beach and Santa Ana under the name of Crown Stage, upon the ground as set up in his written protest that a joint tariff exists between him and the Fuller line under which he carries San Diego passengers between Long Beach and Santa Ana, that he is ready, able and willing to increase his service to meet the convenience and necessity of the traveling public, and that granting the application would still further congest travel on the highway between Long Beach and Santa Ana. He does not object to

operation of through stages between Los Angeles and San Diego via Long Beach, but does object to applicant handling through passengers originating at or destined to Long Beach to or from points south of Santa Ana.

Public hearings upon both applications were held by Examiner Westover at Los Angeles and Long Beach.

At the first hearing counsel for applicant stated that applicant did not desire to handle local traffic between Los Angeles and Long Beach or between Long Beach and Santa Ana, or between Los Angeles.-Long Beach territory, and points north and east of Los Angeles reached by Motor Transit Company. Thereupon Pacific Electric Railway, serving in the territory above described, withdrew its proposed opposition to the granting of the application.

United Stages, operating between Los Angeles and San Diego via Long Beach, does not protest the granting of the application. It has sold to applicant, O. R. Fuller, any rights which it may have in its Los Angeles-San Diego line, subject to the approval of the Commission, which approval is sought in an application now pending before us.

To accommodate passengers from Long Beach to San Diego and points south of Santa Ana, the custom has been for Crown Stage to telephone the Los Angeles office of Motor Transit Company to reserve seats from Santa Ana south, for Long Beach passengers to be delivered by Crown Stage at Santa Ana. Crown Stage office at Long Beach sold Motor Transit Company tickets for such passengers. A dispute arose as to

settlement between them on account of ticket sales. Crown Stage in a number of instances declined to give information concerning possible connections at Santa Ana to San Diego or return, and in other instances has declined to sell tickets or provide passage for points south of Santa Ana. Motor Transit Company refused to furnish further tickets. Passengers for San Diego or points south of Santa Ana, on its line, were therefore brought to its line at Los Angeles by Compton Transportation Company buses.

Applicant showed seat reservations for passengers southbound received from Crown Stages at Santa Ana as follows:

October 6th to 31st, 1919, 72; November 1st to 29th, 91; December 1st to 31st, 193; January 1st to 25th, 1920, 161; February 9th to 28th, 128; March 1st to 20th, 28; April 1st to 27th, 4; and for passengers from Compton Transportation Company at Los Angeles, February 5th to 24th, 1920, 41; March 1st to 31st, 260; April 2d to 30th, 119. Crown Stages produced no data on the question, but one of its witnesses estimated that it handled from three to six passengers daily for San Diego. These figures indicate a public need for service between Long Beach and points south of Santa Ana in addition to service now furnished by United Stages and Pickwick Stages, which operate direct lines, and that a large proportion of the passengers carried travel from Long Beach back to Los Angeles to procure the San Diego service of Motor Transit Company, rather than travel by Crown Stage and change to the San Diego line at Santa Ana.

Applicant operates ten round trips daily between Los Angeles and San Diego via Santa Ana. Crown Stage operates six round trips daily between Long Beach and Santa Ana. All but one of these make connection at Santa Ana with applicant's southbound stages with a wait of but five minutes, one Crown Stage leaving Long Beach at 3:55 P.M., not making any connection. Of the Crown Stages six westbound schedules, two leave Santa Ana before applicant's first stage from San Diego arrives there. Of the remaining four, one makes a perfect connection with applicant's stage leaving San Diego at 8:00 A.M., two involve a half hour wait at Santa Ana and one a wait of an hour and ten minutes. The time required by the two lines Long Beach to San Diego is five and one-quarter hours, and from San Diego to Long Beach five hours and forty minutes, including forty minute stops for luncheon provided by applicant's time schedule. Applicant's proposed service, leaving Los Angeles and San Diego at 8:00 A.M. and 1:00 P.M. will provide but little, if any, saving in time as compared with the joint schedule in instances where close connections are provided at Santa Ana.

Applicant's proposed rates are the same as the present joint rates and the rates of other carriers in effect at the time the application was filed.

Motor Transit Company, which operates the Los Angeles, San Diego line of applicant, has recently been authorized to increase its one-way rate between Los Angeles and San Diego to \$5.50.

By Application No. 3060, filed long after the above Application No. 3103, Compton Transportation Company, a corporation, requested authority to establish automobile stage passenger service between Long Beach and San Diego, serving as

intermediate points Caristrano and points south thereof to and including San Diego, operating two round trips per day, leaving Long Beach and San Diego at 8:00 A.M. and 2 P.M. daily and using large touring cars, being the same type of equipment proposed by Mr. Fuller in Application No. 5105. The proposed one way rate is \$5.50, including war tax.

The testimony offered in connection with this application is to the effect that the City of Long Beach, which is well known as a tourist and pleasure resort, with a population of about 55,000, which is increased about one-third during its so-called summer and winter seasons, needs a stage service by which through passengers can be assured of ample seating accommodations at Long Beach. Some complaint was made that reservations made in Los Angeles on United Stages upon payment of the San Diego fare in Long Beach were not held for Long Beach passengers, who were put to great inconvenience thereby. Long Beach passengers appear to prefer service by large touring cars through to San Diego rather than use the large local busses of Crown Stage, operated between Long Beach and Santa Ana.

It was also claimed at the hearing that Compton Transportation Company has an established right to operate between Long Beach and San Diego because of operation in good faith prior to May 1, 1917 by W. W. Compton, its president, and practically sole stockholder. It appeared, however, from the testimony of Mr. Compton and others that this claim was founded upon operation under the name of Cap Stage Line, by which San Diego trips were made four or five times a week when it was considered that sufficient passengers had been secured to justify making the trip. When there were

not sufficient southbound passengers to induce the making of a trip the trip would not be made unless previous arrangement had been made by prospective passengers in San Diego who wished to have the car call for them and bring them back to Long Beach. While these trips were usually made at 9:00 A.M. the second alleged schedule at 2:00 P.M. was seldom operated. It is very clear from the testimony that the operations described were not such as to justify the conclusion that the line was operated as a "transportation company" as defined by the Statute of 1917. It also does not satisfactorily appear that applicant has succeeded to the property or business of the Cop line.

We conclude that there is a public need for additional service between Long Beach and San Diego which apparently cannot be adequately cared for under the present through route and joint rate arrangement above described; and that applicant, O. R. Fuller, is best prepared to furnish the additional service and to increase it from time to time as the demands of the traveling public may require. It is expected that ample equipment will be provided to afford seats for Long Beach passengers so that Long Beach will be served, as well as though it were the terminal of the line.

O R D E R

A public hearing having been held upon the above described applications, the matter having been submitted and being now ready for decision,

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by O. R. Fuller or Motor Transit Company as his lessee of an automobile stage line as a common carrier of passengers and

baggage between Los Angeles, Long Beach and points south of Santa Ana, to and including San Diego, but said applicant or its said lessee shall not transport local passengers between Los Angeles and Long Beach or points intermediate thereto, or between Long Beach and Santa Ana or any points intermediate thereto, nor between any of said points or intermediate points on the one hand and points east or north of Los Angeles, which are served by said applicant or his said lessee or served by the Pacific Electric Railway Company on the other hand.

The rights and privileges acquired hereby 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 in said service unless said vehicle is owned by the applicant herein or is leased by said applicant under a contract or agreement satisfactory to the Railroad Commission.

IT IS HEREBY FURTHER ORDERED that the said applicant shall within 20 days from the date hereof file with the Railroad Commission his schedule and tariffs covering said proposed service, which shall be in addition to proposed schedule and tariff accompanying the application, and shall set forth the date upon which the operation of the line hereby authorized will commence, which date shall be within 90 days from date hereof, unless time to begin operation is extended by formal supplemental order.

The authority herein contained shall not become effective until and unless the above mentioned schedule and tariff are filed within the time herein limited.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity does not require the operation by Compton Transportation Company of an automobile stage line as a common carrier of passengers between Long Beach and San Diego via Santa Ana or over any portion of said route.

IT IS HEREBY FURTHER ORDERED that the above described application of said Compton Transportation Company be and it is hereby denied.

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

Elin O. Edgerton
H. S. Leonard

H. C. B. B. B.
Dwight Martin
COMMISSIONERS.