

Decision No. 8467

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the matter of the application
of WALTER M. COLLINS for cer-
tificate of public convenience and
necessity to operate passenger,
baggage and package service between
Tulare and Porterville, California.

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) Application No. 8766.
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Earl A. Bagby for applicant.

Ernest Walling for J. C. Walling,
trustee.

BY THE COMMISSION:

O P I N I O N

Walter M. Collins applies for authority to op-
erate an automobile passenger, baggage and package service
between Tulare and Porterville via Lindsay and Strathmore,
proposing to operate three round trips a day but not serving
locally between Lindsay, Strathmore or Porterville.

A public hearing upon the application was held
by Examiner Westover at Fresno, California.

It appears from the evidence that there is no
direct through service at present by stage or rail between
Tulare and Porterville or points south of Lindsay. The pro-
posed route from Tulare is about 14 miles easterly to Lindsay
and about 10 miles southerly to Porterville. Carriers now
serving in this territory are the so-called Walling line,
operated by C. J. Walling as trustee, between Fresno and

Bakersfield via Lindsay and Porterville; the Miller line between Visalia and Tulare; and the line of J. C. Graham between Hanford and Lindsay via Tulare.

The present routes of travel between Tulare and Porterville are therefore via the direct Graham line changing at Lindsay to or from the Walling line, a distance of about twenty-four miles, with no direct rail connection; or indirectly via Visalia and Exeter using the Miller and Walling lines or the Southern Pacific or the Santa Fe Railroads, sixteen miles farther than the direct route,

Mr. Walling vigorously protested the granting of the application on the ground that it would result in the loss of most of the Walling lines' Tulare-Porterville business which it now hauls twenty-nine miles between Porterville and Visalia via Exeter; as well as business via the direct route which it now hauls about ten miles between Porterville and Lindsay.

Mr. Miller, operating the Miller line between Tulare and Visalia did not appear, and Mr. Graham, whose line would be paralleled by applicant's line between Tulare and Lindsay strongly favored the granting of the application and testified in behalf of applicant. At the time of the hearing his line between Tulare and Lindsay had been in operation two months with two round trip schedules daily. He testified to the belief that there was sufficient business available via his direct route to support both his line and the line of applicant and that both would be benefited by granting the application because the direct route would^{thus} be better advertised and better patronized, and the public

better served through the operation of non-conflicting schedules by both lines, while at present the Walling line representatives at Lindsay, the junction point, do not give the traveling public information concerning his direct route between Lindsay and Tulare.

Many commercial travelers covering this territory are now routed to the five towns, using the Walling line in connection with the Miller line between Visalia and Tulare. The former submitted a travel check for October showing 2958 passengers carried between Lindsay and Porterville over its lines in 5154 available seats. No record was kept of the destination of these passengers. The daily travel between these points appears to be quite uniform through the month and to be considerably higher southbound than northbound, with the heaviest travel usually in the early morning and late afternoon in each direction. During the peak hours all available seats are frequently occupied. It apparently has no more than a safe margin of capacity for these periods. There was also testimony showing crowding and overloads on the Walling line, but it claims to have given strict instructions against overloading and that it has received no complaints concerning service.

Considerable testimony was also presented showing movement of fruit pickers in the territory, population of principal towns and business and social relations between the communities in the territory being discussed.

The time required for the stage journey from Tulare to Porterville via the indirect Visalia route is two hours four times a day and in the opposite direction two and one-half, three and three and one-third hours respectively three times a day.

Applicant's proposed schedule via the direct route through Lindsay requires one hour and is to be operated three round trips a day. It appears from a study of all of the testimony that there is need for the through service proposed.

O R D E R

A public hearing having been held upon the above described application, 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 applicant, Walter M. Collins, of a through automobile ^{vice} stage ser/ as a common carrier of passengers, baggage and light express between Tulare and Porterville via Lindsay and between local points west of Lindsay and east of Tulare and local points south of Lindsay to and including Porterville, but said applicant shall not handle local business between Tulare and Lindsay, both points inclusive, nor between Lindsay and Porterville, both points inclusive.

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 its 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.

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

Edwin J. Edgerton
H. J. Loveland
H. B. Brindley
Commissioners.