

Decision No. 2551**ORIGINAL**

## BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
E. B. STEVENSON and OLIVER KEPHART  
(United Stages, Inc., successors),  
for certificate of public convenience  
and necessity to operate stage service  
between Coachella and Brawley, Califor-  
nia. ) Application 4390

In the Matter of the Application of  
UNITED STAGES, INC., for a certificate  
of public conveyance and necessity to  
operate a passenger auto stage and ex-  
press package service over an alternate  
route between Brawley and Los Angeles,  
California, and intermediate points. ) Application 4682

In the Matter of the Application of  
G & W STAGE COMPANY for certificate  
of public convenience and necessity  
to operate passenger service between  
Riverside and Brawley and intermediate  
points. ) Application 6240

In the Matter of the Application of  
UNITED STAGES, INC., for a certificate  
of public convenience and necessity to  
operate a passenger auto stage and ex-  
press package service between Mecca  
and Westmoreland, and intermediate  
points. ) Application 6363

S. W. Thompson for United Stages, Inc., in Ap. No. 4682.  
E. E. Bennett for Los Angeles & Salt Lake Railroad.  
A. L. Hayes for Pickwick Stages, Inc.  
Paul Burks for Atchison, Topeka & Santa Fe Railroad Co.,  
in Ap. No. 4682.  
F. E. Watson for Southern Pacific Co., in Ap. No. 4682.  
J. R. Downs for Southern Pacific Co., in other above  
applications.  
I. Hayden, Secretary, for Riverside Chamber of Commerce,  
in other above applications.  
S. L. Cheroske for G & W Stage Co.  
Frank L. Miller for W. J. McKinley (Riverside-Banning  
Stage), and for James A. Gray (operating stage White-  
water and Palm Springs Resort).  
Herbert W. Kidd and S. W. Thompson for United Stages, Inc.,  
in all applications except Ap. No. 4682.  
Herbert W. Kidd for Motor Transit Company.  
C. H. Jones for Pacific Electric Railway Co.

BY THE COMMISSION.

O P I N I O N

By Application No. 4390 Messrs. Stevenson and Kephart, then operating a stage line between Riverside and Blythe, via Coachella and Mecca, applied for authority to establish a branch line between Coachella, on their line, and Brawley, operating over a route lying to the west of the Salton Sea, via Westmoreland.

By Application No. 4682 United Stages, Inc., applied for authority to operate a passenger stage line between Los Angeles and Brawley, via Riverside, Banning, Coachella, Mecca and Westmoreland.

By Application No. 6240 G & W Stage Company applied for authority to operate a passenger stage line between Riverside and Banning over the same route east of Riverside, as described in Application No. 4682 of United Stages, Inc.

By Application No. 6363 United Stages, Inc., applied for authority to operate a passenger and express service between Westmoreland and Mecca.

Public hearings upon the above applications were held by Examiner Westover, Application No. 4682 being heard in Los Angeles, December 27th, the other three applications being heard at Riverside, December 30, 1920. At the latter hearing, it was stipulated that the three applications then being heard be consolidated for hearing and decision, and that Application No. 4682, heard in Los Angeles, and the testimony and proceedings in connection with it might also be considered in evidence at the Riverside hearing. The entire matter has been submitted and is now ready for decision.

It appears that by authority of Decision No. 7948 of August 2, 1920, Oliver Kephart, one of the applicants in above

Application No. 4390, transferred to his partner, E. B. Stevenson, his interest in the operative rights of said partnership in the passenger stage line previously operated by them between Riverside and Blythe, via Coachella and Mecca; and that by authority of Decision No. 7949 of same date said Stevenson transferred his interest in said operative rights in the passenger stage line between Riverside and Blythe to United Stages, Inc. The transfer thus authorized also included any rights which Messrs. Stevenson and Kephart might have in above application No. 4390, seeking authority to operate between Brawley and Coachella, which is about ten miles by rail nearer to Los Angeles than is Mecca. Upon motion at the Riverside hearing, the latter company was substituted as applicant in Application No. 4390 instead of Messrs Kephart and Stevenson. The company's authority to operate between Brawley and Westmoreland is by virtue of Decision No. 7450 of April 19, 1920, in Application No. 5569. Both Mecca and Coachella are on the Riverside-Blythe stage line and on the Southern Pacific line.

At the hearing in Los Angeles upon application of the United Stages, Inc., No. 4682, the applicant stipulated that it did not seek to transact any local business between Los Angeles and Banning or intermediate points, and that eastbound stages would not carry passengers for Banning or points west of Banning and that westbound stages would not pick up passengers at Banning or points west thereof; thereupon, the Salt Lake and Santa Fe railroads and Pickwick Stages refrained from making any protest against granting the application.

At the Riverside hearing, the G & W Stage Company made a similar stipulation and one to the effect that it would not parallel the operations of Motor Transit Company in the vicinity of Riverside, nor would it operate between Whitewater and Palm Springs Resort, which is off the railroad southeast of Whitewater. There-

upon, W. J. McKinley, operating the Riverside-Banning stage, and James A. Gray, operating the Whitewater-Palm Springs stage; Motor Transit Company, operating stages in the vicinity of Riverside; and the Pacific Electric Railway Company, all announced that they would refrain from protesting the application of G & W Stage Company. Both the United Stages, Inc., and G & W Stage Company agreed that the restrictions covered by their said stipulations might be incorporated in any order which the Commission might make upon either or all of the above applications.

United States, Inc., at present operates a line between Los Angeles and Brawley, via San Diego and El Centro, a distance of 276 miles, about 70% of which is over paved highway, but 90 miles of which is through the mountains reaching an elevation of 4200 feet, with many grades and curves; only about 15 miles of the mountain road being paved. At times during the winter season, parts of the road through the mountains are impassable for short periods and it is necessary to transfer passengers on foot around these impassable places. The route via Mecca and Riverside is over comparatively level country with no mountains or high altitude, and not subject to much, if any, storm damage. The distance is 216 miles. The roads from Riverside to Los Angeles are paved, but east of Riverside there are principally fair dirt roads; 12 miles of this, however, is considered bad dirt road.

The running time via San Diego is 12½ hours and the proposed time via Riverside is 9½ hours. The proposed fare via Riverside is \$8.00 as against the present fare of \$9.35 via San Diego.

Applicant operates four schedules per day via San Diego and at times four or five cars per schedule. It averages about twenty through passengers per day over its present San Diego route. It reports numerous inquiries for transportation via Riverside. Under its present application, it desires authority to transport its Los Angeles-Brawley passengers via the direct route wherever

they so desire; to serve the territory west of the Salton Sea not now served by any transportation, as well as to carry its passengers between Blythe and Banning to and from Los Angeles in its own cars rather than to transfer them at Riverside to other carriers as it is now obliged to do.

At the Riverside hearing it presented testimony relating to the territory west of the Salton Sea, from which it appears that there are about 500 ranchers tributary to the highway between Westmoreland and Mecca, which are distant about fifty-five miles. There are also along this portion of the route three construction camps, with from 125 to 150 men in the State camp and **about an equal number of men** in the two private contractors' camps. There are also three producing oil wells and several camps where drilling operations are in progress, with a total estimated population in Mecca, Westmoreland and the territory between Mecca and Brawley of about 1000. The testimony showed many people visiting Palm Springs by stage seeking transportation to Imperial Valley points, and many calls in the San Jacinto-Idlewild territory for stage transportation to and from Imperial Valley points, with numerous applications at Mecca for transportation to Westmoreland and points west of the Salton Sea; and also considerable travel between Blythe and the Palo Verde Valley and points in the Imperial Valley.

The only rail transportation between these valleys is via the Santa Fe and Southern Pacific through San Bernardino and Riverside, which is very circuitous, slow and expensive. The Blythe stages and Southern Pacific trains do not afford good connections at Mecca. Applicant's stages between Mecca and Brawley it is proposed will connect at Mecca with its Blythe stages, both east and westbound.

G & W Stage Company offered no testimony on the question

of public convenience and necessity or the service which it offers, but relied upon the showing made upon the other applications. It stipulated the financial ability of United Stages, Inc., to perform the service and offered no testimony concerning the fitness of the latter.

As the United Stages, Inc., is operating that part of the route in question between Riverside and Mecca and between Westmoreland and Brawley without complaint, and with admitted financial ability to increase the service as needed and also operate the proposed through service, there is no public convenience or necessity to be served by an added line.

It appearing at the Los Angeles hearing that, through inadvertence, a pro forma order had previously been issued granting Application No. 6363 of United Stages, Inc., while the other applications above described were pending, set for hearing but not heard, upon telegraphic request of Examiner Westover the application was set down for hearing before him at Riverside. The facts developed there justify the order previously made granting it.

The above facts do not justify the granting of Applications No. 4390 and No. 6240 hercinabove described, and they will be denied.

#### O R D E R

Public hearings having been held upon the four above entitled applications, each being submitted and now ready for decision,

IT IS HEREBY DECLARED that public convenience and necessity require the operation by United Stages, Inc., of automobile stages as a common carrier of passengers between Los Angeles and Brawley, serving as intermediate points Palm Springs, Indio, Coachella, Thermal, Mecca, Oasis Ranch, Fig Tree Johns and Westmoreland.

This declaration is made subject to the following conditions:

Said United Stages, Inc., shall not transact any local business between Los Angeles and Banning or any points intermediate thereto, nor pick up or discharge at or between Los Angeles or Banning passengers whose point of origin or destination may be Los Angeles or Banning or points intermediate thereto.

Nothing herein contained shall prevent said applicant from transporting passengers between Banning and any of said points west thereof and any of the points east or south of Banning which are named herein.

The operative rights and privileges hereby established may not be transferred, leased, sold nor assigned, nor the service abandoned unless the written consent of the Railroad Commission thereto has first been procured.

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 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 abovementioned schedule and tariff are filed within the time herein limited.

IT IS HEREBY FURTHER ORDERED that Application No. 4390 of E. B. Stevenson and Oliver Kephart (United Stages, Inc.), and Appli-<sup>successor</sup>

cation No. 6240 of G & W Stage Company be and they are hereby denied.

Dated at San Francisco, California, this 17<sup>th</sup> day of January, 1921.

W. D. Longland  
Frank R. Brown  
H. T. Bondage

Commissioners.