

ORIGINAL

BEFORE THE RAILROAD COMMISSION  
OF THE STATE OF CALIFORNIA

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In the Matter of the Application of KENNETH FRASER for certificate of public convenience and necessity to operate passenger, freight and bag- gage service between Pasadena and Arroyo Seco.	) ) ) ) ) )	Application No. 5711.
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In the Matter of the Application of E. G. WITHEALL, ARROYO SECO STAGE NO. 1, for certificate of public conveni- ence and necessity to extend present auto stage service between Lincoln Avenue car, Pasadena, and end of new road at dam in Arroyo Seco, then to Teddy's Outpost as road is completed.	) ) ) ) ) )	Application No. 5923.
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Ticknor & Carter, by George S. Carter, for  
Withall and Hicks and Webb and Hendricks.

Landreth, Musick & Newell, by Music &  
Newell, for Kenneth Fraser.

BY THE COMMISSION:

ORDER

KENNETH FRASER 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, freight and baggage between the terminus of Lincoln Avenue and Montana Street, in the City of Pasadena, and a point one-half mile south of Oak Wilde Camp in the Arroyo Seco, and intermediate points.

Applicant proposes to charge rates and to operate on a time schedule and to use equipment as shown, respectively, in Exhibits "A", "B" and "C" attached to said application.

E. G. WITHALL, operating under the fictitious name of Arroyo Seco Stage No. 1, has petitioned the Railroad Commission for an order granting an extension of his present passenger auto service between the corner of Lincoln Avenue and Montana Street, in the City of Pasadena, and the end of the new road at dam in Arroyo Seco, to Teddy's Outpost, and intermediate points. Applicant proposes to charge rates, and to operate a time schedule and to use equipment as shown respectively, in Exhibits "A", "B" and "C" attached to said application.

A public hearing on these applications was conducted by Examiner Satterwhite at Pasadena; the matters were duly submitted, and are now ready for decision.

The applications were consolidated for the purpose of receiving evidence for the reason that the evidence in one would be more or less material in the other.

E. G. Withall, above-named applicant, and N. A. Webb opposed the application of Kenneth Fraser. Since the hearing of these applications E. G. Withall has abandoned and entirely discontinued the operation of his service above described.

KENNETH FRASER, above-named applicant, on June 1, 1920, by Decision No. 7653 of this Commission, was granted an ex parte order to operate an auto passenger and freight service between Pasadena and Oak Wilde Camp in the Arroyo Seco, and intermediate points. This ex parte order was granted by reason of an allegation in Fraser's application, that there was no other stage line operating between the points to be served.

E. G. WITTHALL and N. A. Webb, who have been operating in this territory for sometime, complained to the Commission against the issuance of the ex parte order to Kenneth Fraser, and thereafter Kenneth Fraser, at the suggestion of this Commission, filed the above-named application and was permitted to continue his stage operations under said ex parte order until the further order of this Commission.

N. A. Webb, under the authority of this Commission, Decision No. 6618, operates an auto passenger stage line under the name of Arroyo Seco Stage between Pasadena and Switzer's Relay in the Arroyo Seco. On account of the construction of a new road into the Arroyo Seco Canyon, Webb has been compelled to detour, for the past 6 or 8 months, over another route to Switzer's Relay.

At the hearing the applicants called several witnesses, who testified in support of the above-named applications. The testimony showed that Arroyo Seco Canyon is a camping ground for many hikers residing in Pasadena and Los Angeles, and elsewhere, and also has a large number of camping resorts; that on Saturdays, Sundays and holidays the passenger traffic into the Arroyo Seco is very heavy, and at least a thousand persons travel in and out of the canyon on these days. It appears that there is practically little or no traffic on the ordinary week days.

Kenneth Fraser has been operating over a route which starts at Lincoln Avenue and Montana Street, continuing west on Montana Street to Windsor Avenue, thence north on Windsor Avenue, and ends at a point one-half mile south of Oak Wilde Camp by way of the Arroyo Seco road. This route practically parallels the route which N. A. Webb served under the authority of this Commission prior to the time he was compelled to

make a detour pending the completion of the new road in the Arroyo Seco. At the hearing, Webb testified that as soon as the new road in the Arroyo Seco was completed he would at once resume operations in the Arroyo Seco in accordance with the service authorized by this Commission, and would place in operation a sufficient number of passenger busses, and forward to the Commission a time schedule that would be fully adequate to handle all the traffic into the Arroyo Seco.

Since the hearing of the above-named applications the new road into the Arroyo Seco has been completed to a point near Oak Wilde, and Webb, in accordance with his promise at the hearing, has recently filed with this Commission a new time schedule and passenger tariffs. This new time schedule became effective February 1, 1921, and indicates that Webb will make two round-trips daily except Saturdays, Sundays and holidays, and six round-trips on Saturdays, Sundays and holidays between Pasadena and Oak Wilde. In operating this service he will use one 20-passenger bus, one 12-passenger bus and other necessary equipment sufficient to handle all traffic.

After consideration of all the evidence, we are of the opinion that the above-named applications should be denied.

The RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity do not require the operation by KENNETH FRASER of an automobile stage line as a common carrier of passengers, freight and baggage between the terminus of Lincoln Avenue and Montana Street, in the City of Pasadena, and a point one-half mile south of Oak Wilde Camp in the Arroyo Seco, and intermediate points.

IT IS HEREBY ORDERED that the said application of KENNETH FRASER be, and the same is hereby, denied.

The RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity do not require the operation by E. G. WITHEALL of an extension of his present auto passenger service between the corner of Lincoln Avenue and Montana Street, in the City of Pasadena, and the end of the new road at dam in Arroyo Seco, to Teddy's Outpost, and intermediate points.

IT IS HEREBY ORDERED that said application of E. G. WITHEALL be, and the same is hereby denied.

IT IS HEREBY FURTHER ORDERED that the order and Decision No. 7653, made and entered by this Commission on the first day of June, 1920, be, and the same is hereby canceled and set aside.

IT IS HEREBY FURTHER ORDERED that KENNETH FRASER be, and he is hereby ordered to discontinue forthwith operations authorized under and by virtue of said order and Decision No. 7653.

Dated at San Francisco, California, this 21<sup>st</sup> day of February, 1921.

H. S. Loveland  
Frank D. Blum  
H. B. Brundage  
Erving Matz  
Chas. H. Howe  
Commissioners.