

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application of
D. A. LEWIS, doing business under the
fictitious name and style of LEWIS
LINE, for Certificate of Public Con-
venience and necessity to operate a
passenger and express service as a
transportation company between Merced
and Merced Falls via Edendale, Hopeton,
Snelling and other intermediate points.

Application
No. 6669

H. A. Eccell for Applicant.
W. J. Griffith for American Railway Express.
J. J. Griffin for the Yosemite Valley
Railroad Company and Yosemite Lumber Co.
Terry W. Ward for Merced-Merced Falls Stage Line

BY THE COMMISSION.

O P I N I O N

Applicant seeks authority to operate passenger and ex-
press service between Merced and Merced Falls via Edendale, Hopeton,
Snelling and other intermediate points.

A public hearing was held upon the application at Merced
by Examiner Westover.

All the points in question are served by the Yosemite
Valley Railroad and American Railway Express Company. The two ter-
minals and Snelling are served by the passenger stages of Stavros
Brothers, operating under the fictitious name of Merced-Merced
Falls Stage Line. The principal traffic consists of employees of
Yosemite Lumber Company, operating lumber mills at Merced Falls,
employing about 400 men, and operating logging camps in the terri-
tory east of Merced Falls and west of El Portal, employing about an
equal number. The testimony shows that many of the men arrive from
the woods too late in the afternoon to catch the last train for

Merced at 3:30, and that the only west bound schedule of the stage which is operated from Merced Falls to Merced and return is at 10:40 A.M. There was also some testimony to the effect that there is some demand for additional service at Edendale and Hopeton.

The occasion for the present application is the opening of a new county road about May 15th, serving all the points in question. At the hearing it developed that operators of the present stage line contemplated applying for authority to change their route to the new road and arranging to operate two schedules per day from Merced and return, the last stage leaving Merced Falls at 5:40 P.M.. It appears that there is no business between Merced and Snelling and that this portion of the route could be abandoned without inconvenience to the traveling public. They added to their equipment early in April a White bus, seating eleven passengers, and propose to use their 7-passenger Hudson as an extra car. Nearly all the traffic to be served is on the present route. Hopeton and Edendale are small communities, the first having about 25 families in a circle with a four mile diameter, and the latter community consisting of some four or five families.

No complaint of service was made to the Commission prior to the hearing, nor any request by the patrons to either present carrier to increase service or modify schedules, so far as the testimony shows. The present carriers appear to be able to properly care for the traffic and willing to arrange schedules and routes to accommodate it. If the present stage operators make timely application to change their route to the new road and double their service, ~~and~~ arranging schedules to better serve the public, such an application should be considered on its merits before competition is authorized. It is a well established principle that a utility or carrier in the field should be protected against competition so long as its service is adequate, or it is willing to make it so,

after being given reasonable opportunity to correct deficiencies shown.

Carriers had not, up to the time of hearing, filed application to operate via the new route. The application was filed long before the road was opened, and if the evidence had been limited to showing the public need, at the date of filing, as in court procedure, by such test the application would have been considered premature.

The application will be denied, but without prejudice to applicant's right to renew it if the present operators do not take steps within a reasonable time to meet the situation. It was stipulated at the hearing that all the evidence may be considered in connection with such action if promptly taken.

O R D E R

A public hearing having been held upon the above entitled application, the matter being submitted and ready for decision,

IT IS HEREBY ORDERED, that the application be, and it is hereby, denied, but without prejudice.

Dated at San Francisco, California, this 29 day of July, 1921.

H. B. Bondica

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Erving Martin

Commissioners.