

ORIGINAL

Decision No. 9235.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the Matter of the Application)
of R. P. McGARVIN and A. F. SPARKS)
(co-partners) for certificate of)
public convenience and necessity)
to operate passenger auto stage)
service between Ramona, Escondido)
and Del Mar and intermediate)
points.)
.....)

Application No. 6246.

Chas. C. Crouch for Applicants.
Warren E. Libby for Pickwick Stages, Inc.,
Protestant.
Paul Burks for Atchison, Topeka and Santa
Fe Railway Co., Protestant.

OPINION.

BY THE COMMISSION:

R. P. McGarvin and A. F. Sparks, co-partners, have petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by them of an automobile stage line as a common carrier of passengers and packages between Ramona and Del Mar, serving as intermediates the communities of San Pasqual, Escondido and Bernardo.

A public hearing was conducted by Examiner Handford at San Diego, the matter was duly submitted and is now ready for decision.

Applicants propose to operate on a daily schedule and in accordance with rates filed as an exhibit attached to the application in this proceeding. Applicants propose to use eight passenger touring cars, four of which are available for use in the proposed service.

Applicants rely as justification for the granting of the desired certificate upon the alleged fact that no regular transportation facilities exist between Ramona and Del Mar, and that prospective passengers desiring to make the trip are compelled to do so by travelling to San Diego or by engaging private conveyances. That frequent requests have been made by the public, particularly commercial travelers, for the establishment of the proposed service. A new highway is now being constructed between Del Mar and Bernardo and the proposed route would follow such highway if established.

Witnesses for applicant testified as to the desire of the communities for regular stage service between Del Mar and Ramona and intermediate points and that frequent inquiries were made for such transportation. The proposed application is also indorsed by hotel proprietors at Del Mar and Ramona, by the Chamber of Commerce of Northern San Diego County, the Escondido Merchants Association and the Escondido Chamber of Commerce. Applicants are now engaged in the operation of a stage line between San Diego and Escondido, via Poway Corners, and in connection with such operation have received inquiries for transportation between Ramona and Del Mar.

The granting of the application is protested by the Pickwick Stages, Inc. which operates from San Diego to Escondido via the so-called inland route, and the objection of this protestant is to the effect that local business now handled by its line will be diverted should this application be granted without restriction as to local business. There is merit in this contention inasmuch as no evidence was presented at the hearing on this application indicating that any complaint exists as to the service now being rendered by the established authorized line of the Pickwick Stages, Inc.

After careful consideration and analysis of the evidence in this proceeding, it appears that public convenience and necessity exists for the establishment of an automobile stage line in the territory proposed by applicants and an order will issue granting the certificate sought with a restriction as regards the carriage of local passengers. There was no showing made at the hearing on this application as to public convenience and necessity requiring the carriage of packages and authority will not be issued for such privilege. No testimony was offered indicating that public convenience and necessity require the establishment of through service between San Diego and Del Mar and intermediate points via a combination of the existing and proposed lines of the applicant and the order will confine the certificate to the local business as herein sought by applicants.

ORDER.

A public hearing having been held in the above entitled proceeding, the matter having been duly submitted, and the Commission being fully advised,

THE RAILROAD COMMISSION HEREBY DECLARES, That public convenience and necessity require the operation by R. P. McGarvin and A. F. Sparks, co-partners, of an automobile stage line as a common carrier of passengers between Ramona and Del Mar serving as intermediate points the communities at San Pasqual, Escondido and Bernardo; provided, however, that no authority is hereby conveyed for the carriage of local passengers over the portion of the route applied for which is now served by Pickwick Stages, Inc.

IT IS HEREBY ORDERED, That the certificate hereby authorized shall not be sold, transferred, leased or assigned nor shall discontinuance of service be made unless written

written authority authorizing such sale, transfer, lease, assignment or discontinuance of service has first been secured from the Railroad Commission.

That no vehicle shall be operated under this certificate unless such vehicle is owned by the applicants herein or is leased by them under a contract or agreement on a basis satisfactory to the Railroad Commission.

That applicants herein shall file with this Commission within ten days from the date of this order a written acceptance of the certificate hereby granted and shall file with this Commission within twenty days of the effective date of this order time schedules and tariffs, in addition to those heretofore filed with the application in this proceeding in accordance with the Commission's rules and regulations and shall set forth in such tariffs and time schedules the effective date of the commencement of operation under this certificate which effective date shall be on or before thirty days from the date of this order. This order, shall not become effective unless the filing of acceptance, filing of time schedules and tariffs and the commencement of operation shall be begun within the time limits hereinabove specified unless further time is allowed by supplemental order of this Commission.

The rights and privileges hereby granted do not authorize the establishment of a through route and joint rate between San Diego and Del Mar in connection with the present authorized route of applicants between San Diego and Escondido, the intent and purpose of the certificate hereby granted being for the establishment of a local line between Ramona and Del Mar serving as intermediates the communities of San Pasqual

Escondido, and Bernado.

Dated at San Francisco, California, this 15th day
of July, 1921.

H. B. ...

H. D. ...

... Martin

Commissioners.