

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of Wm. E. Powell, et al., proposing to operate under the fictitious name of PACKARD STAGE LINE, for certificate of public convenience and necessity to operate automobile passenger service between Los Angeles and Bakersfield and certain intermediate points.

Application No. 6801.

ORIGINAL

In the matter of the application of MOTOR TRANSIT COMPANY for a certificate of public convenience and necessity to operate auto stage line for the transportation of passengers and express packages between Lancaster and Bakersfield and intermediate points, via Mojave and Tehachapi.

Application No. 6824.

Marshall Stimson, J. R. Dorsey and W. E. Powell, for applicant in Application No. 6801.

H. W. Kidd, for applicant in Application No. 6824.

F. E. Watson, for Southern Pacific Company.

T. A. Woods, for American Railway Express Company.

N. C. Folsom, for Motor Carriers' Association.

BY THE COMMISSION:

O P I N I O N

Wm. E. Powell, C. A. Sansome, L. J. Austin, T. E. Hutson, F. W. Tetzels, K. F. Beyerle and R. R. Wilson, co-partners, proposing to operate under the fictitious name of Packard Stage Line, 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 between Los Angeles and Bakersfield and intermediate points, via Mojave.

Applicants propose to charge rates and to operate on a time schedule in accordance with Exhibits A and B, attached to said application, and to use six Packard twin-six automobiles, each of eight-passenger capacity, as described in Exhibit C, attached to said application.

Applicants do not desire the privilege of serving locally between Caliente and Bakersfield, or the privilege of serving locally the points intermediate between Los Angeles and Saugus, but do desire the privilege of serving between Los Angeles and Saugus and Palmdale; provided seats are available which are not required by through passengers to or from Los Angeles and Lancaster and points intermediate between Lancaster and Bakersfield.

Motor Transit Company, a corporation, in accordance with its amended application filed at the hearing, has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by it of an automobile stage line as a common carrier of passengers and express packages between Lancaster and Bakersfield and intermediate points, via Mojave and Tehachapi, which operation, if authorized, would be an extension of its service between Los Angeles and Lancaster.

Applicant proposes to charge rates and to operate on a time schedule in accordance with Exhibits A and B, attached to said application, using all equipment that may be necessary which it now has in operation between Los Angeles and Lancaster and over its Ridge Route to Bakersfield.

Public hearings on said applications were held by Examiner Satterwhite at Los Angeles and Bakersfield respectively on August 16 and 17, 1921. Said applications were consolidated at the hearings for the reason that they each embrace the territory proposed to be served by the other. The matters

were duly submitted and are now ready for decision.

The Southern Pacific Company and the American Railway Express Company appeared in opposition to said applications. The Packard Stage Line and the Motor Transit Company each protested the granting of the application of the other.

All of the testimony and evidence in support of the public necessity and convenience of the proposed service was presented solely by the Packard Stage Line. Motor Transit Company, by cross-examination, endeavored to show that the said public convenience and necessity was limited in extent and character.

Many representative and well-known citizens, such as professional men, public officials, business men and merchants, testified in favor of the proposed service of the Packard Stage Line. The evidence showed conclusively public necessity and convenience for a through and local passenger service between Los Angeles and Bakersfield by way of the Mojave route.

Lancaster is the gateway to the fast developing and fertile Antelope Valley, with a population in the town proper of about 700, and about 3,000 throughout the valley. Alfalfa, grain and fruit are grown quite extensively in its east and west and south areas respectively. There is more or less activity in the development of oil, one well having already been sunk near Lancaster, and other oil companies are starting operations. There is also a gold mine near Rosamond, a small and intermediate desert town near Lancaster. Mojave, the well-known railroad junction, with a population of about 500, is the chief avenue to the desert and mountain country to the east, in which are located the mining towns of Randsburg, Johannesburg, Trona, Searles and others. Tehachapi is a prosperous mountain town at the summit of the Tehachapi mountains,

with a population of about 700, surrounded by the Tehachapi, Cummings and Brite valleys, which are planted extensively to fruit orchards. In the mountain territory from Tehachapi north to Bakersfield are many cattle ranches. The Keene Tubercular Hospital is also located in this mountain section. At Monolith, just south of Tehachapi, is located a large cement plant employing about 150 men. The testimony shows that throughout the year there travels north and south from Bakersfield and Los Angeles to all these intermediate towns just named, business men interested in the agricultural and mining activities indicated, and also commercial travelers, as well as laborers seeking work throughout this entire territory. There has been in Antelope Valley a yearly increase of population of about 35 per cent. There is a union high school at Lancaster with an attendance of about 140 pupils, many of whom come from Tehachapi, Mojave and Rosamond. Merchants and business men at Bakersfield seek and do business with all these intermediate communities as far south as Lancaster.

It was shown that there are many inquiries by all classes of passengers at the Union Stage Ticket Office in Bakersfield for transportation to Los Angeles and the intermediate points by way of the Mojave route, and also that at certain stage offices in Los Angeles requests are often made for stage transportation to points north of Lancaster to Bakersfield.

Four petitions are in evidence, signed by a very large number of residents and citizens of Bakersfield, Tehachapi, Mojave and Lancaster, endorsing the proposed service of the Packard Stage Line. The Kern County Labor Council, with a membership of about 3,300, have also endorsed the proposed service of the Packard Stage Line. The testimony shows that there is not only a popular demand and sentiment for the proposed service of the Packard Stage Line, but that there is a

public opposition and sentiment against the granting of this proposed service to the Motor Transit Company. This opposition is based upon the desire to have some stage company other than the Motor Transit Company serve the Tehachapi and Mojave route. The evidence shows many reasons for this. The Motor Transit Company operated a through and local passenger service between Los Angeles and Bakersfield over the Ridge Route, which is far separated from the Mojave and Tehachapi route after leaving Saugus, the maximum distance of separation being about 35 miles. It appears that there are hundreds of continuous curves over the Ridge Route and it is a common and frequent occurrence for passengers to suffer from nausea or car sickness. It is felt by many that this is a more dangerous route on account of the innumerable curves and the ever increasing highway traffic, both in passenger automobiles and freight trucks. Many are also opposed to the altitude. There appears a public feeling in Bakersfield that the traveling public would be benefited by the competition of a stage company authorized to use the Tehachapi and Mojave route. For the reasons just indicated, it appears that there are many citizens living in Bakersfield and elsewhere who decline to travel by way of the Ridge Route and who use other modes of transportation. It appears, therefore, that there is a very considerable traffic which would patronize the proposed service of the Packard Stage Line with but little detriment to the Motor Transit Company. Considerable tourist travel moves over the Ridge Route, and there is testimony to the effect that much of this travel would go via one route and return the other and thereby increase the traffic over both routes.

The Southern Pacific Company offered in evidence ex-

hibits showing the respective train service between Los Angeles and Bakersfield and intermediate points. A study of these exhibits indicates that the southbound Southern Pacific trains leave Bakersfield at various hours in the night, and that its northbound Los Angeles trains arrive at intermediate points north of Saugus in the night time, with one exception. The Santa Fe operates a morning and evening train between Bakersfield and Mojave which serves Tehachapi.

The evidence indicates that the train service afforded by the Southern Pacific is unsatisfactory, there being complaints from traveling men that train service out of Lancaster and other points involves many delays. The train service does not afford a satisfactory schedule for the high school students at Lancaster, who live at Tehachapi and other intermediate points. Passengers arriving at Mojave from the mining towns have complained against the lay-overs at that point.

The Motor Transit Company, protestant, offered in evidence an exhibit showing the passenger revenue, as well as the passengers and the seats carried in connection with its operations between Los Angeles and Bakersfield from January to June, 1921. This exhibit indicates that there has been a steady increase of its traffic and revenues during each month of the period covered. This protestant also offered in evidence an exhibit showing its passenger revenue, passengers and seats carried in connection with its operations between Los Angeles and Lancaster for the period of six months from January to June, 1921. This exhibit indicates an increase in its June revenues over those of January and other months. Mr. F. D. Howell, assistant general manager of this applicant, testified, however, that the Lancaster division had been operated at a loss.

The Packard Stage Line offered no evidence to show that the service of the Motor Transit Company between Los Angeles and Lancaster and points intermediate thereto is in any manner inadequate or unsatisfactory. On the contrary, the Motor Transit Company showed that it was rendering adequate service over this particular route, known as its fourth division, and that it was at all times able to meet all traffic demands.

After a careful consideration of all the evidence, we are of the opinion, and hereby find as a fact, that public necessity and convenience require the operation by the Packard Stage Line of its proposed service via the Mojave and Tehachapi route, save and except, however, that portion of the proposed route now served by the Motor Transit Company between Los Angeles and Lancaster; and we are also of the opinion and hereby find as a fact that public necessity and convenience do not require the proposed operation of the Motor Transit Company, as alleged in its amended application.

ORDER

A public hearing having been held in the above entitled application, the matters having been duly submitted, the Commission being fully advised and basing its order on the findings of fact as fully set forth in the preceding opinion,

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by Wm. H. Powell, C. A. Sansome, L. J. Austin, T. E. Hutson, F. W. Teetzel, K. F. Beyerle and R. R. Wilson, co-partners under

the fictitious name of Packard Stage Line, of an automobile passenger service as a common carrier of passengers between Los Angeles and Bakersfield, via Mojave and Tehachapi and all intermediate points, provided, however, that said Packard Stage Line shall not carry passengers locally between Los Angeles and Lancaster and points intermediate thereto nor carry any passengers locally between Bakersfield and Caliente.

Provided, however, that the operative rights and privileges hereby established may not be transferred, leased, sold nor assigned, nor the said service abandoned, unless the written consent of the Railroad Commission thereto has first been secured; and,

Provided further, that no vehicle may be operated in said service unless said vehicle is owned by the applicants herein, or is leased by the said applicants under a contract or agreement satisfactory to the Railroad Commission.

IT IS HEREBY ORDERED that applicants shall, within twenty days from the date hereof, file with the Railroad Commission their time and rate schedules covering said proposed service, which shall be in addition to proposed schedules and tariffs 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 sixty days from date hereof, unless time to begin operation is extended by formal supplemental order.

THE RAILROAD COMMISSION HEREBY DECLARES that public necessity and convenience do not require the operation by the Motor Transit Company of an automobile stage line as a common

carrier of passengers and express packages between Lancaster and Bakersfield and intermediate points, via Mojave and Tehachapi; and

IT IS HEREBY ORDERED that said application be and the same is hereby denied.

Dated at San Francisco, California, this 26th day of October, 1921.

H. S. Loveland

W. J. Pennington

J. J. Pennington

Commissioners.