

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Appli-)
cation of N.C. GREEN for)
certificate of public conven-)
ience and necessity to oper-) Application No. 7153.
ate auto mail stage line be-)
tween Corona and Elsinore.)

H.K. Stahl, for Applicant
T.A. Woods, for American Railway Express
Company, Protestant
E.T. Lacey, for Atchison, Topeka & Santa Fe
Railway, Protestant
K.F. Beyerle, for Marietta Mineral Hot Springs
Auto Stage Line, Protestant.

BY THE COMMISSION:

O P I N I O N

N.C. Green has applied to the Railroad Commission for a certificate of public convenience and necessity to operate an auto mail stage passenger and freight line between Corona and Elsinore.

A public hearing was held by Examiner Williams at Corona.

Applicant testified that he is the United States rural free delivery mail contractor between the points named, using in this service a five passenger automobile. Since June, 1918, when he got the contract, he has been carrying passengers, packages and freight, and performing a general errand service for patrons. The rates charged have been whatever he could get, applicant testified.

There was testimony that small packages, ordinarily sent by United States parcel post, have been carried by Green at a loss rate than charged by the Government. One witness said many packages required insurance and this was avoided by consigning the packages to Green. Green testified that he carried his own package delivery alongside of the United States parcel post mail.

Such a situation hardly justifies this Commission in authorizing such transportation. To authorize his request for a freight or express carrying franchise is to provide a competitor of the parcel post with the same vehicle used by the Government and paid for by it. Applicant proposed no time schedules nor rates for express or freight so no comparison with parcel post is possible.

While mail carriers have been granted the privilege of transporting passengers, it has usually been where other adequate service did not exist. In this case there is established passenger service between Corona and Elsinore, the Murrietta Mineral Hot Springs Auto Stage Line, which protested this application. It maintains daily round trip service with four busses each way. The equipment used consists of one 11-passenger, two 14-passenger, and one 18-passenger busses. E.F. Beyerle, owner of this line, testified that his records show a large percentage of unoccupied seats between the points named. These busses leave Corona at 11:00 A.M., 12:45 and 4:45 and 6:30 P.M., and leave Elsinore at 8:45 and 10:45 A.M., and 2:45 and 4:45 P.M.

There was some testimony that the busses of this carrier were often filled to capacity and ran by waiting

passengers. However, service proposed by applicant can be of small relief, as it would care for at most four passengers. It is also probable that if applicant lost the mail contract, he would not continue the stage operation, his passenger service being incidental to his mail carrying. His proposed schedule of service for one round trip daily slightly precedes the leaving of the busses of the Marietta Line.

Applicant put emphasis on the variation of routing of his proposed service and that of the Marietta carrier. He includes Glen Ivy, one-half mile off the main highway, where a sanitarium is maintained, Terra Cota and Warm Springs, which is a detour to the south from Alberhill, and covering a routing into Elsinore not served by the Marietta Company. It is not established that these points alone justify authorizing service over the whole distance, 45 miles, between Corona and Elsinore.

Applicant's showing of public need for additional service fails, except as to Glen Ivy, and points between Alberhill and Elsinore, via Terra Cota. He should be authorized to serve these points if he so desires. But there is not sufficient proof that the Marietta Line provides inadequate service. This line has pioneered this field, before the highways were easily traversible, and under other difficulties, and has throughout complied with law, and until it measurably fails in its duty is entitled to the patronage and revenues of the traffic. If it so fails, complaint should be filed with this Commission.

Applicant's request to carry passengers should be limited to those journeying to Glen Ivy resort and to points beyond Alberhill, as these points alone were proved to require additional service. Applicant's request for freight carrying

should be denied. It must be obvious that a small car, already devoted to use as a mail and passenger carrier, cannot give adequate public service as a freight carrier.

O R D E R

H. C. Green having applied to the Railroad Commission of the State of California for a certificate of public convenience and necessity to operate passenger and freight service between Corona and Elsinore, a public hearing having been held, the matter having been duly submitted and being now ready for decision,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation by H. C. Green of an automobile stage line as a common carrier of passengers over the hereinafter described portion of the route between Corona and Elsinore; between Corona and Glen Ivy Hot Springs, Terra Cotta, Alberhill and Elsinore; provided, however, that no through passengers shall be transported between Corona and Elsinore nor passengers destined between points on the main state highway as traversed by the Marietta Mineral Hot Springs Stage Line between Corona and Elsinore, the purpose of this declaration being to authorize passenger stage service that will afford accommodation for traffic destined to and from Glen Ivy Hot Springs and to and from Terra Cotta, City, Lucerna and other points on the alternate highway between Elsinore and Alberhill which highway is not at present served by passenger automobile transportation.

And that a certificate of public convenience and necessity be and the same is hereby granted, subject to the restrictions hereinbefore made, and subject to the following conditions:

- I - That applicant, N.C. Green, shall file within (15) days from the date hereof, his written acceptance of the certificate herein granted, and shall file within thirty (30) days of the date hereof, duplicate tariff of rates and time schedules, in accordance with General Order No. 51 of the Railroad Commission.
- II - That applicant, N.C. Green, shall not sell, lease, assign or discontinue the service herein authorized, unless such sale, lease, assignment, or discontinuance shall have been authorized by the Railroad Commission.
- III- That no vehicle shall be operated by applicant unless such vehicles are owned by said applicant, or are leased under an agreement satisfactory to the Railroad Commission.

And it is further ordered that public convenience and necessity do not require operation of freight service as proposed by applicant and that applicant's request therefor be and the same is hereby denied.

Dated at San Francisco, California, this 4th
day of November, 1921.

H. J. Purdy
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Erving Weston
Erving Weston
W. H. ...
Commissioners.