

Decision No. 9699

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
W. M. COLLINS for certificate of public
convenience and necessity to operate
passenger, baggage and package
service between Lindsay and Porterville.

Application No. 5741.

Earl A. Bagby for Applicant.
Ernest Walling for Valley Transit Co.
N. C. McKay for Strathmore Chamber
of Commerce.
F. E. Shellaberger for Atchison, Topeka
& Santa Fe Railway Co.
C. E. Wykes for Southern Pacific Co.

BY THE COMMISSION.

O P I N I O N

A public hearing was held by Examiner Westover at Lindsay upon the above application to operate passenger, baggage and package service between Lindsay and Porterville, a distance of 11 miles, serving Strathmore, 6 miles from Porterville, as an intermediate point; service to be rendered by two Willys-Knight 7-passenger cars, two round trips per day.

Applicant now operates between Tulare and Porterville via Lindsay, being authorized by Decision No. 8467 of December 20, 1920, Application No. 5766, to extend his operation from Lindsay to Porterville, but being prohibited from carrying local passengers between Lindsay and Porterville or intermediate points.

The reason for placing the restriction in the order contained in Decision No. 8467, above referred to, was because the Walling and Alexander lines, which have subsequently been transferred to Valley Transit Company, were at that time operating an

adequate service between Lindsay and Porterville and intermediate points as part of their route between Fresno and Bakersfield. The Valley Transit Company now operates eight round trips daily between Lindsay and Porterville, serving Strathmore as an intermediate point. Complaint is made of this service by the Strathmore Chamber of Commerce and by witnesses from Strathmore, Lindsay and Porterville, who testified to the effect that on a number of occasions transportation had been denied persons at each of these points by Valley Transit Company because their stages were loaded upon arrival. There was similar testimony by ticket agents of Valley Transit Company, from which it appears that instructions had been issued to the effect that extra stages would not be furnished unless upon demand by five passengers or more for transportation at one time, in excess of the seating capacity of stages on regular schedule; and that as many as eleven passengers had been left at one time. Most of the company's reserve equipment is kept at Fresno, its general headquarters, but it has an extra stage which usually waits at Visalia which is about 16 miles from Lindsay, and 27 miles from Porterville. It also has a stage arriving at Porterville in the evening, which lies over until the middle of the next forenoon and would be available for taking care of overloads only in the early part of the day. The testimony shows that the heaviest loads occur on the stages which are scheduled through the points in question in the middle of the day, some trouble occasionally occurring late in the afternoon. Therefore, the Porterville car referred to would not be available to relieve the situation, and the company would have to rely upon sending a stage from Visalia, although it appears that they have occasionally hired cars at Lindsay for overloads. On the occasion when eleven passengers were left, one of two reserve stages at Visalia had been sent to Fresno, and the other was out of repair. No effort was made to give the needed service other than to communicate with the Visalia office. It does

not appear that formal complaint has been made to the company in many instances, but it clearly appears that agents and employes of the company had knowledge of the situation and reported it to their superiors. Whether or not the information was passed on to the executive head of the company is immaterial to this inquiry. This is a matter of internal executive management which the company is, no doubt, able to cope with.

The principal question with which we are concerned is whether or not the company has had sufficient notice or knowledge of the need of additional facilities, and whether it has had an opportunity to improve the situation or whether it is now entitled to a warning and an opportunity to make the improvement after this time.

The above application was filed April 6, 1921. Valley Transit Company presented a travel check for the months of April, May, June, July and August, and for the month of October, 1920. The tabulation shows the number of available seats and the number occupied at Porterville and Lindsay, but does not show the situation at Strathmore and does not show the number of passengers denied transportation or left on any trip. It does show a number of instances in which more passengers arrived at Porterville or Lindsay on a particular stage than the seating capacity of the stage. Examiner Westover requested a showing of the circumstances under which more passengers were carried than the seating capacity of the stage, and also requested a travel check for the month of December preceding the filing of the application, which the testimony shows to be one of the heaviest months.

An analysis of these latter exhibits received since the hearing shows that in many instances the overloading continued through both Lindsay and Porterville, while on other occasions it was relieved by discharge of passengers at Strathmore.

The president and manager of the company testified that it had not been the custom and was not the intention of the company to

try to care for an overload of one or two passengers, as it was not considered practical from an operating standpoint, passengers being referred in such cases to the railroads. The Santa Fe operates a train leaving Porterville at 1:37 P.M., arriving at Lindsay at 2:04 P.M., leaving Lindsay at 3:43 P.M. and arriving at Porterville at 4:09 P.M. The Southern Pacific operates five round trips per day between Porterville and Lindsay in addition to a train southbound, leaving Lindsay at 1:08 A.M., not a convenient hour. The railroads complain that their trains are very poorly patronized, and the testimony of the stage operators and patrons is to the effect that the community greatly prefers stage service to rail service.

It appears that there is ample additional transportation available by rail, but that the community does not patronize it but demands better stage service, and as Mr. Collins is already operating stages over the route in question upon schedules which would not seriously conflict with the schedules of Valley Transit Company but would afford additional stage transportation at convenient hours, we authorize the operation.

ORDER

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

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by W. M. Collins of local passenger stage service between Lindsay and Porterville, serving Strathmore as an intermediate point.

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 procured.

No vehicle may be operated in said service unless said vehicle is owned by the applicant herein or is leased by said applicant under a contract or agreement satisfactory to the Railroad road Commission.

IT IS HEREBY ORDERED that applicant shall, within fifteen days from the date hereof, file with the Railroad Commission his schedules and tariffs covering said proposed service, which shall be in addition to proposed schedule and tariff 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 thirty days from date hereof, unless time to begin operation is extended by formal supplemental order.

The authority herein contained shall not become effective until and unless the above mentioned schedules and tariffs are filed within the time herein limited.

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

H. B. Bundege
H. H. Howard
Dring Martiss
W. J. Gorman
J. J. Brennan
Commissioners.