

HBR

Decision No. 9848

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Appli-)
cation of DAVID R. LERETTE)
for a certificate of public)
convenience and necessity.)

Application No. 7303.

ORIGINAL

Robert E. Abbott, for Applicant
Max Green, for Motor Transit Company, Protestant
Albert Grundy, for William Anderson, Protestant
E.T. Incey, for Atchison, Topeka & Santa Fe
Railway, Protestant
T.A. Woods, for American Railway Express Company,
Protestant.

BY THE COMMISSION:

OPINION

D.R. Lerette has applied to the Railroad Commission for a certificate of public convenience and necessity to operate an auto passenger line between Lancaster and Randsburg, via Muroc.

A public hearing was held at Randsburg by Examiner Williams.

Applicant's route is 65 miles through desert country between termini, over unpaved roads. The population is sparse, particularly between Muroc and Randsburg. Applicant operated for a short period over this route without legal authority, although he is an experienced auto stage operator, familiar with prerequisites of legal operation. Applicant proposes to charge a fare of \$4.53 one way, (or \$8.75 round trip) between termini.

His route and operation are shorter than the route via Mojave. Applicant amended his application at the hearing to limit to passenger traffic only.

In support of the public need, witnesses were produced who testified as to the need of transportation between Maroc and Lancaster. There are over fifty families between Redman and Maroc that would be served, and the testimony clearly showed that such service would be a convenience. In addition applicant made arrangements with many to carry mail from Lancaster, there being no rural free postal delivery. Most witnesses wished to use the service as a connection with the service of the Motor Transit Company between Lancaster and Los Angeles. The testimony that service was required between Lancaster and Randsburg was not convincing.

Operation between Lancaster and Randsburg, as proposed by applicant, is evidently intended to extend the operations of the Motor Transit Company. This carrier's attitude at this hearing was entirely friendly to the applicant, and a letter was introduced by applicant from the Motor Transit Company, offering joint rate arrangements. The schedule of applicant is built up to and from the time of arrival of the Motor Transit Company's Los Angeles stage at Lancaster. This schedule permitted a person who might journey from Randsburg or Maroc to Lancaster but fifty minutes in Lancaster to transact his business, and this at the noon hour, before making the return journey. This situation would not attract attention if the proposed service did not conflict with operating

rights of other carriers.

Between Randsburg and Mojave there is the established service of Wm. Anderson, authorized by Decision No. 9108 of the Commission. There is also to be established a service of the Packard Stage Line between Los Angeles and Bakersfield, by way of Lancaster and Mojave, authorized by Decision No. 9635, which decision denied a similar application of Motor Transit Company. By these operations there is to be direct and adequate auto transportation between Randsburg and Mojave. From Mojave the Packard Stage Line would furnish transportation either to Bakersfield or to Los Angeles.

To authorize applicant to tap Randsburg and transport passenger traffic around Mojave is to burden the already authorized carriers unreasonably with a competitor, when there is no evidence that two lines can gain sufficient support. Whatever local demand there may be in and about Lancaster for transportation to Randsburg, has already been met with the two services already mentioned. The only advantage to be gained by the public would be that it would pay slightly less fare from Randsburg to Los Angeles by applicant's proposed service.

It would cost \$8.70 one way from Randsburg to Los Angeles, by way of Mojave, while applicant's rate would be \$7.86, by way of Lancaster, a difference of 84¢. The difference is not enough to justify competition, especially as applicant has estimated his operation over unpaved roads, with twin-six equipment, at 7¢ a mile, which estimate appears to be much too low.

Applicant's witnesses established a need for service between Lancaster and Maroc, but applicant admitted service between these points was not desired by him, without the extension to Randsburg. The testimony showed that the population was not sufficient to obtain rural free postal delivery, and this tends to support a conclusion that it would not be profitable.

In view of all the foregoing, it is apparent that the need for service as applied for has not been shown, except as to that portion between Lancaster and Maroc, and that the application should be denied.

ORDER

IT IS HEREBY ORDERED BY THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA that public convenience and necessity do not require operation of auto passenger service between Lancaster and Randsburg as applied for, and that application herein be, and the same is hereby denied.

Dated at San Francisco, California, this 8th day of December, 1921.

H. J. Brundage
H. J. Loveland

Charles W. Howell
J. B. ...
Commissioners.