

Decision No. 18572

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of J. H. NICKELL and E. F. ARCIERO, doing business under the firm name and style of METROPOLITAN STAGES, for a certificate of public convenience and necessity to operate an automobile stage line as a common carrier, between Los Angeles, California, and Calzona, California.

Application No. 18572.

ORIGINAL

Paul G. McIver for applicant.
Edward Stern for Railway Express Agency, Inc., protestant.
W. T. Quirk and E. T. Lucey for The Atchison, Topeka & Santa Fe Ry. Co., protestant.
H. C. Lucas, L.B. Jones and L.G. Markel for Pacific Greyhound Lines, Inc., protestant.
H. P. Merry for Motor Express Service, protestant.
C. W. Cornell and F. D. Howell for Motor Transit Co. and Pacific Electric Railway Co., protestants.

BY THE COMMISSION:

O P I N I O N

By their amended application in this proceeding, H. A. Otis, J. H. Nickell and E. F. Arciero 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, baggage and express between Los Angeles and Vidal, California.

Public hearings on this application were conducted by Examiner Handford at Los Angeles, the matter was duly submitted and is now ready for decision.

Applicants propose to charge rates in accordance with a schedule as attached to the application; to operate one round trip daily, using as equipment three new coaches of twenty-one to thirty-two passenger capacity. The route proposed is over the existing State Highway from Los Angeles to Desert Center, thence over a new road now under construction from Desert Center to Vidal, which new

road is to be completed in June or July of the present year. No local passengers are to be carried between Los Angeles and Desert Center but passengers are to be picked up at all intermediate points on east bound trips when such passengers are destined to points east of Desert Center and passengers originating at points east of Desert Center are to be discharged at points west of Desert Center and at intermediate points, between Desert Center and Los Angeles on west bound trips. Applicants propose to limit the weight of express packages to fifty pounds per piece. Applicants propose to establish the proposed service to care for the passenger business incident to the construction of the Los Angeles Aqueduct by the Metropolitan Water District and to serve proposed construction camps between Desert Center and Vidal, together with the proposed headquarters of the aqueduct construction at Vidal. The new road between Desert Center and Vidal now in process of construction is closely adjacent to the proposed aqueduct construction and camps.

One of the applicants testified as to the proposed service to be given and the estimated demand for transportation by employees of the Metropolitan Water District in the aqueduct construction.

The granting of the application is protested by the Southern Pacific Company, The Atchison, Topeka & Santa Fe Railway Co., Pacific Greyhound Lines, Inc. and Railway Express Agency, Inc.

The Atchison, Topeka & Santa Fe Railway Company serves the town of Vidal and operates a daily round trip between Los Angeles and Vidal, service being rendered each night.

Express of the Railway Express Agency, Inc., is carried on the trains of The Atchison, Topeka & Santa Fe Railway and furnishes a satisfactory service, there being no complaint as to its handling.

The trains of the Southern Pacific Company give intermediate service over a part of the proposed route from Los Angeles to Mecca, three trains being operated daily each way.

The Pacific Greyhound Lines, Inc., operate a stage service daily over a portion of the proposed route, Los Angeles to Desert

Center, a daily round trip service being rendered.

All protesting carriers have ample equipment to care for present and any increased passenger service and by connection now fully serve the proposed route. There is no evidence of record other than that of the applicants showing any public necessity for the proposed service. No public witness or any representative of the Metropolitan Water District testified in this proceeding. The proposed route, from Desert Center to Vidal is to be over a new road, the construction of which has yet to be completed, and there is no record showing that such road when completed will be open to the public use or available for the operation herein proposed by applicants.

The record herein does not show that the service proposed by applicants is required by the public convenience and necessity or that the existing service is inadequate or insufficient to meet the existing public need. The application will, therefore, be denied.

O R D E R

Public hearings having been had in the above entitled proceeding, the matter having been duly submitted and the Commission being fully advised,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA
HEREBY DECLARES that public convenience and necessity do not require the operation by H. A. Otis, J. H. Nickell and E. F. Arciero, doing business under the firm name and style of Metropolitan Stages, of an auto stage line as a common carrier of passengers, baggage and express between Los Angeles and Vidal, and pick-up passengers at points between Los Angeles and Desert

Center when destined to points east of Desert Center and passengers originating east of Desert Center destined to points between Desert Center and Los Angeles, and

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

Dated at San Francisco, California, this 8th day of May, 1933.

C. S. Seawell
L. M. Wheeler
W. A. Linn
W. B. Lewis
W. H. K. K. K.
Commissioners