

Decision No. 23679

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
DAVE WOLZINGER, doing business as
PONY EXPRESS STAGES, for a certificate
of public convenience and necessity to
operate an automotive stage service for
the transportation of passengers and
express between San Diego and Camp Elliott,
San Diego County.

ORIGINAL
Application
No. 23725

WM. A. SHERWIN and NORMAN H. ROBOTHEAM, for
Applicant,

M. C. YAHNE, for Inland Stages, Protestant,

H. D. RICHARDS, for Pacific Greyhound Lines,
Interested Party,

ROBERT BRENNAN and WILLIAM F. BROOKS, by
WM. F. Brooks, for Santa Fe Transportation
Company and The Atchison, Topeka & Santa
Fe Railway Company, Interested Parties,

D. L. AULT, City Attorney of San Diego,
Interested Party.

BY THE COMMISSION:

O P I N I O N

In this proceeding, applicant Dave Wolzinger, doing
business as Pony Express Stages, seeks authority to provide a pas-
senger stage service between the downtown business center of the
city of San Diego and Camp Elliott, for the transportation of
passengers and express.

A public hearing was conducted in this matter before
Examiner Hunter, at San Diego, October 18, 1940, at which time the
matter was taken under submission, and it is now ready for decision.

At this time, the Navy Department of the Federal Govern-
ment is developing a marine training base (Camp Elliott) at a

point thirteen miles north of the business center of San Diego. This camp is located adjacent to U. S. Highway No. 395 which is referred to as the "Inland Route" between San Diego and Los Angeles, via Elsinore and Riverside. Approximately 2,000 men are now stationed at this camp and it is expected that the number will soon be increased to some 5,000. Buildings are being erected to replace the present temporary quarters which, for the most part, consist of small tents. This camp has been developed in connection with the present national defense program.

In this proceeding, applicant proposes to provide six round trips daily between the business center of San Diego and Camp Elliott, ⁽¹⁾ and to increase the service if and when traffic demands justify.

(1) Proposed operating schedule.

DAILY

Schedule No.		1	3	5	7	9	11
Stations	Miles	am	am	pm	pm	pm	pm
SAN DIEGO	0	5:30	6:45	12:15	5:00	7:30	11:15
CAMP ELLIOTT	13	5:58	7:13	12:43	5:28	7:58	11:43

Schedule No.		2	4	6	8	10	12
Stations	Miles	am	am	pm	pm	pm	pm
CAMP ELLIOTT	0	6:00	8:00	1:00	5:45	8:00	11:45
SAN DIEGO	13	6:28	8:28	1:28	6:13	8:28	12:10 am

RESTRICTIONS

No passengers picked up or discharged on Highway U.S. 395 between Camp Elliott and the Northerly City Limits of San Diego.

TERMINALS

San Diego4th and Broadway Streets
 Camp ElliottU.S. Marine Corps Canteen

The City Attorney of San Diego advised that the proposed route, as set forth in the application, is not acceptable to the city. ⁽²⁾ In response to this objection, applicant stated that in so far as the operations in the city were concerned it was agreeable to operate over any route prescribed by the city.

The following fares are proposed:

Passenger fare (one way)	25¢
Rate to apply on newspaper shipments (per 100 pounds or fraction thereof)	75¢
Express shipments (limited to 100 pounds, with minimum charge of 25¢) - per pound	1¢

In addition to the statements contained in the application, the presentation at the hearing consisted of the testimony of four witnesses, ⁽³⁾ and the introduction of a letter urging applicant to provide a service for the transportation of San Diego newspapers to Camp Elliott.

It is proposed to establish the service with two sizes of equipment, namely, three 25-passenger and two 40-passenger buses. Applicant testified that, if additional equipment is required to meet traffic demands, he plans to lease it from

(2) The proposed route is as follows: Beginning at the San Diego end - Fourth Street, University Avenue, Normal Street, El Cajon Boulevard, in San Diego, thence via U.S. Highway No. 395 to the entrance of Camp Elliott.

(3) The witnesses were: Applicant, Applicant's Traffic Manager, Ticket Agent for the All American Stages, at San Diego, and a Colonel from the U. S. Marine Corps.

Pacific Greyhound Lines. The record shows, however, that no arrangement has been made with Pacific Greyhound Lines to carry out this plan. In so far as the five pieces of equipment are concerned, applicant plans to purchase the necessary parts and assemble the units in his own shop, at Los Angeles. Applicant alleges that his net worth is \$110,850. The major portion of properties referred to are located outside the state of California.

No showing was made as to the capital investment required to establish the proposed service or the estimated results that might be expected to obtain from the proposed operation in the way of traffic, revenue and expenses. It, therefore, cannot be concluded from this record that the service proposed herein could be financially justified.

The ticket agent for the All American Stages, at San Diego, testified that a number of persons had called at his office, inquiring as to public transportation from the business center of San Diego to Camp Elliott.

A Colonel from the United States Marine Corps testified that there was, or would be in the near future, a need for some form of public transportation between the business section of San Diego and Camp Elliott to accommodate not only the men stationed at this base, but, also, other persons desiring to visit the camp, such public service to be in addition to the free transportation provided by the Navy Department for men stationed at Camp Elliott. This free transportation is provided through the operation of Government trucks which are equipped with plank seats. These trucks are operated under schedules designed to meet traffic requirements.

Aside from the present national defense program, it appears that a considerable number of men will be stationed at Camp Elliott for many years as the buildings under construction are of a substantial nature. The record shows that the military authorities at Camp Elliott are agreeable to issuing a permit to any common carrier to operate over specified streets in the military reserve, under certain restrictions. Applicant has secured such a permit and stated that he would be in a position to commence the proposed service in about ten days after securing the necessary authority from the city and the Commission.

The granting of this application was opposed by M. C. Yahne, manager of Inland Stages. The record shows that Inland Stages now operates a passenger service between downtown San Diego and Camp Elliott in connection with its certificated passenger operation between San Diego and Los Angeles, via the so-called "Inland Route," Camp Elliott being adjacent to this highway. In addition to this passenger service to Camp Elliott, the operation provides for the transportation of baggage and express limited to one hundred pounds. At San Diego, the Inland Stages and the Pacific Greyhound Lines employ the same passenger terminal; the two carriers also maintain joint rates. Effective October 15, 1940, Inland Stages inaugurated a special service to Camp Elliott which provides for three round trips daily between San Diego and the camp. A revised tariff, effective October 18, 1940, provides for a passenger fare of 25 cents one way and 40 cents round trip. The manager of Inland Stages testified that it stood ready, willing and able to provide all the service that the traffic between San Diego and Camp Elliott could justify and had made arrangements with Pacific Greyhound Lines to lease extra equipment if required. While the major portion of the route over which this carrier

operates is different from that proposed by applicant, the distance between the respective termini at San Diego and Camp Elliott is approximately the same. The passenger agent for Inland Stages testified that he had been in close touch with the developments at Camp Elliott through contact with the commanding officers; that his company had awaited the opportunity to provide a transportation service; and that, in fact, a service was established as soon as it could be reasonably justified. The record shows that this operator established a regular service between San Diego and Camp Elliott as soon as it was given authority to enter the camp grounds, October 13, 1940. A special local service between downtown San Diego and the gate at Camp Elliott was placed in operation October 15, 1940, with three round trips daily. The record of traffic for the first three days of operation was:

October 15 . . .	1 passenger
October 16 . . .	5 passengers
October 17 . . .	4 passengers

It is contended by the Inland Stages that the volume of traffic that will offer itself for public transportation between downtown San Diego and Camp Elliott will, on the average, be small except on week ends and on special occasions; this for the reason that the Government offers free transportation to the men stationed at the camp, together with the fact that many of the men stationed or employed at the camp have their private automobiles and, in addition to providing their own transportation, carry their friends. The passenger agent further testified that in so far as he knew no request had been made upon his company for public transportation between San Diego and Camp Elliott previous to October 15, 1940.

A review of the record leads to the conclusion that the existing certificated carrier, Inland Stages, is at the present

time providing reasonable and adequate public transportation between San Diego and Camp Elliott and stands ready, willing and able to increase the service as public requirements appear to justify. Furthermore, it cannot be said from the record that this carrier failed to provide this service until after the instant application was filed.

In view of the fact that applicant has failed to show that public convenience and necessity exist which would warrant the granting of this application, it will be denied and the following order will so provide.

O R D E R

A public hearing having been had in the above-entitled proceeding, evidence having been received, the matter having been duly submitted, and the Commission now being fully advised,

IT IS ORDERED that Application No. 23725 be and the same hereby is denied.

The effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 26th day of November, 1940.

Ray L. Rice
Walter H. Hume
W. H. Hume
Arthur J. Green
COMMISSIONERS