

Decision No. 34523

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 GUY W. IMMEL and CLARENCE E. ALLEN,)
 co-partners, for a certificate of)
 public convenience and necessity to)
 operate as a common carrier by motor)
 vehicle of passengers, baggage, express,)
 and newspapers between Merced and the)
 U. S. Airport known as "Cuba Air Base")
 and intermediate points, and to operate)
 "on call" service as a common carrier)
 between Atwater, Winton, and Cuba Air)
 Base, and intermediate points, via)
 Winton Road and Santa Fe Road, and)
 between Atwater and Cuba Air Base and)
 intermediate points, via First Street)
 (Atwater) and Shaffer Road.)

Application No. 24350

BY THE COMMISSION:

O P I N I O N

By this application Guy W. Immel and Clarence E. Allen, co-partners, seek a certificate of public convenience and necessity authorizing the establishment and operation of a passenger stage service for the transportation of passengers, their baggage, shipments of express weighing not to exceed 100 pounds, and newspapers (a) between Merced and the United States airport known as Cuba Air Base and intermediate points; (b) between Atwater, Winton and Cuba Air Base and intermediate points via Winton Road and Santa Fe Road; and (c) between Atwater and Cuba Air Base and intermediate points via First Street and Shaffer Road. It is proposed to provide through service between Merced and Atwater via the air base.

It is alleged that applicants propose to operate one Yellow coach of 33-passenger capacity and as many additional coaches of this type as are needed. One 6-passenger Chevrolet sedan would be used to provide "on-call" service.

In support of the application it is alleged that no public transportation service is now provided between the points proposed to be served. It is asserted that there is, at present, being located at a point near Cuba Station, which is situated about seven miles northwesterly from Merced and about three miles northeasterly from Atwater, a United States Army air base known as Cuba Air Base and that there are no transportation facilities available between Merced and Cuba Air Base nor between Atwater and Winton and intermediate points and the air base, at all of which points are located the homes of mechanics and laborers who will be employed in the construction of the air base and will require transportation between said air base and the Winton, Atwater and Merced districts. It is further urged that after the buildings and hangars are erected and the air field is in readiness for use, army officers and enlisted men will require public transportation service between the points involved at convenient hours of the day and night and that service will also be required for civilians who desire to transact business or visit relatives at the air base. It is asserted that applicants are experienced in the transportation business and are well qualified to maintain the proposed service adequate and satisfactory to both army personnel and civilians.

The service between Merced and Cuba Air Base will be operated on regular schedules three times daily in each direction, while that between Atwater and Cuba Air Base will be operated on call for a minimum of five full-fare passengers.

From the foregoing representations it appears that very shortly there will be a need for a public transportation service for persons traveling to or from Cuba Air Base. At the present time there are no public transportation facilities operating between the points proposed to be served, except between Merced and Atwater and intermediate points over and along U. S. Highway No. 99. In view of this fact and other evidence of record herein this does not appear to be a matter in which a public hearing is necessary. We are of the opinion, therefore, and find that public convenience and necessity justify and require the establishment and operation of the passenger stage service proposed by applicants for the transportation of passengers, their baggage and shipments of express not exceeding 100 pounds in weight between the points involved, except between Merced and Atwater. The application will be granted subject to that exception.

O R D E R

Upon a full consideration of the foregoing application and it being found that public convenience and necessity so require,

IT IS ORDERED that a certificate of public convenience and necessity is hereby granted to Guy W. Immel and Clarence W. Allen, co-partners, authorizing the establishment and operation of service as a passenger stage corporation, as that term is defined in Section 24 of the Public Utilities Act, for the transportation of passengers, their baggage and shipments of express weighing not to exceed 100 pounds on passenger-carrying vehicles,

(a) between Merced and Cuba Air Base and intermediate points;

(b) between Atwater, Winton and Cuba Air Base and intermediate points;

(c) between Atwater and Cuba Air Base and intermediate points;

provided that no transportation, through or otherwise, may be performed between Merced and Atwater.

The foregoing certificate is granted subject to the condition that said Guy W. Immel and Clarence E. Allen, co-partners, their successors or assigns, may never claim before this Commission or any court or other public body a value for the authority hereby granted in excess of the actual cost thereof.

IT IS FURTHER ORDERED that in the operation of the passenger stage service pursuant to the foregoing certificate, the following service regulations shall be observed:

1. Applicants shall file a written acceptance of the certificate herein granted within a period of not to exceed thirty (30) days from the effective date hereof.
2. Applicants shall provide service between Atwater, Winton and Cuba Air Base and between Atwater and Cuba Air Base, over the routes hereinafter set forth, only on demand and the payment of five full-passenger fares.
3. Applicants shall comply with the rules of the Commission's General Orders Nos. 79 and 80 and Part IV of General Order No. 93-A by filing, in triplicate, and concurrently making effective, tariffs and time schedules satisfactory to the Commission within sixty (60) days from the effective date hereof and on not less than ten (10) days' notice to the Commission and the public.
4. Applicants shall conduct said passenger stage service over and along the following routes, subject to the authority of the Railroad Commission to change or modify them at any time by further order:

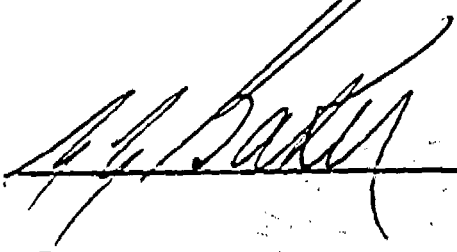
Between Merced and Cuba Air Base via U. S. Highway No. 99, Franklin Road and Santa Fe Road;

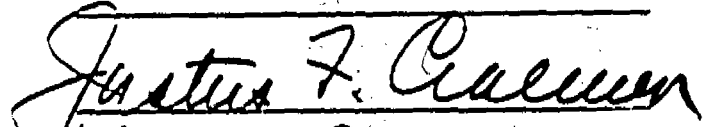
Between Atwater, Winton and Cuba Air Base via Winton Road and Santa Fe Road;

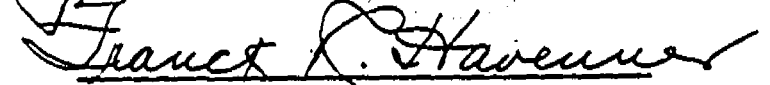
Between Atwater and Cuba Air Base via First Street and Shaffer Road.

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

Dated at San Francisco, California, this 26th day of August, 1941.







COMMISSIONERS