

Decision No. 35970

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
JAMES R. PROPER, doing business as )  
Los Angeles-Trona Stages, for auth- )  
ority to reroute and extend his motor )  
coach line; to transport express )  
shipments; and for an in lieu cer- )  
tificate. )

Application No. 25294

BY THE COMMISSION:

O P I N I O N

James R. Proper, applicant in the above-entitled application, doing business as Los Angeles - Trona Stages, is now providing a passenger stage service between Los Angeles and Trona and intermediate points via Mojave, Randsburg, and Johannesburg for the transportation of passengers and baggage. No local service is provided between Los Angeles and Mojave or intermediate points. In conducting that service, operations have been from Los Angeles over U. S. Highways Nos. 99 and 6 to the junction with county road lying southwesterly from Randsburg, thence over said county road to Randsburg, Johannesburg and Trona.

In the above-entitled application Proper requests a certificate de novo in lieu of that operative right, including certain enlargements. Under his new proposal applicant desires a certificate for the transportation of passengers, baggage and shipments of express weighing not in excess of one hundred pounds each on passenger carrying vehicles between Los Angeles and Trona and intermediate points

and between San Bernardino and Trona and intermediate points. Under this proposal applicant would follow his present route from Los Angeles to Mojave. From Mojave he would operate over U. S. Highway No. 466 easterly to a point known as Beecher's Corners, situated at the intersection of U. S. Highways Nos. 466 and 395. From Beecher's Corners to Trona the operation would be over U. S. Highway No. 395 and county roads via Atolia, Red Mountain and West End. Randsburg and Johannesburg would be served by diversion from this road. Applicant proposes to abandon operations over that portion of his present route between Mojave and Randsburg, via a point known as Cinco, situated in the Mojave Desert. Between San Bernardino and Trona operations would be over U. S. Highway No. 395 from San Bernardino to Red Mountain, thence over a county road to Trona, via Adelanto, Beecher's Corners, Midway and West End. The routes from Los Angeles and San Bernardino join at Beecher's Corners. Applicant does not propose any local service between Los Angeles and Mojave or intermediate points nor between San Bernardino and Adelanto or intermediate points.

With respect to the request for authority to abandon service over the route between Mojave and Randsburg, via Cinco, it is asserted that during the past year no passenger has been picked up or discharged at any point intermediate to Mojave and Randsburg on that road. In support of applicant's request to extend his operation from Trona to San Bernardino, it is alleged, in effect, that recently established facilities of the armed forces of the United States in the vicinity of Muroc Junction, and war production industries located in and near Trona, are without adequate public transportation facilities to and from either San Bernardino or Los Angeles. It is further

asserted that throughout the past year applicant has received many requests for transportation service from points presently served as well as from the territory proposed to be served to Los Angeles and to San Bernardino.

No fare changes are proposed between points now served by applicant. The distance between San Bernardino and Trona is shown to be 136 miles. The proposed one-way and round-trip fares between those points are \$4.35 and \$5.00, respectively. The proposed fares are inconsistent. As an example, the one-way fare between San Bernardino and Trona is \$4.35 and the round-trip fare is \$5.00 or about 115 per cent of the one-way fare. The one-way fare between Adelanto and Trona is \$3.35 and round-trip fare is \$5.00 or about 150 per cent of the one-way fare. Between West End and Rosamond the one-way fare is \$3.10 and the round-trip fare is \$6.00 or about 190 per cent of the one-way fare. Numerous other inconsistencies also exist. Applicant will be required to publish fares which meet approval of the Commission. In certain instances the proposed express rates are lower than those established by the Commission in Decision No. 31606, as amended. These deviations are said to be necessary to avoid the expense which would be entailed in promulgating a schedule of rates in full compliance with that decision. This expense, it is represented, would be disproportionate to the amount of revenue anticipated from the proposed express service. Applicant proposes one daily round trip between Los Angeles and Trona, and one daily round trip between San Bernardino and Trona.

The equipment proposed to be used by applicant for the extended operation consists of three Model 29-BR-42, 3-cylinder, 29-passenger Clipper model Flexible motor coaches. It is asserted that clearance has been granted by all necessary Federal authorities for delivery of this equipment.

From a review of this record we are of the opinion that the authority sought is in the public interest and a certificate therefor will be granted. This does not appear to be a matter in which a public hearing is necessary.

O R D E R

IT IS ORDERED that a certificate of public convenience and necessity is hereby granted to James R. Proper authorizing the establishment and operation of service as a passenger stage corporation, as defined by Section 2 $\frac{1}{2}$  of the Public Utilities Act, for the transportation of passengers, their baggage and shipments of express weighing not to exceed one hundred pounds each on passenger carrying vehicles, as one unified operation, between (a) Los Angeles and Trona and intermediate points, via Palmdale, Lancaster, Mojave, Muroc Junction, Amargo, Beecher's Corners, Atolia, Red Mountain, Midway (either direct or via Randsburg and Johannesburg), and West End; and (b) between San Bernardino and Trona and intermediate points, via Cajon, Adelanto, Beecher's Corners, Atolia, Red Mountain, Midway (either direct or via Randsburg and Johannesburg), and West End; subject to the following restrictions and conditions:

1. No passengers, baggage or express may be transported the origin and destination of which are between Los Angeles and Mojave or intermediate points. Service may be provided from points in the restricted area to points outside such restricted area or from points outside said restricted area to points inside said restricted area.
2. No passengers, baggage or express may be transported the origin and destination of which are between San Bernardino and Adelanto or intermediate points. Service may be provided from points in the restricted area to points outside such restricted area or from points outside said restricted area to points inside said restricted area.
3. James R. Proper, his successors or assigns, may never claim before this Commission, or any court or other public body a value, for any purpose, for the certificate herein granted in excess of the actual cost incurred by him in securing said operative authority.
4. This certificate is granted in lieu of and not in addition to applicant's present operative rights.

IT IS FURTHER ORDERED that service between Mojave and Randsburg via Cinco may be abandoned concurrently with the establishment of service as authorized herein.

IT IS FURTHER ORDERED that the operative rights created by Decision No. 20306, dated October 5, 1928, on Application No. 14664, as modified by Decision No. 20654, dated January 7, 1929, Decision No. 29488, on Application No. 20956, and Decision No. 34731, on Application No. 24514 are hereby revoked and annulled.

IT IS FURTHER ORDERED that in providing service pursuant to the foregoing certificate the following service regulations shall be observed:

1. Applicant 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. Applicant shall comply with the rules of the Commission's General Orders Nos. 79 and 80 and Part IV of General Order No. 93-1 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 five (5) days' notice to the Commission and the public.
3. Applicant shall conduct said passenger stage service over and along the following routes, subject to the authority of this Commission to change or modify them at any time by further order:

Between Los Angeles and Beecher's Corners the routes will be over U. S. Highways Nos. 99, 6 and 466, via San Fernando, Lancaster, Mojave and Muroc Junction. Between San Bernardino and Trona the routes will be via U. S. Highway No. 395 from San Bernardino to its junction with the county road near Midway, thence over the county road to Trona, via West End. Diversion from this route shall be made at Red Mountain, thence to Randsburg, thence to Johannesburg, thence to Midway, there connecting with the main route between San Bernardino and Trona.

The effective date of this order shall be the date hereof.

Dated at Los Angeles, California, this 18<sup>th</sup>  
day of November, 1942.

Ray A. Craig  
W. H. K.  
Frank C. Starnes  
Richard Clarke  
COMMISSIONERS