

ORIGINAL

Decision No. 39249

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
HOMER HELLER COMPANY for certificate  
of Public Convenience and necessity  
to operate Passenger, Baggage and  
limited Express Service Between  
Escondido, California and Oceanside,  
California And intermediate points.

Application No. 27361

Delmar Gray for Homer Heller Co., applicant;  
Herbert Cameron for M. C. Yahne, Inc., dba  
Inland Stages, protestant; Harold A. Finney  
for Escondido Chamber of Commerce; Robert B.  
Meloy for Vista Chamber of Commerce; \* \* \* (1)  
interested parties.

O P I N I O N

Homer Heller Company seeks authority to establish and oper-  
ate a passenger stage service for the transportation of persons and  
their hand baggage and limited express between Escondido and Ocean-  
side, and intermediate points.

Public hearing in this proceeding was held before Examiner  
Ager at Escondido on June 27, 1946. Evidence having been adduced,  
the matter was submitted for decision.

Applicant proposes to inaugurate a service which will  
initially provide minimum public transportation from the coast to the  
so-called back country lying southeasterly of Oceanside and terminat-  
ing at Escondido. The route will follow State Highway 78 from Ocean-  
side to Vista and U.S. Highway 395 to San Marcos and Escondido, an  
overall distance of approximately 20 miles, through a rich farming  
and citrus-growing area.

It is proposed to charge one-way fares at an average rate  
of three cents per mile. Round-trip fares will be offered at reduced

(1)

Numerous additional appearances, as interested parties, were  
entered by representatives of various organizations supporting the  
application.

rates. Two round-trip schedules are proposed to be operated daily, leaving Escondido at 7:25 A.M. and 6:45 P.M., which will make connection with The Atchison, Topeka and Santa Fe Railway Company's northbound streamline trains. The return trips will make connection with southbound trains. Additional schedules will be provided as patronage justifies.

Equipment proposed to be used in the operation of the service consists of one 1946 eight-passenger Ford station wagon. Applicant testified that he also has standby equipment available and will purchase standard transit-type buses if the equipment proposed herein should prove inadequate.

Applicant Homer Heller has had previous experience as a bus operator with the Utah Parks Company, and has been engaged in the automotive agency business since 1932. The evidence shows that applicant is financially responsible and well-reputed in his community.

Numerous witnesses, businessmen, residents, and representatives of civic and other community organizations testified in support of the application. The evidence discloses that the trading area of Escondido, San Marcos and Vista has a population of approximately 18,000 persons, and that there are over 6,000 homes in the rapidly growing City of Escondido. In addition to the need for a passenger stage service between Escondido and Oceanside and intermediate points, there also appears to be considerable need for parcel service between such points, because many business establishments have branches in Escondido, Vista and Oceanside.

The Cities of Escondido and Oceanside and the Board of Supervisors of San Diego County have endorsed this application.

Other carriers serving this community consist of Robin C. Jolliffe, dba Palomar Mountain Stages, who is authorized to operate passenger stage service between Oceanside and Palomar Observatory via

Vista; The Atchison, Topeka and Santa Fe Railway Company, which operates a daily extra mixed work train at irregular hours between Ocean-side and Escondido; and M. C. Yahne, Inc., dba Inland Stages, who operates passenger stage service between Vista and Escondido, as a portion of his Los Angeles-San Diego line. Robin C. Jolliffe and The Atchison, Topeka and Santa Fe Railway Company have waived any protest, but M. C. Yahne opposes the granting of this application on the grounds that it would represent a duplication of service between Escondido and Vista.

Protestant operates five schedules northbound and six schedules southbound between Vista and Escondido. Express shipments are limited to 100 pounds. Equipment operated is for the most part 25 passenger Flexible-type coaches. Passenger rate of fare is about three cents per mile. Evidence introduced showed a maximum of five passengers daily transported between Escondido and Vista during the period of June 1 to 20, 1946.

Witnesses testified unanimously that transportation facilities in this area are inadequate. Many complained that Inland Stages service between Vista and Escondido is unsatisfactory and nondependable; that the buses are too crowded to accommodate any local travel; that there have been numerous instances of discourtesy on the part of bus operators; and that express parcels are frequently carried past their destination.

Although it is evident from this record that protestant's service between Escondido and Vista was inadequate during the war years, we believe the condition existed primarily because of the war emergency, which caused greatly increased bus travel. Governmental regulations and scarcity of equipment and labor also restricted protestant in the performance of its service. Protestant testified that

orders have been placed for four new 35-passenger buses and as soon as the equipment is received two of these buses will augment his service now being rendered between Escondido and Vista. Under the circumstances, protestant should be given the opportunity to provide the public's transportation requirements over his presently certificated route.

Having considered the application and the evidence of record in this proceeding, we are of the opinion and find that public convenience and necessity require the establishment of the proposed service, subject to the restriction hereinafter noted, and, therefore, the application will be granted.

O R D E R

A public hearing having been held in the above-entitled proceeding, the Commission being fully advised, and it having been found that public convenience and necessity so require,

IT IS ORDERED as follows:

(1) That a certificate of public convenience and necessity be, and it hereby is, granted to Homer Heller Company authorizing the establishment and operation of a service as a "passenger stage corporation", as defined in Section 24 of the Public Utilities Act, for the transportation of persons and their hand baggage and express, between Escondido and Oceanside, and intermediate points, but no passengers, baggage or express may be transported locally between the City of Escondido and the intersection of State Highway No. 78 and U.S. Highway No. 395 in the town of Vista.

(2) That in providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulations:

- (a) Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed 30 days from the effective date hereof.
- (b) Applicant shall, within 60 days from the effective date hereof and upon not less than one day's notice to the Commission and the public, establish the service herein authorized and comply with the provisions of General Order No. 79 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.
- (c) Applicant shall not accept for transportation any piece of baggage or express weighing in excess of 60 pounds each and the transportation of baggage and express shall be limited to the passenger vehicles operated by applicant.
- (d) Subject to the authority of this Commission to change or modify such at any time, Homer Keller Company shall conduct said passenger stage operation over and along the following described route:

Beginning at the intersection of East Grand Avenue and Juniper Street in the City of Escondido, thence via East Grand Avenue, North Broadway, West Grand Avenue, U.S. Highway 395, State Highway 78, U.S. Highway 101, and Second Street (City of Oceanside) to The Atchison, Topeka & Santa Fe Railway Company's depot at North Cleveland Street.

Applicant is authorized to turn its motor vehicles at termini and intermediate points, in either direction, at intersections of streets or by operating around a block contiguous to such intersection, or in accordance with local traffic rules.

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

Dated at ~~San Francisco~~ California, July 30, 1946.

*David C. Quinn*  
*James F. Cannon*  
*Frank W. Brown*  
*Ed. A. Russell*  
*Harold H. Hills*  
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 COMMISSIONERS