

ORIGINAL

Decision No. 42986

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
ROSCOE D. RICE and CLARENCE W. MURRY,)
copartners, doing business as RICE)
AND MURRY TRANSPORTATION SYSTEM, for a)
certificate to operate a motor bus)
service as a common carrier of passen-)
gers (1) from Merced, California to)
Le Grand, California, and intermediate)
points.)

Application No. 30238

Roscoe D. Rice and Clarence W. Murry, in propria persona.
William F. Brooks, for The Atchison, Topeka & Santa Fe
Railway Company, protestants.

O P I N I O N

This is an application by Roscoe D. Rice and Clarence W. Murry, a copartnership, doing business as Rice and Murry Transportation System, for a certificate of public convenience and necessity authorizing the transportation of passengers between Merced and Le Grand, as an extension of their present service.

A public hearing was held before Examiner Gannon at Merced on May 24, 1949.

Applicants now operate a passenger service in the City of Merced, and between Merced, Castle Field, Planada and Lake Yosemite. The proposed extension is southeasterly from Planada to Le Grand, a distance of six miles.

Applicants testified that they operate four round trips daily between Merced and Planada, and would extend the proposed scheduled service to the Le Grand area. According to the testimony of one of these applicants there is a population of approximately 1,500 persons residing in Le Grand and the vicinity thereof. They are largely agricultural workers who have occasion to travel back

and forth between Le Grand and Merced. The majority of these persons do not have their own cars, and some of them rely on taxicabs coming out from Merced. A one-way fare of 50 cents is proposed between Le Grand and Merced and applicants estimate that they would transport in the neighborhood of 150 passengers per week between the points proposed to be served. Their equipment consists of two 27-passenger buses and one 20-passenger bus. Applicants' balance sheet as of February 28, 1949, indicates a healthy financial condition of their present operations.

The application was protested by The Atchison, Topeka & Santa Fe Railway Company which operates four schedules daily in the territory, two each way. It should be noted, however, that only two of these schedules are available, one each way, the others passing through Le Grand during the extremely early hours of the morning. The rail fare between Merced and Le Grand is 27 cents. The protestants filed an exhibit showing that during the twelve months, May, 1948, to, and including April, 1949, the rail company sold 181 tickets from Le Grand to Merced and 333 tickets in the reverse direction.

The proposed service will apparently give adequate transportation to a considerable number of persons who desire to travel between Le Grand and Merced and points intermediate. The number of passengers carried by the protestant rail line is negligible, as is evidenced by Exhibit No. 1. The applicants did not produce any public witnesses, but from the record herein it is clear that they have been urged to establish a bus service between the points involved, and that such service will be substantially patronized.

Giving full consideration to the evidence of record we

find that public convenience and necessity require the establishment and operation of the proposed service, and the application will be granted.

O R D E R

A public hearing having been held in the above entitled proceeding, the matter submitted, and it having been found that public convenience and necessity so require,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is hereby granted to Roscoe D. Rice and Clarence W. Murry authorizing the operation of a passenger stage service, as defined in Section 24 of the Public Utilities Act, for the transportation of passengers between Planada and Le Grand and intermediate points, as an extension of and consolidated with applicants' present operations.

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

- a. Applicants shall file a written acceptance of the certificate herein granted within a period of not to exceed 30 days after the effective date hereof.
- b. Within 60 days after the effective date hereof and on not less than 5 days' notice to the Commission and the public, applicants shall establish the service herein authorized and comply with the provisions of General Orders Nos. 79 and 93-A, by filing, in triplicate and concurrently making effective, appropriate tariffs and time tables.
- c. Subject to the authority of this Commission to change or modify it by further order, applicants shall conduct operations pursuant to the certificate herein granted over and along Highway 140 to Planada and from Planada to Le Grand over County Road No. 160 (Santa Fe Drive).

The effective date of this order shall be 20 days after the date hereof.

Dated at San Francisco California, this 14th day of June, 1949.

R. J. [Signature]
Justice J. Casper
Frank K. [Signature]
Harold K. [Signature]
Kenneth Patten
Commissioners