

Decision No. 47939**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 JOHN C. HASTIE, dba 29 Palms Stages,)
 for a certificate of public conven-)
 ience and necessity, to operate an)
 automobile bus and taxi service as a)
 highway common carrier for the trans-)
 portation of passengers, baggage and)
 express, between Four Corners,)
 Twentynine Palms, California, on the)
 one hand, and Amboy, Rice, Marine)
 Air Base, all in San Bernardino)
 County, on the other hand, over any)
 and all accessible highways and)
 roads, and intermediate points in)
 connection therewith.)

Application No. 33665

Curtis, Knauf, Henry & Farrell by Robert J. Farrell,
 for applicant.
Oscar Goldberg, for Southern California Freight Lines,
 protestant.

O P I N I O N

Applicant is now authorized to operate a seasonal and restricted passenger stage service between Banning, Riverside County, and Twentynine Palms in the County of San Bernardino. (1)

By this application, as amended, applicant requests authority to extend his operation by conducting an "on-call" service between Twentynine Palms, on the one hand, and Rice, Amboy and the Marine Corps Training Center, on the other hand.

A public hearing was held at San Bernardino. Evidence, oral and documentary, having been adduced, the matter was submitted for decision.

(1) The authority is for the transportation of "passengers, baggage and property" (express limited to 75 pounds per package and 100 pounds from one consignor to one consignee). No local service is permitted between Banning and Whitewater, and the service is on a seasonal basis between September 15 and July 15 of each year. (Decisions Nos. 31477 and 34096.)

At the hearing applicant was granted permission to file an amendment to his application, asking for authority to operate his present service on a yearly basis.

The evidence of record shows that Rice, California, is situated approximately 70 miles east of Twentynine Palms and is not now connected by a highway that could be used for bus transportation. No evidence was offered showing a public need for this proposed service.

Amboy is situated approximately 35 miles northeasterly from Twentynine Palms. The evidence shows that territory along the proposed route is sparsely settled by some 100 to 175 persons living on ranches or proving up on government land. One mine and a chemical company are also situated along said route. During certain periods approximately 25 persons are employed at the said establishments. Their transportation need, as stated by applicant, is usually on weekends, but not enough demand has been indicated to comply with applicant's proposal not to render service for less than ten passengers. The said 175 residents or settlers and the two installations are located between Twentynine Palms and the Sheep Hole Mountains which are approximately midway to Amboy. Even less need for a bus service was shown for points beyond said mountains. Upon the evidence presented we are unable to find that public convenience and necessity require the establishment and operation of said passenger service at this time.

The Marine Corps Training Center is situated approximately ten miles north of Twentynine Palms, and the main gate to said Center is approximately midway. At present only a very small number of civilian employees and marine personnel are situated at the Center. The Corps does not expect to reactivate the Training Center until after the spring of next year. No substantial evidence of

present public need was presented. The present limited demand for transportation between Twentynine Palms and said Training Center is being supplied by at least two taxi services, one of which is operated by applicant.

There was substantial evidence offered that applicant's present service between Banning and Twentynine Palms is required on a year-round basis. The record shows that applicant has inadvertently been operating such service in order to meet the public's need.

No evidence was offered by protestant.

Having carefully considered the record, we are unable to find upon the evidence of record that public convenience and necessity require applicant's proposed bus services to Rice, Amboy or the Marine Corps Training Center. However, it appears that public convenience and necessity do require the present service on a year-round basis, and, therefore, the application will be granted in part and denied in part.

O R D E R

A public hearing having been held, the Commission being fully advised in the premises and having found the facts to be as set forth in the foregoing opinion,

IT IS ORDERED:

(1) That the amendment to Decision No. 31477, dated November 28, 1939, appearing in the order of Decision No. 34096, dated April 15, 1941, be, and it hereby is, rescinded and revoked.

(2) That, except as authorized in paragraph (1) hereof, Application No. 33665, as amended, is hereby denied.

(3) That applicant shall, within sixty (60) days after the effective date hereof and upon not less than five (5) days'

notice to the Commission and the public, establish the service herein authorized and file in triplicate, and concurrently make effective, tariffs and time schedules satisfactory to this Commission.

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

Dated at San Francisco, California, this 18th day of November, 1952.

A. J. ...
President

Harold ...

Francis ...

John E. ...

Commissioners