

Decision No. 13625

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

ORIGINAL

In the Matter of the Application of the OAKLAND-TUOLUMNE STAGE LINE for a certificate to operate an auto stage service between Oakland and Oakland Recreation Park in Tuolumne County.

Application No. 9982.

- Devlin & Brookman, by Douglas Brookman, for Applicant.
- H. E. Gogarty, for Southern Pacific Company, Protestant.
- Lafayette J. Smallpage, for Yosemite Transit, Protestant.
- H. A. Butchart, for Sierra Railway Company of California, Protestant.
- Robert M. Searls, for City and County of San Francisco, Protestant.
- F. D. Everman, for California Transit Company, Protestant.

BY THE COMMISSION:

O P I N I O N

H. T. Hempstead and N. F. Rawlins, co-partners doing business under the fictitious name of Oakland-Tuolumne Stage Line, have petitioned the Railroad Commission, in accordance with their amended application, for an order declaring that public convenience and necessity require the operation by them of an automobile stage line as a common carrier of passengers between Berkeley and Oakland and the summer recreation camp of the City of Berkeley and the summer recreation camp of the City of Oakland, located in Tuolumne County, California.

The camp of the City of Oakland is located near Buck Meadows and the Berkeley camp some 6 miles north thereof.

A public hearing in the above entitled application was conducted before Examiner Satterwhite at San Francisco, the matter was submitted and is now ready for decision.

The granting of said application was protested by the Southern Pacific Company, Sierra Railway Company, the City and County of San Francisco who own and operate the Hetch Hetchy Railroad, the California Transit Company and the Yosemite Transit.

The applicants propose to operate a daily service between May 31st and September 15th, leaving Berkeley at 7:30 a.m., Oakland at 8:00 a.m.; arriving at the Oakland camp at 5:00 p.m. and the Berkeley camp 30 minutes later; leaving the Berkeley camp at 7:30 a.m., the Oakland camp at 8:00 a.m., and arriving at Oakland at 5:00 p.m. and Berkeley at 5:30 p.m. The fare to be \$6.50 one way and \$11.00 for the round trip between Oakland and the Oakland recreation camp and the fare between Berkeley and the Berkeley recreation camp to be \$6.75 one way and \$11.50 for the round trip.

Applicants propose to use 7-passenger Pierce Arrow touring cars and will place in service daily any number that may be required to carry passengers to these recreation camps.

The Recreation Department of the City of Oakland, through its Board of Playground Directors, has unanimously endorsed the proposed service of applicants and Mr. J. B. Nash, the Superintendent of the Recreation Department, representing the Playground Directors, appeared at the hearing of this application and earnestly endorsed the proposed service.

The evidence shows that the Oakland Recreation Camp, as well as the Berkeley Camp, provides a place where a vacation can be had by families of Oakland and their children at a rate within the

reach of all. These families and their children, or groups of children under special supervision of the Recreation Departments of these communities, are enabled to go for a week or two into the mountain wilds where these camps are located. It appears that the members of the families who patronize these camp grounds consist of men and women from every walk of life whose employment and wages do not permit them to patronize other resorts or recreation camps where the rates and charges are more expensive. The rate proposed by said applicants is fairly within the means of the families and citizens who avail themselves of these community camp grounds. The evidence shows that the transportation facilities for several years past have not been satisfactory. The families who have gone to these camps in the past years consist of the fathers and mothers and their children and babes in arms and it is necessary, according to the testimony of Superintendent Nash, that there be afforded a direct, through and expeditious stage service in order that these family groups and little children may enjoy transportation facilities which afford them safety, protection, comfort and a general supervision. It appears that on Saturdays supervised groups of families, as well as groups of boys and groups of girls in numbers aggregating from 100 to 200 have in past years been transported over the protesting rail lines and that these groups during the coming summer will continue to be transported in the main over these rail lines in cars which will be operated directly through to South Fork, the station near or adjacent to these recreation camps. The rail lines afford no through service during the week days and transfers have to be made at certain points.

Under the rules of the Recreation Department of the City of Oakland all applicants for accommodations are required to register

and the record shows that the demand for transportation is such that from one to three stages and probably more will be required daily to accomodate the family groups or family units applying to go. The proposed through stage service of applicants will arrive at the camps in time for dinner and all family units will be kept together under this proposed through service, and will not have the disadvantage or inconvenience of being separated or mingled with the general public as would be the result if they were transported over the two protesting stage lines where a transfer to other stages is made at Stockton and which protesting stage lines do an intermediate business all along their route, which is 12 miles longer in each direction.

The California Transit Company operates a stage service from Oakland to Stockton and the Yosemite Transit from Stockton to Carl Inn, which is on the highway near the two recreation camps. These protesting stage lines offered in evidence exhibits showing their equipment as well as their time schedules. The California Transit Company operates only from Oakland, leaving at about 9:00 a.m., and passengers destined to Carl Inn are compelled to transfer at Stockton where there is a stop-over of about one hour. The Yosemite Transit stages arrive at Carl Inn at 6:00 p.m., which is after the dinner hour at the recreation camps.

The three protesting rail carriers offered in evidence their time schedules as well as their summer excursion fares. It appears that the rail service has been satisfactory as far as the week-end through service is concerned but that throughout the week days the transfers involved from the Southern Pacific to the Sierra Railway and thence to the Hetch Hetchy Railroad are not satisfactory and it also appears that the campers have to arise as early as 4:00 o'clock in the morning to catch the early train from the camps.

After a careful consideration of all the evidence in this matter, we are of the opinion and hereby find as a fact that public convenience and necessity require the service as herein proposed by applicants and that the application should be granted.

ORDER

Public hearing having been held in the above entitled application, evidence submitted and the Commission now being fully advised,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation by H. T. Hempstead and N. F. Rawlins, co-partners doing business under the fictitious name of Oakland-Tuolumne Stage Line, of an automobile stage line as a common carrier of passengers between Berkeley and Oakland/<sup>and</sup>the summer recreation camp of the City of Berkeley and the summer recreation camp of the City of Oakland located in Tuolumne County, California, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be, and the same hereby is granted to said applicants, subject to the following conditions:

1. Applicants shall file their written acceptance of the certificate herein granted within a period of not to exceed ten (10) days from the date hereof; shall file, in duplicate, tariff of rates and time schedules within a period of not to exceed twenty (20) days from date hereof, such tariff of rates and time schedules to be identical with those attached to the application herein; and shall commence operation of said service within a period of not to exceed thirty (30) days from the date hereof.

2. The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.

3. No vehicle may be operated by applicants herein unless such vehicle is owned by said applicants or is leased by them under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 29<sup>th</sup> day of  
May, 1924.

C. Seaver

H. B. Bondig

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J. T. Whittier  
Commissioners.