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Decision No. 13709

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of  
CHARLES E. TOMLIN for certificate of  
public convenience and necessity to  
operate a passenger bus service between  
Richmond, California, and Oakland,  
California.

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:Application No. 9927

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BY THE COMMISSION,

ORDER

The application of Charles E. Tomlin, as amended, asks for a certificate of public convenience and necessity authorizing the operation of automotive stage service for the common carriage of passengers between the City of Richmond and the City of Oakland, California. Applicant proposes to operate service commencing at Washington and Fifth Streets in the City of Oakland over Washington Street to San Pablo Avenue, thence over San Pablo Avenue to Cutting Boulevard, over Cutting Boulevard to Pullman Avenue, over Pullman Avenue to 23rd Street, over 23rd Street to McDonald Avenue, Richmond, over McDonald Avenue to Garford Boulevard, over Garford Boulevard to Standard Avenue, over Standard Avenue to Standard Oil Garage near Contra Costa Avenue; service to commence from the Oakland terminus at 6:15 a.m. 6:30 a.m. and every thirty minutes thereafter until 11:00 p.m. and from the Richmond terminus at 7:00 a.m. and every thirty minutes thereafter until 12 m. Applicant proposes to charge a through fare of 15¢

with a minimum charge of 10¢ covering any portion of the trip and to use in such service White stages of from 15 to 40 passengers capacity, no specific number being set forth in the application.

The application sets forth as justification for the granting of the certificate petitioned for a number of allegations, the principal one being that there is a public demand for more comfortable and direct transportation service also for the increase in facilities over the route proposed to be operated; that the existing transportation company is incapable of furnishing or supplying service demanded; that such existing service is interrupted by stops and delays; further that there is a condition of congested traffic in the City of Oakland which should be avoided and which will be avoided if the service contemplated is authorized; further that the automobile bus service formerly operated over the route proposed proved itself to be a public convenience and to satisfy a public necessity.

Considering all of the allegations set forth in the application as justification for the granting of the certificate sought, the records of the Commission show the following history of stage service in this territory.

On May 12, 1921 under Decision No. 8964 in Application No. 6118 after hearing and investigation, the Commission denied an application to operate passenger stage service between Richmond and Albany where a connection was to be made with the Albany street car service of the Key System Transit and the interurban trains of the Southern Pacific on the ground that public necessity did not require such service.

On March 11, 1922, the Commission issued its Decision No. 10182 in Applications Nos. 4778, 7017 and 7122 in which decision after a lengthy review of service conditions in this territory all three applications were denied.

It further appears that there have been some five different operators at various times operating passenger stage service, all of whom voluntarily abandoned such service principally upon showing that public demand was not sufficient to cover operating expenses, the last of these being an application of the Western Motor Transport Company for permission to abandon their service which application was granted by Decision No. 9250 in Application No. 7002 after a showing that such operation had been carried on at a very substantial loss.

The records further show that in addition to the San Francisco-Oakland Terminal Railways, now known as the Key System Transit Company, set forth in the application as the only carrier operating between the points proposed to be served, that the Atchison Topeka & Santa Fe Railway and the Southern Pacific Company both render daily passenger service between such termini. The Key System Transit Company operates a very frequent headway practically paralleling the entire route proposed to be served by applicant herein and this service has been very materially improved during the last year. With the exception of peak hours when the traction service is operated from 7th and Broadway, Oakland, to Richmond, this service is operated from 1st and Broadway, Oakland, through to the down town and industrial district of Richmond.

As regards the congestion in the City of Oakland which will be avoided through the proposed service, - applicant's route is intended to be operated from 5th and Washington Streets out Washington Street to San Pablo Avenue, which is through the most congested district of the City of Oakland and would in no way eliminate frequent stops or congested territory to any greater extent than is at the present time incurred by the Traction Company.

It must be further pointed out that applicant does not offer to the public any advantage in the matter of rates and a far less frequent service than that given by the existing traction transportation company.

We are of the opinion that this is a matter in which a public hearing is not necessary and that public convenience and necessity do not require the establishment of service as herein proposed, and

IT IS HEREBY ORDERED that the above entitled application be, and the same hereby is denied.

Dated at San Francisco, California, this 16<sup>th</sup> day of June, 1924.

C. J. Weaver

H. B. ...

Egerton Shore

Commissioners