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Decision No. 14324

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of)
 EMORY E. GILMAN, in business under the)
 name of San Rafael Bus Service, for)
 certificate of public convenience and)
 necessity to operate a passenger auto-)
 mobile bus service between San Rafael Application No. 10647
 High School at San Rafael and the Town :
 of Novato, Marin County, California.)

BY THE COMMISSION:

ORDER

In this proceeding Emory E. Gilman is asking for authority to operate an automotive service for the transportation of school children only between Novato and San Rafael. Both points are in Marin County.

Gilman proposes to transport the children on school days only at a cost of \$5.00 per month per child and to so adjust his time schedule as to depart from and arrive at the school and Novato terminal at hours more convenient for the children than is possible under the schedules maintained by the Northwestern Pacific Railroad and the Santa Rosa, Petaluma and Sausalito Stage Company, common carriers operating between Novato and San Rafael.

Gilman, who operates under the name of San Rafael Bus Service, specializes in the transportation of school children,

his equipment consisting of specially built busses, designed to meet all safety and comfort requirements. Under certificates granted by this Commission he is now giving transportation service for the pupils of the Dominican Convent at San Rafael, the Branson School at Ross and St. Anselm's School at San Anselmo. He has been asked by the Novato Chamber of Commerce to establish the service proposed in this proceeding, the request following declaration by Dan Wise, holder of a certificate from this Commission to transport school children between Novato and San Rafael that he could not meet the demand of the Chamber of Commerce that he provide transportation facilities for all the pupils requiring transportation. Wise's equipment consists of a small truck crudely fitted up with seats.

Wise, a minor and a student at the High School, has been driving the car used in the common carrier service, which is a violation of Rule 8 of the Commission's Safety Rules and Operating Regulations requiring that all auto drivers in common carrier service must be at least 21 years of age. He has not complied with the Commission's written instructions to employ a driver of mature years, and his operative right, therefore, has been suspended pending further action by the Commission.

We believe that this application should be granted and that it is not a matter requiring a public hearing.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA
HEREBY DECLARES that public convenience and necessity require

the operation by Emory E. Gilman, operating under the fictitious name of San Rafael Bus Service, of an automotive service for the transportation of school children only between Novato and the High School at San Rafael, said operation to be conducted only on such days as the High School is in session,

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

1. Applicant herein shall file his written acceptance of the certificate herein granted within a period of not to exceed five (5) days from date hereof; shall file tariff of rates and time schedules, in duplicate, identical with those as set out in the application herein within a period of not to exceed ten (10) days from date hereof; and shall commence operation of the service herein authorized within a period of not to exceed fifteen (15) days from 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 has first been secured.

3. No vehicle may be operated by applicant Gilman in said service unless such vehicle is owned by him or is leased under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 2nd day of December, 1924.

Ch. Severy
H. K. B. ...
Irving Martin
Evelyn Shore
Commissioners