

Decision No. 19043

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of PEERLESS STAGES, INC., for a certificate of public convenience and necessity to operate an auto stage line for the transportation of passengers and baggage between Newark, and Palo Alto, as an extension of and in conjunction with its existing operative rights between Newark and Sunol.

**ORIGINAL**

Application No. 13179

In the Matter of the Application of CALIFORNIA TRANSIT COMPANY, a corporation, for a certificate of public convenience and necessity to change route for a portion of its service between Livermore and San Francisco, and to render certain intermediate service on said route as changed.

Application No. 13469

Earl A. Bagby and L. G. Markel, for California Transit Co., Applicant.

Harry A. Encell and Frank B. Austin, for Peerless Stages, Inc., Applicant.

H. W. Hobbs and A. A. Jones, for Southern Pacific Co., Protestant.

I. R. Dains, for Market Street Railway Company, Protestant.

J. E. McCurdy, for Peninsula Rapid Transit Co. and Pacific Auto Stages, Inc., Protestants.

R. M. Nelson and A. L. Crawford, for Nelson Stage Line and Base Hospital.

BY THE COMMISSION:

O P I N I O N

By its application, as amended, Peerless Stages, Inc., petitions the Railroad Commission for an order declaring that public convenience and necessity require the operation by it

of an automobile stage line for the transportation of passengers, baggage and express between Pleasanton and Menlo Park via Dumbarton Bridge, as an extension of, and in conjunction with, its existing operative rights between Newark and Sunol and intermediate points.

Applicant relies as justification for the granting of the proposed certificate upon an alleged necessity for means of passenger transportation by communicating auto stage carriers between points on the peninsula from San Francisco to San Jose, on the one hand, and Alameda county and San Joaquin valley points on the other hand, via Dumbarton Bridge.

The requirements as to tariffs, time schedules and equipment are all duly set forth in the body of the application.

California Transit Company by its amended application petitions the Railroad Commission for an order declaring that public convenience and necessity require the re-routing by it of a portion of its service now operating between Livermore and San Francisco, via Pleasanton, Sunol, the Dumbarton Bridge, Redwood City and South San Francisco.

It is proposed to install at least one schedule a day so as to furnish an alternative service for passengers who desire through service. It is further set forth that the stages of this line would connect at Livermore with its operations into the San Joaquin and Sacramento valleys and south to Los Angeles.

Applicant does not propose to render any local or intermediate passenger service between San Francisco and the easterly terminus of Dumbarton Bridge, both inclusive; now does applicant propose to render any local or intermediate

service between San Francisco, on the one hand, and points in the territory intermediate to Newark and points west of Sunol, on the other hand; nor does applicant propose to render any local or intermediate passenger service between Newark and Sunol, both inclusive, including all intermediate points. Subject to these limitations, applicant does propose to pick up and discharge passengers at all points on said proposed route who are destined to, or arriving from, points on the present transportation system of applicant or points on the proposed route of applicant not within the above exceptions.

Applicant introduced in evidence an exhibit showing a consolidation of the time schedules of proposed operation by California Transit Company in conjunction with Peerless Stages, and offering direct connections at Pleasanton for passengers desiring to go from points east of Pleasanton, Livermore or Stockton to points served by Peerless Stages, such as Menlo Park and Palo Alto, and giving through service from Livermore to San Francisco by California Transit Company.

Applicant sets forth on page 4 of its application data regarding rates to be charged for the proposed service, as well as time schedules and equipment.

Public hearings on said applications were had before Examiner Gannon at San Francisco, at which time the matters were consolidated for the purpose of receiving evidence, and they are now ready for decision.

The Southern Pacific Company, Peninsula Rapid Transit Company, and Pacific Auto Stages protested the granting of both applications, while the Market Street Railway directed

its protest against the granting of the application of California Transit Company. Many witnesses were called in support of each application and all testified as to the demand and need for the proposed service.

The present means of transportation between Alameda county points involved in this application and points on the peninsula is either by way of San Jose and up the peninsula or through Oakland and San Francisco and thence down the peninsula, and both of these methods were the subject of serious complaint by many witnesses. As illustrative of the present rail service connecting both sides of the bay, we may refer to the testimony of witnesses respecting the service from Pleasanton to Redwood City. A passenger leaving Pleasanton on the 12:48 p.m. Southern Pacific train is unable to reach Redwood City via Oakland and San Francisco until 4:01 p.m., the time actually consumed en route being three hours and thirteen minutes over a distance of 72 miles and involving three changes, the fare being \$2.64. The evidence shows that by either of the proposed stage routes across Dumbarton Bridge between the above points the distance would be 27 miles, the time one hour and twelve minutes and the fare approximately \$1.00.

The testimony indicates a very decided demand for stage service across Dumbarton Bridge which would furnish easy and adequate transportation between points on the peninsula and Alameda county and beyond. As typical of this demand the testimony of Mrs. Sarah E. Heine, a witness supporting the application of Peerless Stages, may be adverted to. Mrs. Heine is the president of the Heine Piano Company of San Francisco, and resides in Sunol. She testified

that her business brought her to various peninsula towns where she maintains agencies as often as four times a month. She comes to San Francisco every day by stage via Niles and Oakland, returning at night on a Western Pacific train. Such trips as are made via the Dumbarton Bridge are made in her own car, necessitating the employment of a driver. Witness declared she would use a stage route across Dumbarton Bridge for all points on the peninsula, relying on connections at Menlo Park or Palo Alto, which were generally satisfactory. Asked why she did not use Southern Pacific trains between Sunol and San Francisco, witness stated that the morning train from Sunol and the evening train from San Francisco departed too early to suit her convenience. For traffic flowing eastwardly from lower peninsula points it was pointed out in testimony offered by Southern Pacific witnesses that the fastest running time of trains from Redwood City to Stockton, via San Jose, was 3 hours and 55 minutes.

Peninsula Rapid Transit Company, one of the protestants in this proceeding, offered in evidence a time schedule indicating a 30 minute service between Palo Alto and San Francisco and intermediate points and also a 20 minute service in conjunction with Pacific Auto Stages. The local run between Palo Alto and San Francisco takes all passengers, save those destined for San Francisco, and stages of the Peninsula Rapid Transit Co. and Pacific Auto Stages take nothing but San Francisco passengers at Palo Alto.

This protestant also introduced in evidence an exhibit purporting to show that during the first five months of the present year their passenger stages running north out of Palo Alto to all local points, except San Francisco, were 88 per cent empty. The evidence seemed to indicate that the protests of both the above mentioned stage lines was primarily directed

against the application of Peerless Stages which as amended sought to serve Menlo Park and Palo Alto as terminals.

Market Street Railway Company, protesting only the application of California Transit Company, gave through its counsel, a summary of the service rendered by it. This electric line operates between San Francisco and San Mateo on a ten minute headway during the daytime with a gradually lengthening headway from 6:00 o'clock in the evening throughout the night.

The protest of Nelson Stage Line was directed only against the application of Peerless Stages because of the fact that Nelson operates a bus service from the United States Veterans Hospital to Palo Alto, said hospital being located intermediate between Menlo Park and Palo Alto. The Nelson Stage Line withdrew its protest against Peerless Stages when the latter, by stipulation, agreed not to carry local passengers between the Veterans Hospital and Palo Alto.

In view of the fact that California Transit Company does not propose to carry passengers between San Francisco and San Mateo, or between San Francisco and any of the intermediate points, or between South San Francisco or any points south, the Market Street Railway Company withdrew its protest against said application.

The service proposed by Peerless Stages contemplates three round trips daily between Menlo Park and Pleasanton and an additional trip between Centerville and Menlo Park. On the Alameda side it is proposed to extend service from Sunol to Pleasanton which extension is not protested by California Transit Company, the present carrier serving that portion of the route. Some thirty-five witnesses from both side of the bay were called to testify in support of the application of

Peerless Stages. The president and general manager of this company testified that he had made an investigation extending over several weeks, the result of which convinced him there was a public demand for the service here proposed.

The application as originally filed designated Palo Alto as the westerly terminus of the proposed route, but according to the testimony of the president the demand for the inclusion of Menlo Park as one of the termini at this end was so strong that he was forced to amend his application by including that community also.

This applicant proposes to deliver its passengers over to the existing transportation lines either at Menlo Park or Palo Alto and the testimony of practically all witnesses was to the effect that such change would not be inconvenient. The particular route at the westerly terminus, as described by applicant, would be from Newark across Dumbarton Bridge and thence to Palo Alto and on the main highway to Menlo Park. At this point stages would turn and go back to Palo Alto, thence retracing the same route across the bridge to Pleasanton. The routes of both applicants are practically parallel from Pleasanton to the western terminus of Dumbarton Bridge.

Applicant Peerless Stages, in addition to local service between Menlo Park and Pleasanton, proposes to furnish service through Livermore, Sacramento and Stockton to Los Angeles by means of its combined schedules. Passengers from Alameda county would obtain service across the bridge and get into contact with other carriers on the peninsula, so that they may go either north or south on the highway. No intermediate service is proposed between Menlo Park and Palo Alto and any fares picked up at Menlo Park would not be dropped at any

point west of Newark. It is proposed to form direct contact at Pleasanton with stages of the California Transit Company so that a passenger boarding a Peerless stage at Menlo Park may connect at Livermore with stages of the California Transit Company operating into the San Joaquin Valley.

Letters from various chambers of Commerce and Improvement Clubs were introduced in evidence on behalf of both applicants.

The San Mateo Heights Improvement Association protested the granting of either application upon the ground that the peninsula from San Francisco to San Jose is adequately supplied with transportation facilities and that no public demand exists for such service across Dumbarton Bridge as is contemplated by applicant in this proceeding. The Chambers of Commerce of Pleasanton, Sunol, Centerville, Newark and Niles favor the granting of the application of Peerless Stages, while the San Bruno Chamber of Commerce endorsed the application of California Transit Company. The Palo Alto Chamber of Commerce favors the inauguration of bus service connecting the Peninsula with east bay points and the San Joaquin valley across Dumbarton Bridge, but did not go on record as favoring any particular applicant.

A considerable number of students at Stanford University located at Palo Alto reside in Alameda county and various witnesses testified to the convenience which the proposed transportation would afford to such students.

We have given careful consideration to all of the evidence in this proceeding and conclude therefrom that a means of stage transportation across Dumbarton Bridge is both necessary and convenient.

The evidence shows that residents of Alameda County strongly desire a system of transportation over Dumbarton Bridge connecting Alameda county with peninsula points and



that there is some demand for an express service over the route herein sought. There was no protest against either application so far as express service is concerned.

The opening of the Dumbarton Bridge on January 17, 1927, undoubtedly furnished a more direct line for traffic from Alameda county to points on the peninsula south of San Francisco and north of San Jose. One line will adequately serve the purpose - two would be superfluous. Nothing is to be gained by through service, the weight of testimony being to the effect that prospective passengers desire chiefly to get across the bay by this route and put themselves in contact with stage or rail lines transferring to their destination.

It is apparent from the testimony that the local service of Peerless Stages from Newark to Menlo Park and Palo Alto will answer all requirements and we conclude, therefore, that the application of Peerless Stages should be granted. In fact, counsel for California Transit Company testified during the course of this proceeding that he regarded the application of his company as secondary to that of the Peerless Stages. The reason which prompted California Transit Company to apply for a certificate, according to the testimony of this witness, was to eliminate the objection which a portion of the stage-travelling public might have to changing stages. The evidence shows, however, that such witnesses as were interrogated on this matter expressed themselves as not being averse to making a change from the Peerless Stages to some other mode of transportation, to their destination.

Upon full consideration of the evidence in this proceeding, we are of the opinion and hereby find as a fact, that public convenience and necessity require the operation by Peerless Stages, Inc. of an automobile stage service for the transportation

of passengers, baggage and express as a common carrier between Pleasanton and Palo Alto via Dumbarton Bridge, as an extension of and in conjunction with its existing operative rights between Newark and Sunol and intermediate points, and that the application of California Transit Company should be denied.

An order will be entered accordingly.

### O R D E R

A public hearing having been held in the above entitled applications, the matters having been duly submitted, the Commission being now fully advised, and basing its order on the findings of fact set forth in the preceding opinion,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA hereby declares that public convenience and necessity require the operation by Peerless Stages, Inc. of an automobile stage service for the transportation of passengers, baggage and express as a common carrier between Pleasanton and Palo Alto and Menlo Park and intermediate points, which said intermediate points are as follows viz.: Newark, Centerville, Niles, Farwell, Brightside, Sunol and Bonita, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and the same is hereby granted to Peerless Stages, Inc. for the operation of the service herein described, subject to the conditions hereinafter set forth:

1. Applicant shall file its written acceptance of the certificate herein granted within a period of not to exceed ten (10) days from date hereof:

2. Applicant shall file, in duplicate, within a period of not to exceed twenty (20) days from the date hereof, tariff of rates and time schedules, such tariffs of rates and time schedules to be identical with those attached to the application herein, or rates and time schedules satisfactory to the Railroad Commission, and shall commence operation of said service within a period of not to exceed sixty (60) days from the date hereof.
3. 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.
4. No vehicle may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by it under a contract or agreement on a basis satisfactory to the Railroad Commission.
5. No authority is herein granted for local service between Palo Alto and Menlo Park or between Palo Alto and the United States Veterans Hospital.

IT IS HEREBY FURTHER ORDERED that the application of California Transit Company be and the same is hereby denied.

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

Dated at San Francisco, California, this 14th day of November, 1927.

Ernest East  
Chairman  
Lion C. White  
Members  
M. J. Carr  
 Commissioners.