

Decision No. 21335

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of
E. L. GOSLAW to sell and James
Schiappacasse to purchase an auto-
mobile (passenger or freight line)
operated between Boulder Creek and
Big Basin, California.

Application No. 15578.

ORIGINAL

In the Matter of the Investigation
on the Commission's own motion into
the practices and operation of
E. L. GOSLAW operating an automotive
passenger stage service between
Boulder Creek and California State
Redwood Park and intermediate points.)

Case No. 2707.

In the Matter of the Application of
J. F. Malony and George R. Gilson,
operating under the fictitious
name of San Jose-Big Basin & Santa
Cruz Stage Line, and of Louis Klein,
J. F. Malony and George E. Gilson,
operating under the fictitious name
of Los Gatos-San Jose Bus Line, to
sell and transfer operative rights
to Peerless Stages, Incorporated.

Application No. 11138
(Supplemental).

E. L. Goslaw, for applicant to sell in Ap. 15578,
Jas. Schiappacasse for applicant to buy in Ap. 15578,
H. E. Ashland for applicant in Ap. 11138.

BY THE COMMISSION:

O P I N I O N

E. L. Goslaw has petitioned the Railroad Commission for an order authorizing the sale and transfer by him to James Schiappacasse of an automobile stage line for the transportation of passengers and freight between Boulder Creek and Big Basin. The operative right proposed to be transferred was authorized under Decision No. 11997, on application No. 8964. The consideration to be paid for the operative right is the sum of \$150.00.

The above entitled proceeding in Case No. 2707 was instituted by the Railroad Commission to determine whether or not the practices of E. L. Goslaw were in any manner illegal or unlawful in the operation of his automobile stage service for the transportation of passengers between Boulder Creek and California State Redwood Park and intermediate points, and E. L. Goslaw was directed to show cause, if any he had, why any or all operative rights possessed by him under Railroad Commission Decision No. 11997, issued on Application No. 8964, or otherwise, for the operation of an automotive passenger stage service between Boulder Creek and California State Redwood Park and intermediate points should not be revoked and annulled by this Commission.

This order to show cause was issued and based upon certain informal complaints filed with this Commission which indicated that E. L. Goslaw was violating and ignoring the orders and provisions of said Decision No. 11997.

Peerless Stages, Inc., by its Supplemental Petition in the above named Application No. 11138, has requested that certain restrictions contained in an operating right between Santa Cruz and San Jose originally imposed in Railroad Commission Decision No. 10217, dated March 21, 1922, on Application No. 7263, which right was subsequently acquired by Peerless Stages, Inc. by Decision No. 15008, on Application No. 11138, be removed from said decision. Said restrictions which are specifically set forth in the last six lines on Page 3 of said Decision No. 10217 are as follows, to-wit *** "but public convenience and necessity do not require such service

to or from any intermediate point between Big Basin and Santa Cruz, and nothing herein contained shall be construed as authorizing local service to or from or between any such intermediate points between Big Basin and Santa Cruz."

A public hearing was conducted on all of the above entitled matters before Examiner Satterwhite at Santa Cruz on June 29, 1929, the matters were submitted and are now ready for decision. Said matters were consolidated for the purpose of receiving evidence and decision for the reason that they were all related to the same subject matter.

E. L. Goslaw testified as a witness in his own behalf during the hearing of these proceedings and several other witnesses appeared and testified.

The record shows that E. L. Goslaw for the past year has failed and neglected to operate his stage service between Boulder Creek and California State Redwood Park, in accordance with his time schedule on file with this Commission. During the summer season of 1928 Goslaw only made occasional and irregular trips and met the train at Boulder Creek only when he was advised that there would be prospective passengers who desired transportation to the Big Trees. The evidence further shows, without contradiction, that he has not operated at all during the present season and has completely abandoned his authorized service. It further appears that he has a private agreement at the present time with said James Schiappacasse, who operates a garage and service station at Boulder Creek, to transport any passengers into Big Basin who may from time to time present themselves during the season.

Peerless Stages, Inc., in support of its supplemental petition, called several witnesses who testified to the effect that the drivers of their stages receive constant requests along its route between Santa Cruz and San Jose for the transportation into the Big Basin and in the territory between Boulder Creek and the Big Basin and that during the present season they had had many requests by reason of the fact that said E. L. Goslaw was not maintaining any regular service between Boulder Creek and the Big Basin and intermediate points. Peerless Stages proposes, if the restriction as requested is removed, to operate under the following schedules and fares:

Fares

Boulder Creek	to	Big Basin	\$1.00
Big Basin	to	Boulder Creek	1.00

Time Schedule

Lv. Boulder Creek	11:50 a.m.
Ar. Big Basin	12.15 p.m.
Lv. Big Basin	5:30 p.m.
Ar. Boulder Creek	5:55 p.m.

After a careful consideration of all the evidence in these proceedings, we are of the opinion that the operative rights of E. L. Goslaw between Boulder Creek and California State Redwood Park should be revoked and that the restrictions originally imposed in said Decision No. 10217, in so far as they refer to operations between Boulder Creek and Redwood Park (Big Basin), upon said Peerless Stages, Inc. should be removed.

In view of the revocation of the operative rights of E. L. Goslaw in the following order the proposed sale and transfer by E. L. Goslaw to James Schiappacasse for said operative rights between Boulder Creek and California State Redwood Park will have to be denied.

O R D E R

A public hearing having been held upon the above entitled proceedings, evidence taken and the Commission being now fully advised, and basing its order on the findings of fact which appear in the opinion which precedes this order,

IT IS HEREBY ORDERED that the operative right possessed by E. L. Goslaw under and by virtue of the Railroad Commission's Decision No. 11997 on Application No. 8964 for the operation of an automobile stage line for the transportation of passengers and property between Boulder Creek and California State Redwood Park be, and the same is hereby revoked and annulled.

IT IS HEREBY FURTHER ORDERED that the Secretary of this Commission be, and he is hereby directed to serve, or cause to be served by registered mail upon E. L. Goslaw a certified copy of this decision.

IT IS HEREBY FURTHER ORDERED that tariffs and time schedules heretofore filed with the Railroad Commission by said E. L. Goslaw covering such service be, and the same are hereby cancelled.

IT IS HEREBY FURTHER ORDERED that that part of the restrictions heretofore originally imposed in Railroad Commission's Decision No. 10217, dated March 21, 1922, on Application No. 7263 prohibiting local service between Boulder Creek and Redwood Park (Big Basin) and intermediate points be, and the same are hereby removed.

IT IS HEREBY FURTHER ORDERED that this order removing said restrictions shall not be construed as in any way affecting any other restrictions imposed upon the Peerless Stages, Inc. operating between San Jose and Santa Cruz.

IT IS HEREBY FURTHER ORDERED that said Application No. 15578 be, and the same is hereby denied.

IT IS HEREBY FURTHER ORDERED that the removal of the foregoing restrictions upon the said service of Peerless Stages, Inc. be, and the same are granted upon the following conditions:

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.

For all other purposes the effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 3rd day of July, 1929.

C. J. ...

...

M. J. ...
Commissioners.