

Decision No. 1754

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of)
 T. J. HENDERSON for certificate of)
 public convenience and necessity to)
 operate automobile bus service, as) Application
 a common carrier, between Redwood City,) No. 18053.
 California, and United States Veterans')
 Hospital as an extension of exist-)
 ing operative rights.)

ORIGINAL

Norman S. Menifee, for Applicant,
 Roy G. Hillebrand, for Southern Pacific Company,
 Interested Party,
 H. C. Lucas and L. D. Jones for Pacific Greyhound
 Lines, Interested Party,
 John Massing, in propria persona, Protestant.

BY THE COMMISSION:

O P I N I O N

T. J. Henderson has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the extension of his presently operated line between Redwood City, Emerald Lake and Canyon Sanitarium to the U. S. Base Hospital at Palo Alto and to include the carriage of passengers and baggage one-half mile beyond either terminus and one-fourth mile over and along his route on each side thereof.

A public hearing on this application was conducted by Examiner Handford at Redwood City, the matter was duly submitted and is now ready for decision.

Applicant proposes to charge rates and fares in accordance with a schedule marked "Exhibit C" as attached to the application; to operate on a basis of eight round trips daily and to use as equipment that presently in use on his presently authorized

line.

T. J. Henderson, applicant herein, testified that he had received several calls for service from residents along a portion of the line proposed to be established, but had no calls nor had made any investigation at or closely adjacent to the U. S. Base Hospital, the proposed terminal of the line. The proposal to give service for a distance of one-quarter mile on each side of the highway was to enable his patrons to have service when they were encumbered with parcels or groceries and such service was to be given only when requested by patrons. The witness also desired to extend service for a distance of one-half mile beyond his present terminals at Emerald Lake and Canyon Sanitarium, particularly at Emerald Lake, to enable passengers to use the service and during inclement weather avoid walking over rough and hilly roads. No particular investigation has been made of the need for the proposed extension from Redwood City to the U. S. Base Hospital at Palo Alto other than the thought of the applicant that such a service should be installed.

Five witnesses, interested in property or residing in the vicinity of Emerald Lake, testified as to the public convenience and necessity to be served if the present terminals at Emerald Lake and Canyon Sanitarium were to be extended one-half mile from their present location, and the record shows that it would be an additional convenience for the patrons of this stage line if such portion of the application were to be granted.

The granting of the proposed extension from Redwood City to the U. S. Base Hospital is protested by John Massing, operating a stage line from Palo Alto to the U. S. Base Hospital. This protestant gives 29 round trips daily between Palo Alto and the U. S. Base Hospital, and contends that any additional

service is not necessary under present limited travel conditions. It is the contention of applicant that the proposed extension of service from Redwood City to the U. S. Base Hospital would enable prospective patrons residing in a portion of Redwood City and south thereof to shop in either Redwood City or by transfer to the connecting line to use Palo Alto as their trading point. The record contains no evidence, other than that of the applicant, that such proposed service is desirable or necessary.

After carefully considering the record in this proceeding we are of the opinion that applicant has not shown that public convenience and necessity require the proposed extension from Redwood City to the U. S. Base Hospital at Palo Alto, nor extension of service one-quarter mile on each side of the highway on the present authorized operative right and such portions of the application will be denied.

As to the extension of the terminals at Emerald Lake and Canyon Sanitarium, a distance of one-half mile beyond the present location, there appears to be a demand on the part of applicant's patrons for such extension, to avoid the necessity of walking over hilly roads, especially during inclement weather, and the record herein justifies the granting of this portion of the application and the following order will so provide.

O R D E R

A public hearing having been held on the above-entitled application, the matter having been duly submitted and the Commission being now fully advised,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity do not require the extension of the service of applicant, T. J. Henderson, from

Redwood City to the U. S. Base Hospital at Palo Alto, nor the extension of service one-quarter mile each side of the highway on the presently operated route from Redwood City to Emerald Lake and Canyon Sanitarium, and

IT IS HEREBY ORDERED that these portions of the application be and the same are hereby denied.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the extension of the presently operative rights of applicant, T. J. Henderson, to a point one-half mile beyond the present terminals at Emerald Lake and Canyon Sanitarium, and

IT IS HEREBY ORDERED that an extension of one-half mile at the terminals of Emerald Lake and Canyon Sanitarium be granted to T. J. Henderson as an extension to his presently operative route as defined in this Commission's Decision No. 23650 on Application No. 17319, as decided May 4, 1931, subject to the following conditions:

1. Applicant shall file his written acceptance of the extension herein granted within a period of not to exceed fifteen (15) days from the date hereof.
2. Applicant shall file in duplicate and make effective within a period of not to exceed thirty (30) days from the date hereof, on not less than ten (10) days notice to the Commission and the public a tariff or tariffs constructed in accordance with the requirements of the Commission's General Orders and containing rates and rules which, in volume and effect, shall be identical with the rates and rules shown in the exhibit attached to the application in so far as they conform to the certificate of extension herein granted.
3. Applicant shall file, in duplicate, and make effective within a period of not to exceed thirty (30) days from the date hereof, on not less than five (5) days' notice to the Commission and the public, time schedules according to form provided in General Order No. 83 covering the service herein authorized, in a form satisfactory to the Railroad Commission.

4. 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.
5. No vehicle may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by him 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 9th day of May, 1932.

C. L. Leary
Leon Whitell
M. H. Cur
Fred G. Stewart
Commissioners.