

Decision No. 10909

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Commission's)
Investigation into the methods and)
practices of James W. Gray, doing)
business under the fictitious name)
of Coastside Transportation Company,)
in the operation of an automobile)
stage line as a common carrier of)
passengers and freight between San)
Francisco and Pescadero, California.)

Case No. 1728.

ORIGINAL

H. A. Encell and J.A. Miller for James W. Gray,
Respondent.

H. A. Loveland and Fred C. Peterson for Neil
Forrest, doing business as Red
Star Stage Line.

BY THE COMMISSION.

O-P-I-N-I-O-N.

The Commission having received complaints, both written and verbal, that the stage line operated by James W. Gray as a common carrier of freight and passengers between San Francisco and Pescadero was being operated other than in accordance with the rules and regulations of the Commission, that time schedules were not being observed, and that the service was unsatisfactory and inadequate; a proceeding was initiated by the Commission and on March 8th, 1922, on its own motion, an order was issued directing said James W. Gray to appear and show cause why the certificate of public convenience and necessity heretofore issued under date January 8, 1921, (Decision No. 8523 on Application No. 6080) should not be revoked and annulled.

A public hearing on this matter was conducted by Examiner Handford at San Francisco on March 30, 1922, at which time the matter was duly submitted.

The evidence in this proceeding shows that respondent, Gray, has not operated his passenger service in accordance with schedules as heretofore filed with the Railroad Commission and that during the month of February, 1922, fifty scheduled runs were not operated out of a total of eighty runs as appearing on an exhibit filed by respondent and covering the period from February 1st to 20th, 1922, inclusive. Two runs were operated over but a portion of the scheduled route.

No permission was secured from the Railroad Commission for the suspension of scheduled service nor was any advice given this Commission that the runs had not been or could not be protected. It is the present contention of respondent that the runs could not be protected due to his inability to secure drivers to replace those incapacitated by illness but no evidence was given indicating that any reasonable effort was made to secure extra drivers or to keep operative the service as covered by advertised schedules.

As to the freight operation it appears that this portion of the business has been leased by respondent to other parties on a basis expressly prohibited by the regulations of the Railroad Commission as contained in its Decision No. 5318 on Case No. 1202 as decided April 17, 1918. This decision prohibits the leasing of equipment by an authorized operator on a percentage basis or on any basis where the amount paid as rental includes the services of a driver or operator. Both classes of prohibited practices have been followed by the respondent herein as evidenced by the provisions of a contract between respondent and L. A. Mattei under date April 29, 1921, by the terms of which contract a truck is leased at a flat rate per round trip, such rate including the services of a driver or operator, and by the testimony of E. Serretto that he was operating freight trucks on

the route of respondent on a percentage basis, the drivers thereof being directly employed by and paid by said Serretto.

Evidence was also given that respondent in the operation of his passenger service did not adhere to scheduled departing time at intermediate points and frequently left such intermediate points so far in advance of the scheduled leaving time as to make the service unreliable and not to be depended upon by his prospective patrons.

After careful consideration of the evidence in this proceeding and of the fact that this Commission has frequently endeavored to aid the respondent in his duty to the public under the obligation imposed upon him by the certificate heretofore granted and without receiving proper response to its letters of inquiry or compliance with instructions from the Commission's authorized representatives, we are of the opinion and hereby find as a fact that the character of service heretofore rendered by respondent, James W. Gray, justifies the revocation and cancellation of the operative rights for the operation of an automobile stage line as a common carrier of passengers and freight between San Francisco and Pescadero as heretofore authorized by this Commission's Decision No. 8523 on Application No. 6080 as decided January 8, 1921.

O-R-D-E-R .

A public hearing having been held on the above entitled proceeding, the matter having been duly submitted and the Commission being fully advised and basing its order on the finding of fact as appearing in the opinion which precedes this order,

IT IS HEREBY ORDERED that, for good cause shown, the certificate of public convenience and necessity as heretofore granted

by the provisions of this Commission's Decision No. 8523 on Application No. 6080 as decided January 8, 1921, to James W. Gray, operating under the fictitious name of Coastside Transportation Company, for the operation of an automobile stage line as a common carrier of passengers and freight between San Francisco and Pescadero and intermediate points, be and the same hereby is revoked and cancelled.

Dated at San Francisco, California, this 24th day of August, 1922.

H. B. Boudige

Irving Martin

J. H. Benedict
Commissioners.