

Decision No. 11416.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

ORIGINAL

In the Matter of the Investigation  
into the lawfulness of the operation  
of certain automobile stages of  
S. H. DUNBAR, B. A. PERRY and  
J. HELD.

CASE NO. 1833.

Harry A. Encell for Respondents.  
Wm. F. James for Peninsular Railway Company  
and San Jose Railroads, Intervenor.  
Arthur L. Levinsky, by Wm. F. James, for  
Fresno Traction Company, Stockton Electric  
Railway Company, Central California Traction  
Company, Visalia Electric Railway Company,  
Intervenor.  
Albert L. Whittle, for San Francisco-Oakland  
Terminal Railways, (amicus curiae)

BY THE COMMISSION:

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

This is a proceeding initiated by the Railroad Commission on its own motion against S. H. Dunbar, B. A. Perry and J. Held, owners of individual operative rights to serve the territory between Oakland and San Jose, to investigate the legality of alleged operation of automobile stages owned by respondents between Santa Clara and Palo Alto over a route for which respondents, or either of them, hold no operative rights as required by the provisions of Chapter 213, Statutes of 1917, and amendments thereto. An order was duly issued on October 27, 1922, requiring respondents to appear before the Commission and show cause why the alleged operation should not be held to be unlawful and for such other and further action as the Commission might deem meet and proper in this proceeding.

Public hearings on the order to show cause were conducted by Examiner Handford at San Francisco, the matter was duly submitted and is now ready for decision.

It appears from the evidence in this proceeding that tentative arrangements had been made by the local agent of the Peerless Stage Association at San Jose with the authorities of Santa Clara College regarding the transportation of students from the College to Palo Alto for the football game on Saturday, October 14, 1922; that the arrangements were originally proposed on a rate of sixty-five cents per passenger; that later Joseph Held, one of the respondents, acting as manager for the members comprising the Peerless Auto Stage Association advised the representatives of the Santa Clara University that the quoted rate of sixty-five cents could not be protected by reason of advice received from the Commission and arrangements were therefore made for the rental of equipment on the basis of \$12.00 each for stages of nineteen passenger capacity and \$16.00 for a stage of twenty-five passenger capacity; that three cars were rented at the rate of \$12.00 by respondent Perry, and one by respondent Held, each of which were paid for by the students at Santa Clara University; that one car of twenty-five passenger capacity was rented by respondent Dunbar at a rate of \$16.00, such car being used for the transportation of the football team between Santa Clara and Palo Alto and return and being paid for by the Athletic Association by a check issued over the signature of the Treasurer of the University.

It is apparent that the members of the Peerless Auto Stage Association, respondents herein, after having received

advice from the Commission that the practice of operating stages off the authorized routes for individual fares was considered to be in violation of the statutory law, discontinued the practice in that tentative arrangements made in their behalf by their agent at San Jose with the officials of the Santa Clara University were cancelled and new arrangements were made on the basis of renting the entire car for a flat rate, and under such rate the transportation of the students and football team between Santa Clara University and Palo Alto was accomplished.


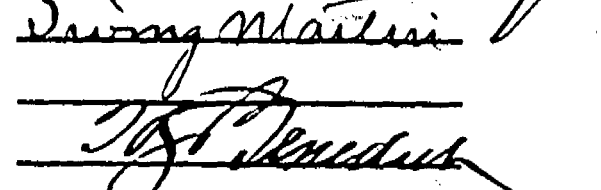
In view of all the evidence, the proceeding herein will be dismissed as to all respondents, the Commission, however, cautioning such respondents as to the necessity for strict compliance in future with directions of the Commission as to methods of operation which will be in full compliance with the statutory law.

O-R-D-E-R

Public hearings having been held in the above entitled proceeding, the matter having been duly submitted and the Commission being now fully advised,

IT IS HEREBY ORDERED that this proceeding, following appearance by S. H. Dunbar, B. A. Perry and J. Held, respondents to the Commission's order to show cause, be and the same hereby is dismissed.

Dated at San Francisco, California, this 29<sup>th</sup> day of December, 1922.

  
Living Master  
  
Commissioners.