

Decision No. 11474

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of)
OLIVER SALES and WILLIAM AGLER, for)
certificate of public convenience) Application No. 8402.
and necessity to operate passenger)
service between Clyde, Bay Point and)
Avon.)

W. S. Van Winkle for applicant.
Jessie H. Steinhart and John J. Gold-
berg for San Francisco-Sacramento
Railroad Co., and Martinez-Bay
Point Stage Company, protestants.
E. Richardson for Southern Pacific Company,
protestant.

BY THE COMMISSION:

O P I N I O N

A public hearing in the above entitled proceeding was had before Examiner Eddy at Bay Point on Wednesday, January 3.

The applicants are employed at the plant of the Associated Oil Company at Avon and reside at Bay Point and Clyde, distant from Avon respectively 3.2 and 5.3 miles. Some thirty other employees of the oil company live at Bay Point and seven at Clyde, many of whom the applicants propose to transport between their homes and the plant. Each applicant will drive a Chevrolet 1 ton truck seating 18 people, one to leave Clyde at 7:15 in the morning and the other to leave Bay Point a few minutes later, both to reach Avon at 7:50 a.m. The cars will then be parked outside the plant yard, there to remain until the working day is over, around 5 o'clock, when they will make the return trip to Bay Point and Clyde, being again driven by the applicants. On Saturdays the return trip will be made

at noon.

The Martinez & Bay Point Stage Company, which opposes the granting of a certificate to applicants, has been operating between Martinez and Bay Point via Avon for nearly three years. It operates five round trips per day leaving Bay Point at 8:55 and 10:50 a.m., 1:05 p.m., 2:55 p.m., and 4:38 p.m. Southern Pacific trains leave Bay Point for Avon at 7:30 a.m., 11:40 a.m., 3:55 p.m. and 9:15 p.m. During the months of May, July, September and November, the stage line and the Southern Pacific together transported between Bay Point and Avon 2610 passengers of which 490 were handled by the Southern Pacific Company. The stock of the Martinez & Bay Point Stage Company is owned by the San Francisco-Sacramento Railroad Company. The service, installed at the request of the Martinez Chamber of Commerce, has been conducted at a loss of \$5730.00. The operating loss for the first 11 months of 1922 is approximately \$500.00, excluding interest charges. The company is now operating three busses under lease, the cars having a seating capacity of 18 each, and one bus is held in reserve. The number of passengers averages 4 or 5 per trip. No demand has been made upon that company for additional service between Bay Point and Avon or for a rearrangement of schedule. The company is willing to operate a bus or busses between Bay Point and Avon on a revised schedule to take care of the residents of Bay Point desiring transportation to and from the oil plant at Avon. When this shall have been done, and the Commission will expect such action to be taken within 10 days from the service of this report, it is clear that no necessity will exist for the additional service here proposed as between Bay Point and Avon.

The San Francisco-Sacramento Railroad Company operates 15 trains a day between Clyde and Bay Point and for the 11 months ended November 30, 1922, handled a total of 101 passengers between these points in both directions. ~~The first train of this line~~ leaves Clyde at 8:48 a.m., too late to be of use to the workmen desiring transportation to Avon. The schedule proposed by the applicant would therefore be an accommodation to the residents of Clyde who work at Avon, but their numbers are not sufficient to interest the applicants unless they are permitted also to handle passengers between Bay Point and Avon. Plainly stated, the applicants, employees of the oil company, wish to make a little additional money by transporting fellow employees between their homes and the plant. By themselves driving and repairing the machines, and hauling full loads, the service can probably be conducted at a minimum of cost and return a profit to the operators with but little additional labor on their part. The applicants, however, are unwilling to enter upon the service if restricted to through traffic between Clyde and Avon and without being permitted to handle traffic also between Bay Point and Avon.

The application for a certificate to operate between Clyde, Bay Point and Avon serving intermediate points will be denied at this time without prejudice to the right of the applicants later to file an application for a certificate to operate only a through service between Clyde and Avon.

O R D E R

A public hearing having been held in the above entitled application, the matter being submitted, and the Commission being

fully advised in the premises,

IT IS HEREBY ORDERED that the application be, and it is hereby denied.

Dated at San Francisco, California, this 8th day of January, 1923.

H. B. Brundage

Irving Martin

C. L. ...

J. T. Whittney

Commissioners.