

Decision No. \_\_\_\_\_

ORIGINAL

Decision No. 4680

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application  
of PENINSULAR RAILWAY COMPANY for  
an order declaring that public  
convenience and necessity require  
the operation by Petitioner of an  
automobile stage service between  
Palo Alto and Camp Fremont.

Application No. 3177.

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F. E. Chapin for Peninsular Railway Company.  
J. E. McCurdy for Peninsula Rapid Transit Company,  
protestant.  
Bishop and Bahler, by H. M. Wade, for California  
Stages Company, protestant.  
O. M. Spangler for Union Line, protestant.  
H. M. Wade for Otto Rinckert and Floyd Hanchett,  
protestants.

TESLEN and GORDON, Commissioners.

### O P I N I O N.

Peninsular Railway Company asks that the Railroad Commission make its order declaring that public convenience and necessity require the operation by Petitioner of an automobile stage service between Palo Alto and Camp Fremont.

A public hearing herein was held in San Francisco on September 7, 1917.

Petitioner proposes to operate an automobile stage service from its terminus at the Southern Pacific Company's depot in Palo Alto, along the State Highway, to Camp Fremont and thence along Santa Cruz Avenue to the present camp at Camp Fremont, opposite the "Oregon Headquarters".

The equipment which Petitioner proposes to operate consists of three Pageol auto busses, each equipped with 40-horse power Case motors and traction equipment, and each having a seating capacity of 18 persons. The California State Motor Vehicle

Department has issued License Numbers 219602, 157171 and 253410, covering this equipment. If the requirements of the proposed service justify additional equipment, additional busses will be placed in the service.

Petitioner proposes to make connection with each car or train of its interurban electric railroad arriving at or departing from its terminus at the Southern Pacific Company's depot in Palo Alto.

The petition herein alleges that a fare of five cents each way will be charged by Petitioner and that the rates for express packages will be the same as those charge by Wells Fargo and Company. At the hearing, Petitioner asked leave to amend the petition so as to increase the fare to ten cents each way, due to the fact that the present camp at Camp Fremont is located on Santa Cruz Avenue opposite the "Oregon Headquarters". Petitioner also announced its intention to publish a schedule of fares in connection with round trip tickets issued by its interurban railroad line at a rate of ten cents per round trip, such amount to be added to the round trip rates on its interurban electric line now in effect.

Mr. F. E. Chapin, General Manager of Peninsular Railway Company, testified that different commercial organizations and individuals in Santa Clara County had urged Peninsular Railway Company to extend its line of railroad from Palo Alto to Camp Fremont, so that persons desiring to travel between points on Petitioner's line of railroad and Camp Fremont might do so directly. Due to some uncertainty with reference to the permanency of the army camp and to the expense of extending Petitioner's line of railroad, Peninsular Railway Company prefers to extend its service to Camp Fremont through the instrumentality of motor busses. Leading merchants of San Jose and the City Manager of San Jose, testified that it is the desire of the City of San Jose and of

her people that Petitioner be authorized to establish the desired automobile stage service, so as to improve the transportation facilities between San Jose and Camp Fremont.

The establishment of the army camp at Camp Fremont has resulted in an abnormal transportation situation, particularly in so far as affect nearby cities and towns, including particularly Palo Alto. The testimony shows the need for additional automobile stage service between Palo Alto and Camp Fremont.

For a statement of the provisions of Chapter 213, Laws of 1917, approved May 10, 1917, providing for the supervision and regulation of transportation companies, of the principles to be applied in passing on petitions of this character and of the automobile stage situation between San Francisco and Palo Alto, reference is hereby made to the decision this day rendered in Application No. 3159, Santa Clara Valley Auto Line.

Petitioner has not as yet secured from the County of Santa Clara and the County of San Mateo permits, as provided by Section 3 of Chapter 213, Laws of 1917, but proposes to secure such permits before commencing operations.

We find as a fact that public convenience and necessity require the operation by Peninsular Railway Company of the proposed automobile stage service between Palo Alto and Camp Fremont, on the conditions set forth in the order herein and submit the following form of order:

#### O R D E R

PENINSULAR RAILWAY COMPANY having filed herein a petition asking that the Railroad Commission make its order declaring that public convenience and necessity require the operation by it of an automobile stage service between Palo Alto and Camp Fremont, a public hearing having been held, the matter having been submitted and being now ready for decision,

THE RAILROAD COMMISSION HEREBY FINDS AS A FACT that public convenience and necessity require the operation by Peninsular Railway Company of an automobile stage service between Palo Alto and Camp Fremont, subject to the conditions herein set forth.

Basing its order on the foregoing finding of fact and on the other findings contained in the opinion which precedes this order,

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by Peninsular Railway Company of an automobile stage service between Palo Alto and Camp Fremont; provided, that this declaration shall not become effective until Peninsular Railway Company has secured from the Railroad Commission a supplemental order reciting that Peninsular Railway Company has filed herein certified copies of permits from the Counties of Santa Clara and San Mateo, in accordance with the provisions of Section 3 of Chapter 213, Laws of 1917; and, provided further, that the rights and privileges hereby granted shall not be assigned or transferred unless the Railroad Commission's written consent to such assignment or transfer shall first have been secured.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 26<sup>th</sup> day  
September, 1917.

Max Thelen  
Alex Gordon  
Ernest O. Colquhoun  
Thomas R. Bligh

Commissioners.