

Decision No. _____

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of :
 CHESTER LYONS for certificate of pub- :
 lic convenience and necessity to : Application No. 3147
 operate stage or truck service between:
 Oakland and Walnut Creek. :

Decision No. 1798

Chester Lyons in propria persona.
 Jesse H. Steinhart for Oakland
 Antioch & Eastern Railway
 Company, protestant.

BY THE COMMISSION:

O P I N I O N

Chester Lyons applies for a certificate that public convenience and necessity require him to operate automobile service for the transportation of passengers between Oakland and Walnut Creek via Hayward's and Dublin, a distance of about 40 miles. A public hearing in the matter was held by Examiner Westover at Oakland.

Applicant owns a second hand car seating seven passengers beside the driver, which he proposes to operate himself over the route. He has had no experience in operating a stage over this line but has driven over it. He was unable to furnish any data showing a need for the service, the probable revenue or expense of rendering it, or the probability of its becoming permanent. No application has yet been made to the proper authorities of the cities and counties interested, for a permit as required by Section 3, Chapter 213, Laws of 1917.

The communities in question are already served by steam or electric railroads. Dublin, which is about one and one-half miles from Dougherty on the Southern, would, however, be served directly by stage.

Applicant proposes to make one round trip each day leaving Oakland at 8:30 A. M., arriving at Walnut Creek at 10:45 A. M., leaving Walnut Creek at 12:30 P. M. and arriving at Oakland at 2:45 P. M. His proposed fares are 25¢ to Hayward, 15.1 miles; 75¢ to Dublin, 24.8 miles; \$1.00 respectively to San Ramon, 30.8 miles, Danville 34.1 miles and Alamo 36.8 miles; and 75¢ to Walnut Creek, 40.3 miles. It will be noticed that the proposed fares to Dublin, 24.8 miles, and to Walnut Creek, 40.3 miles, are the same. No round trip or commutation rates are proposed.

The Oakland, Antioch & Eastern Railway operates seven trains daily in each direction between Oakland and Walnut Creek, a distance of 19.5 miles, with frequent service over the Danville branch, total mileage from Oakland 24.9 miles. The Walnut Creek rate is 80¢ one way and \$1.10 round trip on Wednesdays, Saturdays and Sundays, with a commutation rate of \$7.05 per month. The commutation rate to Danville is \$8.95 per month. The rate per mile under these commutation rates is 6 mills, or 11 $\frac{1}{2}$ ¢ per trip between Oakland and Walnut Creek, and 15¢ per trip between Oakland and Danville. The one way rate to Walnut Creek equals nearly 3.9 cents per mile by railroad about 1.86 cents per mile by applicant's proposed stage rate. We are satisfied that applicant cannot successfully operate upon this rate under existing conditions, and that the proposed stage

service would prove but temporary. It was urged that there should be additional transportation service to favor working men living in Walnut Creek and employed in Oakland. The electric line's first car leaves Walnut Creek at 6:21 A. M. and reaches 40th and Shafter Street, Oakland, at 7:03 A. M., the next car leaving at 7:30 A.M. and arriving at 8:22 A. M., apparently better serving such needs than applicant proposes to do.

It was also urged that the proposed stage line will afford opportunities for pleasure trips to people who do not own automobiles. Such need may be supplied by private enterprises operating automobiles for hire, or a so-called taxicab service, neither of which is under the jurisdiction of the Railroad Commission.

A petition by Walnut Creek people for stage service between Walnut Creek and Oakland, bearing 51 signatures, was presented at the hearing. The petition does not contain any statement of the reason for favoring such service.

There was also presented evidence that the Merchants Association of Walnut Creek, the Chamber of Commerce of Concord and Lafayette Improvement Club of Lafayette oppose any stage service to Walnut Creek in the belief that any such service would prove but temporary and by taking part of the one way fare business would force an increase in commutation rates by the electric system, thus injuring the communities in question. The editor of the local papers at Walnut Creek and Danville and the postmaster at Alamo, near Danville, testified that the

service was not needed and that a granting of the application would tend to injure the present service which was described as satisfactory and the rates low.

O R D E R.

CHESTER LYONS having applied to the Railroad Commission for certificate that public convenience and necessity require the operation of an automobile service for transporting passengers between Oakland and Walnut Creek via Hayward and Dublin, and a public hearing having been held upon said application, the matter having been submitted and being now ready for decision,

THE RAILROAD COMMISSION HEREBY FINDS AS A FACT that public convenience and necessity do not require the operation by petitioner of an automobile stage service, as requested in the petition herein.

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

IT IS HEREBY ORDERED that the above entitled proceeding be and the same is hereby dismissed.

Dated at San Francisco, California, this 20th day of October, 1917.

W. H. H. H. H.
W. H. H. H. H.
Edwin C. Edgerton

Commissioners.