

ORIGINAL

Decision No. 5289

DECISION NO. \_\_\_\_\_

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of )  
HENRY T. CAMPBELL and C. L. SIMONDS )  
for certificate of public con- )  
venience and necessity to operate )  
stage service between Oakland and )  
San Jose and intermediate points. )  
..... )

APPLICATION NO. 3514.

Henry T. Campbell for Applicants.

BY THE COMMISSION.

O P I N I O N

Henry T. Campbell and C. L. Simonds, partners in business, petition the Railroad Commission to make its order declaring that public convenience and necessity require the operation by them of an automobile stage line as a common carrier of passengers between Oakland and San Jose and intermediate points.

Public hearings were conducted by Examiner Encell at Oakland on March 2, 1918, and at San Francisco on March 26, 1918, the matter was duly submitted and is now ready for decision.

Petitioners propose to furnish service by the use of one eight-passenger, 1917 model, Hupmobile Touring car, and to operate two round trips daily between Oakland and San Jose, charging fares in accordance with schedule filed with the application in this proceeding.

Petitioners have purchased their equipment from Louis Lofko, who formerly operated on the schedule now proposed, and as petitioners were not operating over this route on May 1, 1917, (the effective date of Chapter 215, Laws of 1917) a

certificate of public convenience and necessity is required from this Commission and permits from the governing bodies of all political subdivisions through which the route passes.

Petitioners are members of the Fearless Auto Stage Association, said association being composed of a number of individual stage line operators covering the route between Oakland and San Jose who have combined for the purpose of using common terminal facilities at Oakland and San Jose. A mutual schedule has been agreed upon by the operators which gives half-hourly service during the principal portion of the day.

Petitioners will cover the runs leaving Oakland at 7:30 A. M. and 1:30 P. M. and leaving San Jose at 10.30 A. M. and 4.30 P. M. They have operated regularly over the route since January 13, 1918, and have handled the following passengers:

		<u>Average per day</u>	<u>Average per trip</u>
January 13 to 31, 1918 (inclusive)	472	25	6 1/4
February 1 to 28, 1918	"	719	25.7
March 1 to 31, 1918	"	966	31
			7 3/4

It appears that the service that is rendered is well patronized by the public on the scheduled hours operated by the applicants, and that a necessity exists for the continuation of such service. No appearance in protest against the granting of the desired certificate was made at either of the hearings on this matter.

#### ORDER

Henry T. Campbell and C. L. Simonds, partners in business, having petitioned the Railroad Commission for an order declaring that public convenience and necessity require the

operation by them of an automobile stage line as a common carrier of passengers between Oakland and San Jose and intermediate points, public hearings having been held, the matter having been duly submitted and the Commission being fully advised.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by Henry T. Campbell and C. L. Simonds, partners in business, of an automobile stage line as a common carrier of passengers between Oakland and San Jose and intermediate points; provided, that this declaration shall not become effective until said Campbell and Simonds shall have secured from the Railroad Commission a supplemental order herein reciting that said Campbell and Simonds have filed herein certified copies of permits from the governing bodies of all political subdivisions through which the line will operate between Oakland and San Jose; and provided, further, that the rights and privileges herein granted may not be assigned or transferred unless the written consent of the Railroad Commission to such assignment or transfer has first been secured; and

IT IS HEREBY ORDERED that no vehicle may be operated under this certificate unless such vehicle is owned by the applicant herein or is leased by such applicant under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 10<sup>th</sup> day of April, 1918.

Max Thelen  
H. D. England  
Alex Gordon  
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Commissioners.