

ORIGINAL

Decision No. 5651

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the matter of the application
of the DE LUXE TRANSPORTATION COMPANY,
a corporation, for certificate of
public convenience and necessity to
operate passenger, freight, baggage,
express and mail service between San
Jose and Hayward.

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) Application No. 3841.
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In the matter of the application
of the DE LUXE TRANSPORTATION COMPANY,
a corporation, for certificate of
public convenience and necessity to
operate automobile freight, baggage,
express and mail service between
Hayward and Oakland and adjacent
points.

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) Application No. 3939.
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Mastick and Partridge for applicant.
Theo. Bell for Peerless ^{Auto} Stage Association,
protestant.

BY THE COMMISSION:

O P I N I O N

By Application No. 3841, De Luxe Transportation Company, a corporation, asks authority to operate passenger, freight, baggage and express service between San Jose and Hayward, and by Application No. 3939 it asks authority to operate a freight, baggage and express service between Hayward and Oakland, Alameda, Berkeley and Emeryville, as part of a system operating between those cities and San Jose.

Public hearings upon both applications were held by Examiner Westover at San Francisco. The applications were submitted upon oral testimony presented at the hearings and upon the record made at the hearing of Application No. 3089, decided September 13, 1917, in Decision No. 4537. (See Vol. 14, Opinions and Orders of the Railroad Commission, p. 61.)

No opposition developed to the granting of these applications insofar as they relate to freight and express service but Peerless Auto Stage Association vigorously opposed the granting of the application to render passenger service.

Applicant proposes to place in service a number of new enclosed busses seating 25 passengers each, to be operated at intervals of 40 minutes, between Hayward and San Jose, in connection with the cars of the Oakland Traction Company, reaching all parts of Oakland and Berkeley and giving to patrons the advantage of local street car transfers.

The Peerless Auto Stage Association is a voluntary unincorporated association composed of a number of individuals now operating a 30 minute passenger service between Oakland and San Jose, using touring cars of 8 and 11-passenger capacity.

Applicant proposes to furnish high class bus service at a somewhat lower rate than those applying to the present touring car service. To illustrate, the proposed rate of applicant from San Jose to Oakland is \$1.00 with transfers to various points in Alameda, Oakland and Berkeley, the war tax being absorbed by applicant; while the present rate of the Peerless Auto Stage Association is \$1.08, including war tax, the trip ending

at 11th and Clay Street terminal in Oakland.

By Decision No. 4637 above referred to, the Commission authorized General Motor Transportation Company to operate a passenger service very similar to that proposed by the applicant herein over the same route, and at rates which were the same as those of Peerless Auto Stage Association, which was a protestant there also. Applicant therein did not start the enterprise as authorized. In that decision, the Commission said:

"Applicant intends to establish a service entirely different and distinct from that now being offered by Peerless Auto Stage Association. Instead of operating twelve 7- or 8-passenger cars, applicant will operate six motor busses, each having a seating capacity of 26. In this case the commission is called upon to perform a rather unpleasant duty, that is, authorize competition with parties who have been giving the best service within their means; yet under the act the commission has but one course to pursue. It must see that the public is given the best possible service. The testimony clearly shows that the service which applicant proposes to offer to the public will be an additional service; in some respects it will be superior to that offered by Peerless Auto Stage Association. The busses which applicant proposes to operate are more of the nature of a public vehicle than an ordinary 7-passenger automobile."

Applicant has procured the required local permits from the County of Alameda and the City of Oakland. It appears that steps are being taken to obtain the other permits needed.

O R D E R

DE LUXE TRANSPORTATION COMPANY, a corporation, having applied to the Railroad Commission for certificate that public convenience and necessity require it to operate freight, baggage, passenger and express service hereinafter described, public hearings

having been held upon said applications, the matter having been submitted and being now ready for decision,

THE RAILROAD COMMISSION HEREBY DECLARES

that public convenience and necessity require the operation by De Luxe Transportation Company, a corporation, of motor bus service as a common carrier of passengers and light baggage between Hayward and San Jose and intermediate points and of automobile freight, baggage and express service between the cities of Berkeley, Oakland, Piedmont, Emeryville, Alameda, Hayward and San Jose and intermediate points;

PROVIDED that this declaration shall not become effective until said De Luxe Transportation Company has procured from the Railroad Commission a supplemental order herein reciting that said applicant has filed herein certified copies of permits from the governing board or body of each incorporated city or town or county through which or within which applicant intends to operate, as provided by Section 3 of Chapter 213, Laws of 1917; and

PROVIDED FURTHER that the rights and privileges herein granted shall not be assigned or transferred unless the written consent of the Railroad Commission to such assignment or transfer has first been procured.

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 3d day of August, 1918.

Edwin O. Egan

Alvin F. Gordon
Stanley Berlin
Commissioners.