

ORIGINAL

Decision No. 5967.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of)	
FRED V. FISH, WALTER WILLIAMS, ALBERT)	
PIETRONAVE and PERCY L. BLISS, oper-)	
ating under the fictitious name of)	
BAY SHORE STAGE COMPANY for certificate)	Application No.4208.
of public convenience and necessity to)	
operate passenger and express stage)	
service between Oakland and Bay Point.)	
.....)	

Percy L. Bliss for Applicants.

Jesse H. Steinhart for Oakland, Antioch & Eastern Railway, Protestant.

F. H. Batture for Southern Pacific Railroad.

BY THE COMMISSION

O P I N I O N

Fred V. Fish, Walter Williams, Albert Pietronave and Percy L. Bliss as individuals desiring to operate under the fictitious name of Bay Shore Stage Company have 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 and express between Oakland and Bay Point and intermediate points.

A public hearing was held before Examiner Handford at Oakland on November 29, 1918, the matter was duly submitted and is now ready for decision.

Applicants propose to charge rates in accordance with a schedule marked exhibit "A" and filed with the application in this proceeding and to operate on a schedule of eight round

trips daily, serving the intermediate communities of Albany, Richmond Junction, San Pablo, Tank Farm, Pinole, Rodeo, Tormey, Crockett, Port Costa Junction, Martinez, Overon and Bay Point.

The equipment proposed to be used consists of the following:

2 Studebaker Automobiles, 36 H. P., each 8 passenger capacity, licensed by State Motor Vehicle Department under License Nos. 4441144 and 232214.

2 Hupmobile Automobiles, 22 H. P., each 8 passenger capacity, licensed by State Motor Vehicle Department under License Nos. 14173 and 286537.

Applicants offered testimony as to their intention to substitute for the equipment proposed in the application cars of larger capacity and of special construction which would accommodate sixteen passengers.

This application was opposed by the Oakland, Antioch and Eastern Railway for the reason that it was alleged that it would interfere with the through business of that company between the terminals proposed at Oakland and Bay Point, it being claimed that the existing service of the protestant, Oakland, Antioch & Eastern Railway, together with that of the Southern Pacific Railroad and the Atchison, Topeka and Santa Fe Railway Company, was ample for the needs of the traveling public and that there was no public necessity for the proposed duplication of service. Applicants thereupon requested and were granted leave to amend the application herein by eliminating the northerly terminus at Bay Point and establishing such northerly terminus at Martinez, thereby also eliminating the intermediate community at Overon.

Mr. R. E. Wyght, President of the Chamber of Commerce of the City of Martinez, testified as to the need and desirability

of additional service such as that proposed by applicants herein and the advantage that would accrue to residents of Contra Costa County in providing another facility aiding in their trans- action of business at the county seat, Martinez. No opposition was presented at the hearing on this application as to the establishment of the proposed route between Oakland and Martinez.

No testimony was presented indicating any public necessity for the transportation of express over the proposed route.

Applicants have secured permits in accordance with the provisions of Section 5 of Chapter 213, Laws of 1917, from the Boards of Supervisors of the Counties of Alameda and Contra Costa, from the Board of Trustees of the Town of Hercules, from the City Council of the City of Oakland and from the Council of the City of Berkeley as evidenced by certified copies thereof filed at the hearing on this application.

We are of the opinion that the application should be granted in accordance with the conditions appearing in the following order.

O R D E R

Fred V. Fish, Walter Williams, Albert Pietronave and Percy L. Bliss as individuals desiring to operate under the fictitious name of Bay Shore Stage Company 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 and express between Oakland and Martinez and intermediate points, a public

hearing having been held and the Commission being fully advised and of the opinion that the application should be granted in accordance with the following declaration and order.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by Fred V. Fish, Walter Williams, Albert Pietronave, and Percy L. Bliss as individuals operating under the fictitious name of Bay Shore Stage Company of an automobile stage line as a common carrier of passengers only between Oakland and Martinez; provided, however, that this declaration shall not become effective until the said Fish, Williams, Pietronave and Bliss shall have secured from the Railroad Commission a supplemental order herein reciting that said Fish, Williams, Pietronave and Bliss have filed herein certified copies of permits issued by the Boards of Trustees of the towns of Pinole and Martinez, the cities of Albany and El Cerrito and the Council of the City of Richmond, in accordance with the provisions of Section 3 of Chapter 213, Laws of 1917, and a similar permit from the Board of Supervisors of Contra Costa County granting the right to Percy L. Bliss to operate stage line under the provisions of Section 3 of Chapter 213, Laws of 1917, over the portion of the proposed route within the County of Contra Costa; and provided, further, that the rights and privileges herein granted may not be transferred nor assigned unless the written consent of the Railroad Commission to such transfer or assignment has first been secured.

IT IS HEREBY ORDERED that no vehicle may be operated under this certificate unless such vehicle is owned by the applicants herein or is leased by such applicants under a con-

tract or agreement on a basis satisfactory to the Railroad Commission.

IT IS HEREBY FURTHER ORDERED that the portion of the application requesting authority to transport express as a common carrier is hereby denied.

Dated at San Francisco, California, this 3d day of December, 1918.

Edwin O. Edgerton
H. D. Lovin
Frank R. Terrell

Commissioners.