

ORIGINAL

Decision No. 6206

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application)
of the De Luxe Transportation)
Company for authority to operate)
auto passenger service between)
Oakland and Hayward, California.)

Application No. 4382.

J. S. Rortridge for Applicant.

W. E. Smith for San Francisco-Oakland
Terminal Railways, Protestant.

Percy E. Bliss for Fearless Auto Stage
Association, Protestant.

BY THE COMMISSION

O P I N I O N

De Luxe Transportation Company, a corporation, has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by it of an automobile stage line as a common carrier of passengers between Hayward and Oakland.

A public hearing was conducted at San Francisco by Examiner Bondford on March 7, 1919, the matter was duly submitted and is now ready for decision.

Applicant is operating an automobile passenger stage service between San Jose and Hayward and now desires to extend such service from Hayward to Oakland alleging that its patrons object to the service of the San Francisco-Oakland Terminal Railways between Hayward and Oakland on account of the transfer necessary at Hayward and delays experienced in the operation of

street cars between Oakland and Hayward.

Applicant proposes to charge a through rate between the cities of San Jose and Oakland of \$1.00 and a rate between Oakland and San Leandro of \$0.15 and between Oakland and Hayward of \$0.25.

The equipment proposed to be used is that now used by the applicant in its service between Hayward and San Jose, such additional equipment to be provided as may be necessitated by the extension of schedules and the requirements of traffic.

The proposed terminal in the city of Oakland is to be established at a point within two blocks of the city hall and will be at a central point practically equivalent to the present 12th and Broadway terminus of the San Francisco-Oakland Terminal Railway with whom connecting service is at present operated.

Applicant has secured permits, in accordance with the requirements of Section 3 of Chapter 213, Laws of 1917, from the Board of Supervisors of the County of Alameda, the City Council of the City of Oakland and the Boards of Trustees of the Cities of San Leandro and Hayward as evidenced by certified copies thereof filed with the application in this proceeding.

Witnesses, for the applicant residing in Centerville and Mission San Jose, testified regarding the desire of residents of such communities for a through service by automobile bus between their respective communities and the business section of the City of Oakland and stated that the change at Hayward to cars of the San Francisco-Oakland Terminal Railway was undesirable; that the street cars were not heated in times of inclement weather whereas the motor busses, operated by applicant, were

closed cars affording patrons protection from weather conditions and were more desirable for the convenience of the public.

Applicant proposes to operate between Hayward and Oakland on a schedule that will consume approximately forty minutes. The average time of the San Francisco-Oakland Terminal Railway, from Hayward to 12th and Broadway, Oakland, is fifty-two minutes and the time consumed between 12th and Broadway, Oakland to Hayward is approximately fifty-seven or fifty-eight minutes. The rate of fare proposed by applicant is \$0.25, whereas the rate of fare of the San Francisco-Oakland Terminal Railway is \$0.18. Applicant desires to furnish local service in the territory between Oakland, San Leandro and Hayward.

A record of the operation of the De Luxe Transportation Company during the period from January 1st to March 8th, 1919, indicates that 1,236 tickets were sold to Hayward from all points east thereof, 1,506 were sold from Hayward to points east thereof, 2267 tickets were sold from points east of Hayward which were destined to Oakland and which were carried from Hayward to Oakland on the cars of the San Francisco-Oakland Terminal Railway under an agreement existing between the applicant and that company. The through business indicates, that in the operation from January 1st to March 8, 1919, inclusive, 243 tickets were sold from San Jose to Hayward and 1,455 tickets were sold from San Jose to Oakland. These figures would indicate that the west bound traffic from intermediate stations between Hayward and San Jose had served, in addition to the through business, 1,063 passengers to Hayward and 812 passengers to Oakland.

This application is protested by the San Francisco-

Oakland Terminal Railways and the Peerless Auto Stage Association, the latter operating an automobile stage service with touring type cars between Oakland and San Jose over the same route that is served by applicant between Hayward and San Jose and which is now desired to be extended to cover the portion of the route between Hayward and Oakland.

During the months of December 1918, the schedules of the San Francisco-Oakland Terminal Railways between Oakland and Hayward were materially increased and two car trains were operated during the peak hours of the morning and evening resulting in a ten minute service toward Oakland from 5:58 A. M. to 7:18 A. M. and from Oakland to Hayward from 4:17 P. M. to 5:17 P. M. Intermediate service to care for local traffic west of Elmhurst was installed to a point known as Stanley Road and two car service was installed between the eastern limits of the town of San Leandro and the city of Oakland. Figures presented by this protestant indicated that, during the month of February 1919, 156,925 passengers were handled between Hayward and Oakland and 10,284 cars were operated, an average of fourteen passengers being carried on each car. The protestant, San Francisco-Oakland Terminal Railways, claims to be at present furnishing adequate service and to be in position to place additional equipment on the route between Hayward and Oakland should the demands of traffic require and that the increased service, which has been inaugurated, can not be continued if the local traffic between Oakland and Hayward is to be divided and a portion of same carried by other methods of transportation. The San Francisco-Oakland Terminal Railways did not object to the certificate herein sought

by applicant provided that no local passengers are carried between Hayward, San Leandro and Oakland.

The Peerless Auto Stage Association protests the granting of the desired certificate and state that at the present time they are operating twenty-five round trips daily between Oakland, and San Jose, extra trips being operated on Saturdays and Sundays. These figures represent the scheduled trips and, in many instances, it is necessary to operate additional cars to care for the traffic offering at the time of a scheduled run. The equipment, as operated by the Peerless Auto Stage Association, is of a touring car type; such type of stage is not comparable to the enclosed busses which are operated by the applicant herein, and the different types of cars serve to meet the varying demands of the public who may desire transportation by automobile stages.

Other service is also available to the public by the lines of the Star Auto Stage Association, the Western Auto Stage Company and W. P. Beauchamp; the Western Auto Stage Company operating a schedule of four round trips, the Star Auto Stage Association operating ten round trips daily and W. P. Beauchamp operating two round trips daily.

After careful consideration of all the evidence in this proceeding, we are of the opinion and find as a fact that the present local service between Hayward, San Leandro and Oakland is adequate to care for the demands of the public for transportation, either by street car or automobile stage service.

We are of the opinion and find as a fact that through service between Oakland and points between Hayward and San Jose in equipment, such as is proposed to be operated by the applicant

herein will satisfactorily meet the requirements of public necessity and convenience and that such through service should be inaugurated.

C E D E R

De Luxe Transportation Company, a corporation, having petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by it of an automobile stage service between Oakland and Hayward and intermediate points, such service to be an extension and continuation of its present service now operating between San Jose and Hayward; a public hearing having been held, the matter having been duly submitted and the Commission being fully advised and basing its order on the findings of fact as set forth in the preceding opinion,

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by De Luxe Transportation Company, a corporation, of an automobile service between Oakland and Hayward in connection with the present service now operated by said De Luxe Transportation Company between Hayward and San Jose; provided, however, that no passengers shall be carried locally between Hayward and Oakland or intermediate points, the authorization hereby conferred to be confined strictly to the carriage of passengers between Oakland and points between Hayward and San Jose; 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 passengers may be transported under this permit locally between Oakland and Hayward and intermediate points.

IT IS HEREBY FURTHER ORDERED that no vehicle may be operated under this permit 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 22 day of March, 1919.

Edwin O. Edgerton

H. D. Lovatland

Frank R. Nelson

H. A. Bundege

Dwight Martin

Commissioners.