

ORIGINAL

Decision No. 6376.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application)
of CLAYTON B. SWAYZE for certificate)
of public convenience and necessity)
to operate passenger service between) Application No. 4302.
San Jose and Santa Clara County)
Hospital.)

Clayton B. Swayze in propria persona.

F. E. Chapin for Peninsular Railway Company.

BY THE COMMISSION,

ORDER

Clayton B. Swayze has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of an automobile stage line between San Jose and the Santa Clara County Hospital and intermediate points.

A public hearing on this application was conducted by Examiner Handford at San Jose on April 25, 1919, the matter was duly submitted and is now ready for decision.

Applicant proposes to charge a fare of ten cents over the route herein applied for and to operate on a schedule of nineteen round trips per day using as equipment one Hudson automobile, twenty nine horsepower, seven passenger capacity, licensed by State Motor Vehicle Department under License No. 134910.

Applicant has secured permits from the Council of the

City of San Jose and from the Board of Supervisors of the County of Santa Clara, as required by the provisions of Section No. 3, Chapter 213, Laws of 1917, and as evidenced by certified copies thereof attached to the application in this proceeding.

Witnesses for applicant testified that the Santa Clara County Hospital cared for an average of from 120 to 150 cases per month and that 40 to 50 employees were attached to the staff of the hospital. During the past year a total of approximately 2,200 patients were cared for at the county hospital. There has been a great demand, particularly from nurses and employees, for service between San Jose and the county hospital; the hospital being located at a point approximately $5/8$ of a mile beyond the terminus of the street car line of the Peninsular Railway and in many cases permits for entry to the hospital have been given to patients in San Jose and such patients have been unable to reach the hospital shortly after having received the permit by reason of their inability to walk the $5/8$ of a mile intervening between the end of the street car line and the hospital. Complaint has also been made that it is dangerous for either patients, visitors, or employees of the hospital to walk on the state highway by reason of the frequency of automobile travel and the consequent danger to pedestrians of such travel. The chairman of the Board of Supervisors of Santa Clara County also testified as to the necessity for such service.

This application is protested by the Peninsular Railway on the basis that a twenty minute service is at present given from San Jose to the end of the street car line and that such service has been recently improved, it formerly having been operated on a

thirty minute-headway. The twenty minute service is given until 8:00 P. M., and after such hour irregular service is given during the remaining evening hours. The patrons of the Peninsular Railway testified as to the car service at the present time being satisfactory and a considerable improvement over the thirty minute headway as formerly operated. The rate proposed to be charged by the applicant is ten cents covering any portion of the route over which operation is to be conducted whereas the rate of the street car company is six cents from San Jose to the end of the line.

After careful consideration of all the evidence in this proceeding, we are of the opinion that the establishment of an automobile stage line, as sought by applicant herein, will serve a substantial need for the patients, visitors and staff and employees of the Santa Clara County Hospital and that the necessity now existing for patients and others to walk the 5/8 of a mile from the end of the car line to the hospital would thereby be eliminated.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by Clayton E. Swayze of an automobile stage line as a common carrier of passengers between San Jose and the Santa Clara County Hospital; provided, however, that the rights and privileges hereby granted may not be transferred nor assigned unless the written consent of the Railroad Commission to such transfer or assignment will have 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 3^d day of June, 1919.

Edwin C. Edgerton
H. S. Forward
H. T. Brundage

Commissioners.