

ORIGINAL

Decision No . 6990 .

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the Matter of the Application of )  
H. A. FOLK and EARL RENN for certi- )  
ficate of public convenience and )  
necessity to operate passenger ser- )  
vice between the town of San Jose, )  
Santa Clara, Cupertino and Saratoga, )  
S. C. County, Cal. )  
..... )

Application No. 5087.

H. A. Folk for Applicants.

Wm. F. James for Peninsular Railway and  
San Jose Railroad, Protestants.

BY THE COMMISSION:

O R D E R

H. A. Folk and Earl Renn, partners in business, 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 between San Jose, Santa Clara, Cupertino and Saratoga, all in Santa Clara County.

A public hearing on this application was conducted by Examiner Handford at San Jose on November 26, 1919, the matter was duly submitted and is now ready for decision.

Applicant proposes 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 leaving

Saratoga at 7:00 A. M. and every two hours thereafter until 5:00 P. M. Leaving San Jose at 8:00 A. M. and every two hours thereafter until 6:00 P. M. Above schedules to be operated daily, with additional trips leaving San Jose on Saturday and Sundays at 10:30 P. M. The equipment proposed to be used consists of one Packard Automobile, twelve passenger capacity, licensed by State Motor Vehicle Department under License No. 454365.

Applicant proposes a route San Jose to Santa Clara via West Santa Clara Street; Santa Clara to Lawrence Road Crossing at Homestead Road via Homestead Road; Lawrence Road to Cupertino via Homestead and Mountain View Road; Cupertino to Saratoga via Mountain View Road.

A number of witnesses testified that the granting of the application would serve a demand for transportation on the part of residents on the Homestead and Mountain View Roads, that residents on such highways are from three quarters to two miles from the transportation facilities offered by the inter-urban railway of the Peninsular Railway Company. The route proposed by the applicants would serve a territory between San Jose and Cupertino on the Homestead Road which is not adequately served by the line of the Peninsular Railway located on Stevens Creek Road and extending in a generally westerly direction from San Jose through Cupertino to the station of Monte Vista.

This application is opposed by the Peninsular and San Jose Railways on the basis that adequate service at reasonable rates is available for the public over the route for which applicants desire a certificate, and that although the service proposed by applicants will in some instances pass the doors of prospective patrons that the general good of the community

is best served by the facilities offered by the rail line. Protestant directs attention to the alleged fact that its operations are conducted at a loss and return no interest on the invested capital and that the encroachment of motor carriers paralleling and duplicating the service now given will render the rail lines unable to continue adequate service to a larger number of people than those who would be benefited by the authorization of the line herein sought by applicants. Protestant also claims that recently rates have been reduced and additional service has been added for the convenience of patrons, that cars are operated at later hours than proposed by applicants and that the late cars return no profit from their operation but are run to meet the limited public demand for service.

A comparison of the rates proposed by applicant with the existing rates of protestants is as follows:

	<u>Applicants' Rate.</u>		<u>Peninsular Ry. Rate</u>		<u>San Jose Rail- road rate.</u>	
	<u>One Way</u>	<u>Round Trip</u>	<u>One Way</u>	<u>Round Trip</u>	<u>One Way</u>	<u>R. Trip</u>
San Jose and Santa Clara	10¢	20¢	-	-	6¢	12¢
San Jose and Cupertino	20¢	30¢	20¢	40¢	-	-
San Jose and Saratoga	25¢	40¢	20¢	40¢	-	-

Special round trip rates are available over the line of the Peninsular Railway on Sundays and holidays and commutation and school tickets are available at rates materially lower than the one way and round trip rates as above.

We have carefully considered all the evidence in this proceeding and are of the opinion that the granting of the desired certificate is not justified as applied for. There was no showing on behalf of applicant that the local service of protestant companies between Santa Clara and San Jose was not fully adequate to care for all reasonable demands of the

public. We believe that the public residing on the Homestead Road between Santa Clara and Cupertino are entitled to the service proposed to be rendered by applicants herein, but that the territory between Cupertino and Saratoga is reasonably served by the facilities of the Peninsular Railway and that the duplication of facilities between such points would result in weakening the ability of the existing authorized carrier to render the character of service now being performed. No new business appears to be in prospect for development if an additional carrier were to be authorized between Cupertino and Saratoga, and we are of the opinion that no authorization should be given over this portion of the route.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by H. A. Folk and Earl Renn, partners in business, of an automobile stage line as a common carrier of passengers between San Jose and Cupertino; provided, however, that no local passengers between Santa Clara and San Jose may be carried, the facilities of San Jose Railroads being adequate to care for the demands of travel between such points. It is further provided that no transfer or assignment of the rights and privileges hereby granted may be made unless the written consent of the Railroad Commission to such transfer or assignment has first been secured.

IT IS HEREBY ORDERED that applicants, Folk and Renn, shall, within ten days from the date of service of this order, file with the Railroad Commission an acceptance of the certificate hereby granted, such acceptance to state the date upon which operation of the line hereby authorized will commence, which date shall be not less than thirty days from the date of service of this order.

IT IS HEREBY FURTHER 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 contract or agreement on a basis satisfactory to the Railroad Commission.

The Railroad Commission reserves the right to make such other and further orders in this proceeding as to it may seem just and proper or as in its opinion the public convenience and necessity may demand.

Dated at San Francisco, California, this 26<sup>th</sup> day of December, 1919.

Edwin J. Edgerton  
H. D. Loveland  
Josiah M. ...  
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Commissioners.