

ORIGINAL

Decision No. 7074.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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CENTERVILLE CHAMBER OF COMMERCE,
Complainant .

-vs-

OAKLAND-NEWARK AUTO STAGE LINE,
Defendant.

Case No. 1343.

In the Matter of the Application of
W. P. BEAUCHEAMP for certificate of
public convenience and necessity to
transport passengers, baggage and
express by means of automobile
stage from Oakland to Centerville,
and from Centerville to Hayward and
Oakland.

Application No. 4903.

F. T. Hawes for Complainant.

C. W. White for Defendant and Applicant.

H. H. Gogarty for United States Railroad Ad-
ministration; Southern Pacific Railroad.

S. H. Dunbar for Peerless Auto Stage Association,
Protestants.

BY THE COMMISSION:

ORDER

Centerville Chamber of Commerce has filed complaint
against Oakland-Newark Auto Stage Line, W. P. Beauchamp, Prop-
rietor, alleging that the residents of the community at Center-
ville are discriminated against by Oakland-Newark Auto Stage

line in that such stage line refuses to transport and carry passengers between Centerville and Oakland. An answer was filed by the defendant alleging that no discrimination existed but that the refusal to transport and carry passengers between Oakland, Centerville and Hayward and Centerville was occasioned by reason of an order of the Railroad Commission prohibiting the establishment of service between Oakland, Hayward and Centerville.

W. P. Beauchamp has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of an automobile stage line as a common carrier of passengers, baggage and express between Oakland, and Hayward and Centerville.

A public hearing on the above entitled matters was conducted by Examiner Handford at Centerville on January 28, 1920, at which hearing the two matters were consolidated for the purpose of receiving testimony and decision.

As regards the complaint of the Centerville Chamber of Commerce alleging that W. P. Beauchamp, as proprietor of the Oakland-Newark Auto Stage Line, discriminated against the residents of Centerville by reason of refusing to furnish service to such community. This matter is fully covered by the answer of the defendant in which he alleges that the failure to serve Centerville from Oakland and Hayward is occasioned by the prohibition existing in the order of the Railroad Commission in Decision No. 6091 on Application No. 4212, such application being that of W. P. Beauchamp to operate an automobile stage line as a common carrier of passengers, baggage and express between Oakland and Newark via Hayward, the Mt. Eden Road, Alvarado and Centerville. At the hearing on this application the evidence indicated that the business, originating at and

destined to Centerville to and from Oakland and Hayward, was being satisfactorily cared for by the stages operated by the Peerless Auto Stage Association and the order in Decision No. 6091 on Application No. 4212 prohibited applicant, Beauchamp, from serving the business community at Centerville by reason of an adequate showing having been made that the business of Centerville was being satisfactorily cared for by the authorized stage line as operated by the members of the Peerless Auto Stage Association. At the present hearing on this matter there was no testimony offered in behalf of complainant and the matter of the complaint will be adjusted by the decision on application of W. P. Beauchamp for certificate of public convenience and necessity to serve, in addition to his present authorized line, the business community at Centerville.

W. P. Beauchamp, testifying in behalf of his application, alleges that the present operation of his line, as heretofore authorized by the Railroad Commission, does not satisfactorily serve the residents of the community at Centerville in that he can only serve such residents as may come to the nearest point on his route between Oakland and Newark which is at the junction of the Newark road about one-quarter of a mile from the business community at Centerville. He states that he has frequent applications for transportation to and from Centerville, the demand being particularly in evidence in the morning and evening and on Saturdays, Sundays and Mondays. The flow of traffic is principally destined Oakland. Applicant testified as to his intention to place one more schedule in service in addition to the two round trips at present operated.

The residents of Centerville appearing in behalf of applicant testified that the service rendered by the Peerless

Auto Stage Association was not satisfactory particularly on Saturdays, Sundays and Mondays and that the stages frequently passed through Centerville with all seats occupied resulting in patrons desiring stage transportation to Haywards and Oakland not receiving accommodation. It was stated that people at Centerville have waited from one to three hours for stages without being able to secure seats and that such prospective patrons have in some instances obtained transportation by walking to the Newark road and securing stage of applicant or by taking the trains of the Southern Pacific Company, and in some instances having been obliged to hire automobiles to transport them to Hayward at which point the electric car line of the San Francisco-Oakland Terminal Railways is available into Oakland, and in some instances have traveled the entire distance into Oakland by the use of automobiles rented in Centerville. Evidence also appears that in some instances overcrowding of stages on the line of the Peerless Auto Stage Association has been permitted and that passengers have been compelled to sit on the doors. It also appears that in some instances parties desiring transportation have been obliged to separate due to the fact that adequate accommodations were not offered and only a portion of the patrons desiring transportation could receive same from Centerville due to a lack of seating accommodation. It also appears from the evidence that in some instances stages en route from San Jose to Oakland and operated by the Peerless Auto Stage Association have eliminated the community at Centerville entirely evidently due to stages being loaded and detouring from the regular route for such cause. There^{is} uncontroverted testimony in this proceeding that the stages of the Peerless Auto Stage Association have not

satisfactorily met the demands for transportation originating with the community at Centerville and that almost daily complaints are in evidence and particularly so as regards the congested period of travel on Saturdays, Sundays and Mondays.

The granting of this application is opposed by the United States Railroad Administration on behalf of its lessor, the Southern Pacific Railroad, by the Peerless Auto Stage Association.

Witness for protestant, United States Railroad Administration, testified as to the train service at present available between Oakland and Centerville, such testimony indicating that through trains were operated directly between Oakland and Centerville daily without change, one train between Oakland and Newark and four trains between Oakland and Niles. In the opposite direction four trains are operated directly between Centerville and Oakland; three trains between Niles and Oakland; one train between Newark and Oakland; one train between Centerville and Newark and one train between Centerville and Niles, the latter making no connection into Oakland. It further appears that extremely light traffic is enjoyed by the rail line between Oakland and Centerville in both directions and that the present train service, which is claimed by the Southern Pacific Railroad to be adequate, is that brought about by reason of a complaint originating with the Centerville Chamber of Commerce.

The Peerless Auto Stage Association presented no evidence in opposition to the granting of this application.

The question of service and rates and a comparison of such elements as proposed by applicant with those as existing on the line of protestant, Southern Pacific Railroad, is necessary to

fully develop all conditions surrounding the traffic between Oakland and Centerville and Hayward and Centerville.

The rate proposed by applicant from Oakland to Centerville is sixty cents, the Southern Pacific rate to such point being, according to tariffs filed with the Railroad Commission, eighty-five cents; the rate proposed by applicant between Hayward and Centerville is forty cents which rate is also that of the Southern Pacific Railroad.

The schedule of applicant between Oakland and Centerville will require one hour and twenty minutes. The schedule of the Southern Pacific Railroad between Oakland, (First and Broadway) and Centerville outlines service by direct trains without change requiring from one hour and one minute to one hour and thirty-three minutes.

After careful consideration of all the evidence in this proceeding, we are of the opinion that the service of applicant over the limited portion of route not now existing by reason of the prohibition contained in Decision No. 6091 on Application No. 4212 is desirable for the public desiring stage transportation between Centerville and Oakland and Centerville and Hayward; that the showing contained in the evidence is conclusive that the Peerless Auto Stage Association have not and are not at this time meeting the demands of the public desiring stage transportation between Oakland and Centerville and Centerville and Hayward; that the service of the Southern Pacific Railroad, while comparable as to time between Oakland and Centerville, requires the public to pay a higher rate than that proposed by applicant herein as regards transportation between Oakland and Centerville and that the public is entitled to service at the lowest possible rate,

all other elements entering into the matter of such transportation being comparable. We are of the opinion that the application should be granted.

Complaint having been made by the Centerville Chamber of Commerce against the Oakland-Newark Auto Stage Line, W. P. Beauchamp, Proprietor, a public hearing having been held and the Commission being fully advised and basing its order on the facts as set forth in the foregoing opinion,

IT IS HEREBY ORDERED that this complaint be and the same hereby is dismissed.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by W. P. Beauchamp of an automobile stage line as a common carrier of passengers, baggage and express over the public highway between the point known as Centerville Junction (such point being located approximately one-quarter mile west of the Southern Pacific station at Centerville at the junction of the Newark road) and the business center or district of the community of Centerville; provided, however, that the rights and privileges hereby authorized 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 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 5th day of February, 1920.

Edwin O. Edgerton
H. S. Lusk
John R. Herber
H. B. Anderson

Commissioners.