

ORIGINAL

Decision No. 7116

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
JOHN M. MAURER and WILLIAM M. SANFORD,)	
for certificate of public convenience)	Application No. 5067.
and necessity to operate a passenger)	
service between Oakland and San Jose.)	

Clarence W. Morris, for applicants.
 Harry A. Encell, for Peerless Auto
 Stage Association, Protestants.

BY THE COMMISSION.

ORDER

JOHN M. MAURER and WILLIAM M. SANFORD, partners in business proposing to operate under the fictitious name of "M & S Stage Line", 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 Oakland and San Jose and intermediate points.

A public hearing on this application was conducted by Examiner Brookman at San Francisco, 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 attached to the application in this proceeding and to operate on a schedule, the first trip

leaving terminals at 7:15 A. M. and service continuing thereafter hourly up to and including 7:15 P. M., serving as intermediate points the communities at San Leandro, Hayward, Clines, Valley Vista, Decoto, Masonic Home, Niles, Centerville, Irvington, Warm Springs, Milpitas, and Wayne, using as equipment 4-Pierce Arrow automobiles, -two of 8-passenger capacity; one of 14-passenger capacity and one of 18-passenger capacity; and also 2-White automobiles, each of 14-passenger capacity.

In addition to the foregoing equipment, applicants propose to provide such additional cars as may be necessary due to the demands of traffic.

Applicants rely as justification for the granting of this application upon the alleged fact that the present stage facilities are entirely inadequate to properly serve the route for which the certificate is requested and that the through travel between Oakland and San Jose has developed to such volume that passengers desiring transportation to intermediate points can not secure same due to the stages of the existing authorized line being loaded to capacity with through passengers.

Witnesses in behalf of applicants testified as to the volume of business heretofore handled by the De Luxe Transportation Company, said company having suspended its operation during the month of October 1919, and a statement was filed as evidence in this proceeding indicating that during the months of July, August and September 1919, for which months statistics of the De Luxe Transportation Company were available, that a total of 21,477 tickets were sold, -a daily average of 233 tickets during the above mentioned period. No information has been furnished the Commission as to the number of cash fares which might have been collected by drivers and the Commission has no information as to whether all passengers carried were supplied with tickets which were procured either at the office of the De Luxe

Transportation Company or from the drivers of their cars.

Petitions were presented to the Commission signed by 230 residents along the proposed route requesting that the desired certificate be granted for the reason that the present service between Oakland and San Jose and intermediate points were wholly inadequate to meet the demands of the traveling public.

This application is opposed by the Peerless Auto Stage Association, such association being composed of 11 stage operators possessing operative rights over the route herein sought by applicants between Oakland and San Jose. It is the contention of protestants that the facilities of the various members of the Peerless Auto Stage Association are ample to care for the demands of traffic, both through and local, and that additional equipment was being provided and would be provided whenever demands for traffic over the route herein sought would justify.

Statements were filed by the Peerless Auto Stage Association showing the number of passengers carried by trips during the month of October 1919. A summary of these statements indicates that during the month of October, an average daily seating capacity was available in each direction of 518 passengers.

The record of passengers hauled by the Peerless Auto Stage Association, both through and local, for the month of October shows a daily average, San Jose to Oakland and intermediate points, of 306 passengers; from Oakland to San Jose and intermediate points of 314 passengers. These statistics indicate that available seating capacity existed which was not taken by passengers of 212 seats as a daily average from Oakland to San Jose and intermediate points and that a daily average of 204 seats were unused from Oakland to San Jose and intermediate points.

The De Luxe Transportation Company, having suspended its operation in the month of October, placed an additional obligation on the members of the Peerless Auto Stage Association to care for the traffic formerly handled by the De Luxe Transportation Company and it would appear that seating capacity was available for passengers on the stages of the members of the Peerless Auto Stage Association in excess of the entire volume of business as heretofore handled by the De Luxe Transportation Company and is reflected by the daily average of 233 passengers, such daily average being computed from the number of tickets sold during the months of July, August and September, 1919.

Petitions were filed, signed by residents of the territory between Oakland and San Jose commending the service of the Peerless Auto Stage Association, such petitions being signed by 81 persons.

After careful consideration of all the testimony and of the exhibits in this proceeding, we are of the opinion and find as a fact that the service rendered by the members of the Peerless Auto Stage Association is adequate for the demands of the traveling public desiring transportation by automobile stage between Oakland and San Jose and intermediate points; that the members of the Peerless Auto Stage Association are able and willing to supply additional equipment and schedules should the demands of traffic warrant, and in view of such evidence and findings of fact, the application herein will be denied.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity do not require the operation by John M. Maurer and William M. Sanford, partners in business, of an automobile stage line as a common carrier of passengers between Oakland and San Jose and intermediate points; and

IT IS HEREBY ORDERED that this application be, and
the same hereby is, denied.

Dated at San Francisco, California, this 11th day
of February, 1920.

H. J. Loveland

H. W. Brundage

Dwight Martin

Commissioners.