

Decision No. 2340

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

ORIGINAL

In the Matter of the Application of)
Western Motor Transport Company for)
certificate of public convenience and)
necessity to operate auto stage line)
for transportation of passengers)
between Rodeo-Livermore and inter-)
mediate points.)

APPLICATION NO. 5274.

Sanborn & Roehl, by A.B.Roehl, for Applicant.
Frank B. Austin, for Southern Pacific Company, Protestant.
Harry A. Encell, for Bay Shore Stage Company, Protestant.
Jesse H. Steinhart, for San Francisco-Sacramento RR., Protestant.
A. L. Whittle, for San Francisco-Oakland Terminal Rys., Protestant.

In the Matter of the Application of)
Walter Williams, Albert Pietronave)
and Percy L. Bliss, doing business)
under the fictitious name and style)
of Bay Shore Stage Company, for a)
certificate of public convenience and)
necessity to operate auto stage line)
for transportation of passengers be-)
tween Oakland and Martinez.)

APPLICATION NO. 5361.

Harry A. Encell, for Applicant.
Sanborn & Roehl, by A. B. Roehl, for Western Motor Transport Co.
Frank B. Austin, for Southern Pacific Company, Protestant.
A. L. Whittle, for San Francisco-Oakland Terminal Rys., Protestant.

BY THE COMMISSION:

O P I N I O N

The Western Motor Transport Company is a corporation, organized under the laws of the State of California and by this petition seeks authority from the Railroad Commission for an order declaring that public convenience and necessity require the operation by it as an automobile common carrier for the transportation of passengers between Rodeo and Livermore and intermediate points. The company now has authority to operate between Oakland and Rodeo, Vallejo and Sacramento, Napa and Sacramento and the intermediate points. The capital stock of the corporation as

authorized is \$500,000., of which, according to the application, 405 shares, having a par value of \$100. per share, are outstanding. The route to be traversed between Rodeo and Livermore will be through what is known as Franklin Canyon via Glen Frazier, Martinez, Pacheco, Concord, Walnut Creek, Alamo, Danville, San Ramon, Dublin and Santa Rita. The rates of fare are based on 3 cents per mile, as per the schedule marked Exhibit A attached to the application.

The equipment proposed for the service will consist of stages with carrying capacity of 18 passengers.

Walter Williams, Albert Pietronave and Percy L. Bliss, partners, doing business under the fictitious name of Bay Shore Stage Company, have petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by them of an automobile passenger service as a common carrier between Oakland and Martinez. The route to be followed will parallel that of the Western Motor Transport Company through Franklin Canyon and the rates to be assessed will be practically the same as the proposed competing line. The auto stages of these applicants will have a carrying capacity varying from 11 to 20 passengers and will operate upon a schedule leaving the terminals every hour and a half between 8 a.m. and 7 p.m.

Public hearings on both these applications were conducted before Examiner Geary at Martinez on March 10 and an adjourned hearing at San Francisco on March 16, 1920. The route sought to be established by these applicants is identical between Glen Frazier and Martinez and, by stipulation, the matters were consolidated for hearing insofar as they were related. The cases have been duly submitted and are now ready for a decision.

Witnesses for applicants testified to having investigated the territory and making a check of the traffic possibilities. Martinez is the county seat of Contra Costa County and the testimony was generally to the effect that there is a continual flow of passenger traffic to that point, especially from Richmond, the largest city in the County, and from the important communities in the San Ramon Valley, Concord, Walnut Creek and Danville. The Franklin Canyon route is not now traversed by any regular automobile transportation company. The distance from Oakland and Richmond via this route will be very much shorter than via the State Highway through Crockett over which the cars of the Bay Shore Stage Company are now operating.

The granting of the applications was protested by the Southern Pacific Company and the San Francisco-Oakland Terminal Railway, while in addition, Application No. 5274 of the Western Motor Transport Company, was objected to by the San Francisco and Sacramento Railroad, insofar as the establishment of an automobile line in the San Ramon Valley would affect the revenue of that company. Witnesses for the protestants testified as to train schedules and rates available for the public over the routes for which certificates are herein applied for; also as to the class of equipment operated, and filed exhibits giving a detailed check of the passengers handled between specified points.

After consideration of all the evidence in these two proceedings, we are of the opinion that the passenger train service now being given by the rail carriers does not meet the requirements of the public and that there is a public necessity for the direct service proposed by the applicants.

The Bay Shore Stage Company, as heretofore stated, now

operates to Martinez via Crockett, which route is over the State Highway and is circuitous and more hazardous than the new line through Franklin Canyon. We are of the opinion that the route proposed will give a more expeditious service, is a necessity and convenience to the public and that the application should be granted.

The service proposed by the Western Motor Transport Company is entirely new, viz. Rodeo to Livermore and while making possible a through movement from Oakland through Franklin Canyon and Martinez-Livermore would hardly be used regularly by the residents of these two last named communities in preference to the direct route of the Southern Pacific Company through Niles. The same may be said in connection with Concord and Walnut Creek, where the direct service would be over the San Francisco-Sacramento Railroad. Many persons, however, would use the service at the intermediate points and we are of the opinion that a public necessity and convenience has been shown by the applicant, Western Motor Transport Company, and that the authority sought should be granted.

O R D E R

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by Western Motor Transport Company, a corporation, of an automobile stage line as a common carrier of passengers between Rodeo and Livermore, via Glen Frazier, Martinez, Pacheco, Concord, Walnut Creek, Alamo, Danville, San Ramon, Dublin and Santa Rita. 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.

THE RAILROAD COMMISSION HEREBY FURTHER DECLARES that public convenience and necessity require the operation by Walter Williams, Albert Pietronave and Percy L. Bliss, doing business under the fictitious name of Bay Shore Stage Company, of an automobile stage line as a common carrier of passengers between Oakland and Martinez via Franklin Canyon and Glen Frazier, with the proviso, however, that no local passengers shall be carried in connection with this permit between Oakland and Stege Junction. 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 the applicant, Western Motor Transport Company, a corporation, and the applicants, Walter Williams, Albert Pietronave and Percy L. Bliss, doing business under the fictitious name of Bay Shore Stage Company, shall, within ten (10) days from the date of service of this order file, respectively, with the Railroad Commission an acceptance of the certificates hereby granted, such acceptances to state the date upon which the operation of the lines hereby authorized will commence, which date shall be within ninety (90) days from the date of service of this order, unless the date be extended by supplemental order.

IT IS HEREBY FURTHER ORDERED that no vehicle may be operated under these certificates unless such vehicle is owned by the respective 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 public convenience and necessity may demand.

Dated at San Francisco, California, this 3rd day of April, 1920.

Edwin O. Egerton

H. D. Hayward

Frank K. Kevlin

H. B. ...

Commissioners.