

ORIGINAL

Decision No. 8628.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

oooOooo

In the Matter of the Application of)
W. P. BEAUCHAMP for certificate of)
public convenience and necessity to)
operate an auto stage line for the)
transportation of persons between)
Centerville, Alameda County, and San)
Jose, Santa Clara County, California.)

Application No. 5772.

Sanborn and Roehl, by A. B. Roehl, for Applicant.
Harry A. Encell for Peerless Auto Stages, Protestant.
L. Richardson for Southern Pacific Company, Protestant.

BY THE COMMISSION:

O P I N I O N

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 between Centerville, Alameda County, and San Jose, Santa Clara County, and intermediate points via Irvington, Warm Springs and Milpitas.

Public hearings on this application were conducted by Examiner Handford at Centerville and San Francisco, the matter was duly submitted and is now ready for decision.

At the hearing on this application a supplemental application was filed substituting the Western Motor Transport Company, a corporation, as applicant in this proceeding, the former applicant, Beauchamp, having sold and assigned to Western Motor Transport Company the stage line and operative rights under which operation has heretofore been conducted between Oakland and

Centerville, and for which an extension is proposed in connection with a diversion of route in the present proceeding.

Applicant, Western Motor Transport Company, proposes to charge rates in accordance with a schedule marked exhibit "A" as filed with the original application in this proceeding; to operate on a schedule furnishing hourly service between the hours of 7:30 A. M. and 8:30 P. M. of each day; and to use as equipment four eighteen passenger, 30 H. P. White automobile stages, adding such equipment as the demands of traffic may require.

Mr. W. P. Beauchamp, a witness for applicant, testified that he had handled from ten to twelve passengers per week from Alvarado to Centerville desiring transfer for San Jose and that an average of eight or ten passengers per week were received at Centerville originating at points between San Jose and Centerville and were destined to Alvarado. The proposed line from Oakland to San Jose would be over a route 41.5 miles in length as against the present route operated by the Peerless stages stated to be 47.1 miles in length, the time proposed by applicant being one hour and forty five minutes against two hours, as required by the Peerless stages. Several witnesses, testifying for applicant, are of the opinion that the establishment of the proposed line would be a public convenience and necessity and some of these witnesses testified as to inability to secure accommodations at the time desired and at points intermediate between San Jose and Centerville; also as to stages of the Peerless Company passing through Hayward with no available seats for intending passengers. Petitions were filed signed by residents of San Leandro, San Lorenzo, Hayward, Mt. Eden, Alvarado, Centerville, Irvington, Milpitas and San Jose.

The granting of this application is opposed by the Peerless Auto Stages and the Southern Pacific Company. The Southern Pacific Company operates seven trains from Oakland to San Jose and eight trains from San Jose to Oakland, five trains eastbound and four trains westbound operating via Centerville. An exhibit filed by the Southern Pacific Company indicates that ample accommodations are provided for the public desiring to use the facilities of the Southern Pacific Company. The Peerless Auto Stage Association objects to the granting of this application on the basis that it has adequate facilities to handle all passengers between Oakland and San Jose and intermediate points and witnesses for this protestant testified as to the reliability of service and that local passengers were not discriminated against in favor of through passengers. A statement filed as an exhibit by this protestant shows that during the month of June, 1920, as regards trips scheduled out of Oakland, a seating capacity of 14,220 seats was offered with a reserve capacity on other cars available to protect runs of 9,870 seats. During the month of June, 1920, a total of 10,186 passengers was carried on the route - Oakland to San Jose - (including intermediate points); an average of 339.5 per day or 14.1 per trip.

The members of the Peerless Auto Stage Association have twenty-eight automobile stages available for the protection of their scheduled runs, these cars seating from eight to twenty-three passengers. The majority of the equipment consist of cars having a seating capacity of eleven, sixteen, twenty, or twenty-three passengers; the smaller eight passenger equipment being used as emergency or when overloads require to be protected.

After careful consideration of all the evidence and exhibits in this proceeding, we are of the opinion that applicant has not justified public convenience and necessity as regards the establishment of another route between Oakland and San Jose even though such route proposes a diversion from that already served by an authorized carrier. The Peerless Auto Stage Association are operating with ample equipment to satisfactorily care for the demands of traffic and are able to add additional equipment if the demands of traffic warrant. The authorization of an additional transportation company over the route between Oakland and San Jose is not justified by the evidence in this proceeding and the establishment of such additional company would weaken the ability of the existing authorized carrier to satisfactorily serve the public and, deviations from existing routes requested by prospective applicants desiring primarily to serve the through business will not be authorized unless a substantial showing has been made which is not the case in this proceeding.

THE RAILROAD COMMISSION HEREBY DECLARES, That public convenience and necessity do not require the operation by Western Motor Transport Company, a corporation, of an automobile stage line as a common carrier of passengers between Centerville and San Jose via Irvington, Warm Springs and Milpitas, and,

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

Dated at San Francisco, California, this 21st
day of February, 1921.

J. S. McLaughlin

H. B. Burdick

James M. Galt

Chas. H. Tower

Commissioners.