

Decision No. 8657

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of )  
Harry L. Staples and James W. Gray )  
for a Certificate of Public Con- )  
venience and Necessity to operate )  
an automobile freight and express )  
service, and automobile passenger )  
service between San Francisco and )  
Pescadero, California. )

ORIGINAL  
APPLICATION NO. 6080

BY THE COMMISSION:

OPINION ON APPLICATION FOR REHEARING

A petition for rehearing in this proceeding was received by the Commission January 17, 1921 from Neil Forrest, protestant, based on alleged errors in the findings of the Commission in its decision.

While not answering the petition for rehearing in detail, attention is called to some of the allegations contained therein.

Counsel for petitioner alleges that the Commission erred in its conclusion that this protestant, Neil Forrest, operating under the fictitious name of the Red Star Stage Line, could not handle the passenger and freight traffic formerly moved by the Ocean Shore Railroad. The record in the proceeding shows, and our Decision No. 8523 recites, that during the year 1919 the railroad company transported 34,957 tons of freight and 95,334 passengers, and that this traffic is now being hauled entirely by automobile

trucks and automobile passenger vehicles.

In reaching its conclusion the Commission took into consideration the needs of the traveling and shipping public and, as stated in the decision, was of the opinion that the service would be more satisfactorily performed by the establishment of a second operating company rather than permitting the traffic not hauled by this protestant to move in connection with "for hire" vehicles, which perform no regular service and are not dependable.

Counsel for petitioner laid particular stress upon the fact that "for hire" vehicles are now and would continue to transport the bulk of the traffic and that, therefore, this protestant is properly caring for all of the traffic which would be offered to a regularly established line. The Commission, however, finds no reason to change its opinion as expressed in the decision, that the traveling and shipping public would receive a better service from two legalized operators than it would received from the one company. The territory traversed, as heretofore stated, produces an enormous tonnage and a large number of passengers, and we can find no error in our former decision with respect to the one company failing to satisfactorily serve the public.

In rendering its decision the Commission gave detailed consideration to all of the matters set forth in the petition for rehearing. The decision was based upon the entire evidence and careful consideration was given to the necessities of the people located in the territory between San Francisco and Tunitas formerly served by the Ocean Shore Railroad.

The situation is somewhat different from any heretofore presented for consideration, inasmuch as the territory was suddenly

