

Decision No. 8859

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 S. H. DUNBAR, FRED V. FISH, JOSEPH  
 HELD, HARRY GAETA, BASIL PERRY and  
 HENRY T. CAMPBELL, a co-partnership,  
 for a certificate of public convenience  
 and necessity to operate a transporta-  
 tion company as the same is defined by  
 Chapter 280, Statutes of 1919, of the  
 State of California, for the carrying  
 of passengers between Niles, Mission  
 San Jose and Warm Springs.

Application No. 6515.

Harry A. Encell for Applicants.

Nutter, Hancock & Rutherford, by John Hancock,  
for Star Auto Stage Company, Protestants.L. Richardson and V. S. Andrus for Southern  
Pacific Company, Protestant.

BY THE COMMISSION.

O P I N I O N

Above applicants, who now operate passenger stage serv-  
 ice between San Jose and Oakland via Niles, Centerville and Warm  
 Springs, seek authority to serve Mission San Jose wholly in con-  
 nection with their through service, by routing part of their stages  
 through Mission San Jose.

A public hearing upon the application was held by Exam-  
 iner Westover at Pleasanton.

It appears from the testimony that Mission San Jose has  
 no direct service to and from Oakland by rail or stage, although

the stages of the Star Auto Stage Company pass through Mission San Jose en route between San Jose and Stockton; that the town has a population of about 500 or 600, and is the location of a convent housing about 75 novitiates, which is about one-half mile east of St. Mary's School, with about 150 pupils. The nearest rail transportation is the line of the Southern Pacific Company at Irvington, about 2 miles west of the Mission. Witnesses estimated that residents of the community and visitors to the Mission, the convent and the school would probably furnish 35 to 40 passengers on Saturdays, Sundays and holidays, and 4 or 5 passengers on week days.

During the hearing, Star Auto Stage Company withdrew the protest which it had entered against the application.

Applicants have arranged to purchase from Western Motor Transport Company its operative rights between Oakland and Centerville, the parties having filed with the Commission an application for authority to make the transfer.

Applicants propose to increase their through service between San Jose and Oakland, dispatching through stages every 20 minutes. Of these, one would operate via Niles and Centerville, one via Alvarado, and one via Mission San Jose. It is apparent that the present application should be granted.

#### O R D E R

A public hearing having been held upon the above entitled application, the matter being submitted and now ready for decision,

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by S. H. Dunbar, Fred V. Fish, Joseph Held, Harry Gaeta, Basil Perry and Henry T.

Campbell of automotive passenger stage service between Niles, Mission San Jose and Warm Springs in connection with their through service between Oakland and San Jose.

The operative rights and privileges hereby established may not be transferred, leased, sold nor assigned, nor the said service abandoned unless the written consent of the Railroad Commission thereto has first been procured.

No vehicle may be operated in said service unless said vehicle is owned by the applicant herein or is leased by said applicant under a contract or agreement satisfactory to the Railroad Commission.

IT IS HEREBY ORDERED that each of applicants shall, within twenty (20) days from the date hereof file with the Railroad Commission his schedule and tariffs covering said proposed service, which shall be in addition to proposed schedule and tariff accompanying the application, and shall set forth the date upon which the operation of the line hereby authorized will commence, which date shall be within ninety (90) days from date hereof, unless time to begin operation is extended by formal supplemental order.

The authority herein contained shall not become effective until and unless the above mentioned schedules and tariffs are filed within the time herein limited.

Dated at San Francisco, California, this 14<sup>th</sup> day of April, 1921.

H. O. Loveland

Livingston Martin  
Charles H. Howell  
Commissioners.