

Decision No. 9736 .

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the Matter of the Application of }  
F. HANCHETT and E. LOCICERO, individual }  
operators of auto stages, under the name }  
of Pacific Auto Stage Company, between }  
San Francisco, San Jose and intermediate }  
points, for an order permitting the }  
abandonment of local transportation }  
service between San Francisco and San }  
Mateo and intermediate points. }  
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ORIGINAL

APPLICATION NO. 7261.

Devlin and Brookman, by Douglas Brookman,  
for Applicants.

W. E. Pearson for Peninsular Rapid Transit  
Company, Protestant.

BY THE COMMISSION:

O P I N I O N

F. Hanchett and E. Locicero, individual operators of auto stages between San Francisco and San Jose and intermediate points, have petitioned the Railroad Commission for an order authorizing the discontinuance of local service between San Francisco and San Mateo and intermediate points, the application alleging that the local service proposed to be discontinued cannot be rendered except at a loss and that there are other existing carriers ready, willing and able to adequately care for all the needs of the public offering for transportation between such points.

A public hearing on this application was conducted by Examiner Handford at San Francisco, the matter was duly submitted and is now ready for decision.

The applicants herein each possess an individual operative right for the conduct of an automobile stage line as a common carrier of passengers between San Francisco and San Jose and intermediate points, such operative right having been acquired by reason of operation prior to and continuously since May 1, 1917, the date specified by the legislative enactment known as Chapter 213, Laws of 1917, as that upon which operators were not required to secure a certificate of public convenience and necessity from the Railroad Commission nor permits from the governing bodies of the various political subdivisions through which a route passed. These operators conduct their business by protecting a schedule and tariff filed jointly under the fictitious name of "Pacific Auto Stage Company."

Applicants in their testimony allege that the business handled locally by their respective lines between San Francisco and San Mateo, which includes the intermediate community of Burlingame, has been slight in volume for the reason that the business communities of San Mateo and Burlingame are not served, the operation being confined to business on the state highway passing through a portion of these communities. Applicants have never established any local stations in either city, and although a rate of 35¢ has existed between San Francisco and Burlingame or San Mateo, such rate has not resulted in returning adequate compensation for the service rendered. A record of the number of passengers handled by applicants between San Francisco and San Mateo or Burlingame shows that during the period from September 30th to December 31, 1920, inclusive, a total of but three passengers were handled; during the period from January 1, to October 31, 1921, inclusive, a total of seventy-four passengers were handled.

It is apparent that the volume of traffic under consideration is practically negligible and that the public makes but little use of the facilities which are offered by these applicants for transportation between San Francisco and San Mateo or Burlingame and intermediate points.

The granting of the application is opposed by the Peninsular Rapid Transit Company. This protestant operates over the same territory as that covered by the applicants, but renders practically two classes of service; one a local service between San Francisco and Palo Alto serving all intermediate points, the other a through service to San Jose with intermediate service between Redwood City and San Jose. The local service is given on a thirty minute headway and approximately five hundred passengers per month are handled between San Francisco and San Mateo or Burlingame. Protestant contends that it is inequitable to permit applicants to suspend service to the public as herein sought and that every passenger offering for transportation between these points uses seating capacity which might be devoted to the use of a prospective long haul and presumably more compensatory patron. The Market Street Railway Company, on its San Mateo Line, also serves the territory herein considered with an electric interurban service at a 25¢ fare, which rate is also that of the Peninsular Rapid Transit Company.

In view of the fact that but 5.3 passengers per month have availed themselves of the service offered by applicants during a period of fourteen consecutive months, and that the testimony in this proceeding shows that the protestant, Peninsular Rapid Transit Company, is handling an average of approximately 500 passengers per month between the points where local carriage of passengers is sought to be discontinued, it would appear that the business does not justify the continuance

by the applicants of the local service which is not patronized by the public, and the small number of passengers now handled cannot justly be said to be a burden on the other existing carriers if the public is required to use the facilities now provided by them. If the rate of 25¢ as now appearing in the tariffs of the Peninsular Rapid Transit Company and the Market Street Railway is not compensatory a showing should be made to the Commission in an appropriate proceeding.

In view of all the evidence in this proceeding, we are of the opinion that the application should be granted.

#### O R D E R

A public hearing having been held in the above entitled proceeding, the matter having been duly submitted and the Commission being fully advised,

IT IS HEREBY ORDERED that this application be and the same hereby is granted, subject to the following conditions:

- I - Applicants, F. Hanchett and E. Locicero, will be required to immediately cancel all tariffs and time schedules now on file with this Commission insofar as such tariffs and time schedules refer to rates and schedules affecting the territory between San Francisco and San Mateo and intermediate points as regards local service, such cancellations to be made in accordance with the provisions of this Commission's General Order No. 51 and other regulations of this Commission.
  
- II - Applicants, F. Hanchett and E. Locicero, will be required to post notices of the proposed discontinuance of local service between San Francisco and San Mateo and intermediate points at all stations

and ticket offices, at least ten days  
prior to the discontinuance of such local  
service, a copy of such notice to be  
filed with this Commission.

Dated at San Francisco, California, this 9<sup>th</sup>  
day of November, 1921.

H. P. Broussard

A. L. Valand

David Martin

Charles J. ...

J. J. ...

Commissioners.