

Decision No. 27370

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
JAMES C. RICHARDS and RICHARD MOORE, )  
a co-partnership, for certificate of )  
public convenience and necessity to ) Application No. 19564.  
operate an automobile stage service, )  
as a common carrier, between San )  
Francisco County line and Brisbane, )  
San Mateo County, California. )

Ramsey Moran for applicants.

T. L. Thomason for protestants.

Abbott, Cannon, Appel & Daines  
for Market Street Railway Company.

BY THE COMMISSION:

OPINION

This application came on regularly for hearing before Examiner Johnson at San Francisco on September 18, 1934, when it was submitted. Proof was ample as to the need for a public transportation service from Brisbane, a new community in San Mateo County, to the city limits of San Francisco. Public convenience and necessity would be served by the establishment of a regularly scheduled service so that the 1600 citizens of this suburban community might have their first regular and authorized service connecting with the street cars of San Francisco.

There was a protest entered by certain interests in Brisbane, such as the Voters League, and a few witnesses who preferred the present unauthorized service of one L. H. Breese. Mr. Breese has been operating since March 5, 1934, under a permit of the Board of Equalization which of course does not grant him the right to operate a regular service; nevertheless, it appears that he has been operating according to a regular schedule, which

schedule has been published by the Voters League and by a certain drug store. Applicants herein are the first persons to have appeared before this Commission and to have asked for a regularly licensed service for this community and, having proved the public need for this service and the convenience involved for this growing community, the application should be granted as prayed for. The Market Street Railway and the Pacific Greyhound withdrew any opposition to this application upon the representation that it would be non-competitive.

It is stipulated that no passengers shall be picked up or discharged on the Bay Shore Highway except those originated at or destined to points in Brisbane, particularly the intersection of the Bay Shore Highway and the street leading into Brisbane at the present location of the Shell Oil Company station.

It is further stipulated that the applicants will not traverse any of the route of the Market Street Railway Company nor parallel the same.

#### O R D E R

The Railroad Commission of the State of California, being fully satisfied that public convenience and necessity will be served by the granting of this order,

IT IS HEREBY ORDERED that James C. Richards and Richard Moore, co-partners, are hereby granted a certificate of public convenience and necessity to establish a service as common carriers for the transportation of passengers between the San Francisco County line and Brisbane, San Mateo County, and intermediate points, as follows:

Beginning at the terminus of the No. 16 line of the Market Street Railway, at the intersection of the Bayshore Highway with the San Francisco-San Mateo

County line, south via said Bayshore Highway approximately  $1\frac{1}{2}$  miles to a Shell Oil Co. service station, thence west one block to Visitation Avenue, thence south approximately one mile to the end of Visitation Avenue and the center of Brisbane, being a total distance of approximately  $2\frac{1}{2}$  miles.

Provided, that no passengers shall be picked up or discharged on the Bayshore highway except those originating at or destined to points in Brisbane, particularly the intersection of the Bayshore Highway and the street leading into Brisbane at the present location of the Shell Oil Company station.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity for such a service be, and the same hereby is granted to James C. Richards and Richard Moore, co-partners, subject to the following conditions:

1. Applicants shall file their written acceptance of the certificate herein granted within a period of not to exceed fifteen (15) days from date hereof.
2. Applicants shall file, in triplicate, and make effective within a period of not to exceed thirty (30) days after the effective date of this order, on not less than ten days' notice to the Commission and the public a tariff or tariffs constructed in accordance with the requirements of the Commission's General Orders and containing rates and rules which, in volume and effect, shall be identical with the rates and rules shown in the exhibit attached to the application insofar as they conform to the certificate herein granted.
3. Applicants shall file, in duplicate, and make effective within a period of not to exceed thirty (30) days after the effective date of this order, on not less than five (5) days' notice to the Commission and the public, time schedules covering the service herein authorized in a form satisfactory to the Railroad Commission.
4. The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.
5. No vehicle may be operated by applicants herein unless such vehicle is owned by said applicants or is

leased by them under a contract or agreement on a basis satisfactory to the Railroad Commission.

For all other purposes the effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 29<sup>th</sup> day of October, 1934.

Leon A. White

M. A. Linn

M. B. Harris

W. H. Thompson

W. R. Linn

COMMISSIONERS.