

ORIGINAL

Decision No. 29540

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation on
 the Commission's own motion into the
 rates, rules, regulations, charges,
 classifications, practices, contracts,
 operations and schedules, or any thereof,
 of T. J. HENDERSON, an individual doing
 business under the name and style of
 REDWOOD CITY-EMERALD LAKE BUS LINE.

Case No. 4197

Albert Mansfield, City Attorney for Redwood City.

Jackson & McCredie, by C. H. McCredie for Respondent.

N. E. Robotham, Highlands District Improvement Club.

Roscoe D. Wyatt, for Redwood City Chamber of Commerce.

E. A. Fletcher, for City of Redwood.

BY THE COMMISSION:

O P I N I O N

In this proceeding the Commission instituted an investigation on its own motion into the rates, rules, regulations, charges, practices, classifications, operations and schedules or any thereof, and particularly the schedules and methods of operation and points served of T. J. Henderson, an individual doing business under the fictitious name and style of Redwood City-Emerald Lake Bus Line, in operating a service as a passenger stage corporation between Redwood City, Canyon Sanitarium and Emerald Lake and intermediate points.

Examiner Gorman conducted a public hearing in this matter on February 3, 1937, at Redwood City, at which time the matter was submitted and is now ready for decision.

T. J. Henderson, hereinafter referred to as respondent, testified that he was the owner and operator of the Redwood City-Emerald Lake Bus Line and that he transported passengers, baggage and express between Redwood City, Canyon Sanitarium, Emerald Lake and intermediate points under a certificate of public convenience and necessity issued by this Commission. Respondent freely admitted under oath that he also transports passengers and property to all points within a radius of one-half mile from his Emerald Lake and Canyon Sanitarium terminals under authority of Decision No. 24754, dated May 9, 1932, on Application No. 18053, which was introduced in evidence by reference and wherein Mr. Henderson was authorized to extend his operating right "to a point one-half mile beyond the present terminals at Emerald Lake and Canyon Sanitarium."

Respondent testified that practically all his passenger traffic was into this one-half mile area and that six to ten passengers a week travelled to the limits of the zone. He further testified that he had carrier 351 passengers during the month of January 1937, 114 of whom were carried in Redwood City and the remaining 237 passengers were transported to and from the Emerald Lake District. The revenue from these operations amounted to \$91.10 of which \$79.70 was derived from the transportation of passengers in the Emerald Lake District.

Any restriction of operation in and about Emerald Lake, testified Henderson, would cripple his entire operation and would deprive the residents of Emerald Lake and environs of a necessary service and subject them to hardship particularly in inclement weather.

He was adamant in his contention that he considered that he had received authority to serve this district one-half mile

in any direction by Decision No. 24754 and that any other interpretation of this right would defeat the purpose for which the authority was sought. Reference to a map of the Emerald Lake District, in evidence as exhibit No. 2, reveals this territory as a veritable network of winding roads and lends color to applicant's belief that service to a point one-half mile from either terminal would result in no benefit whatsoever either to respondent or his patrons.

Testimony of Mr. Townley Ball, Mrs. J. Blanche Ball and Norman H. Robotham, all residents in the district, expressed dissatisfaction with both schedules and rates. Mr. Ball finding the rate of 50 cents round trip excessive and the schedules not convenient for him, while Mrs. Ball was dissatisfied with the circuitous route traversed and the great length of time taken to go from her home at Lakeview Way beyond Jefferson (near Emerald Lake No. 2) to Redwood City, one trip particularly taking one hour and fifteen minutes. Norman Robotham, as president of the Highland District Improvement Association, testified that of his Association's 420 members 350 lived in the Emerald Lake Area and would use the service were it regularly routed and the rate reduced to 10 cents one way which he considered would be adequate.

Roscoe D. Wyatt, Secretary of the Redwood City Chamber of Commerce, testified to having received complaints in regard to the uncertainty of the scheduled service of this bus line and the inequality of the rate charged for the distance traversed. He also presented a resolution passed by the Board of Directors of the Chamber favoring the maintenance of a proper and adequate service and schedule which would give a fair return to the operator. He offered no rate recommendation and suggested no schedule changes.

Albert Mansfield, City Attorney for the City of Redwood City, stated the city's position as favoring an adequate service and rates adequate to maintain such service.

Three residents of the Emerald Lake District, Mrs. G. N. Sanders, Mr. C. L. Anderson and W. R. Sutherland, testified that the service and rates as currently carried on and charged, respectively, were satisfactory to them in every respect. Mr. C. E. Holt, of the realty firm of Leonard and Holt, developers of this subdivision, testified to the necessity for a bus service and expressed a desire to see the service conducted without interruption.

Mr. A. W. Scheier, associated with his father in the Canyon Sanitarium, testified that the service rendered to the Sanitarium by Henderson was satisfactory and fulfilled their needs.

Further questioning of respondent Henderson developed the fact that he had changed his time schedule in some minor details and had failed to file said schedule with the Commission. With respect to his tariff, Henderson testified that in regard to his service beyond his terminals into the half mile zone he only assessed the 25 cent extra charge when a passenger travelled to the extreme limit of this zone. The witness was rather vague in his explanation of the assessing of this rate and admitted that possibly this charge was not made accurately, that is, a passenger, transported from Redwood City to the extreme half mile limit beyond either terminal, would pay 50 cents while a passenger, coming from the same point and disembarking at any point within this half mile limit would only pay the regular 25 cent one way fare to the Lake or the Sanitarium. He also admitted that in the transportation of newspapers he had failed to charge his published tariff rate

of 25 cents per bundle but had transported said papers (about six in a bundle) for 10 cents.

Respondent's Local Passenger Tariff No. 3, C. R. C. No. 3, provides as follows:

"The charge for transporting not over five (5) persons at one time to or from points within a distance of one-half mile from or to Canyon Sanitarium, Calif., or Emerald Lake, Calif., will be 25 cents."

Respondent testified that he would be willing to make the 25 cent one way fare and the \$1.50 weekly commute fare from Redwood City applicable to all of the territory embraced within the one-half mile area beyond the termini at Emerald Lake and Canyon Sanitarium. Respondent should accomplish this change by proper tariff filing with the Commission.

In regard to the regular route traversed, respondent testified that he operated the following route:

From Southern Pacific Depot, Redwood City, via Broadway to Hopkins Avenue, thence via Hopkins Avenue to the intersection of Oak Knoll Avenue and Canyon Road, thence via Canyon Road to Cordilleras Road over Cordilleras Road to Whipple Road, thence via Whipple Road to Canyon Sanitarium, a terminal, returning via Whipple Road to Cordilleras Road to Canyon Road to the intersection of Canyon Road and Oak Knoll Avenue, thence via Oak Knoll Avenue to Lake Boulevard and via Lake Boulevard to intersection of Lake Boulevard and Park Road at Emerald Lake No. 1, a terminal, returning to Oak Knoll Drive and Canyon Road thence to Hopkins to Broadway and back to Southern Pacific Depot.

A printed time schedule of the Redwood City-Emerald Lake Bus Line introduced as Exhibit No. 1 by witness T. J. Henderson shows that eight round trips daily, except Sundays and Holidays, are operated between Redwood City and Emerald Lake. Three of the trips are operated via the Canyon Sanitarium. On Sundays and Holidays five round trips are operated between Redwood City and

Canyon Sanitarium and two trips are operated from Emerald Lake. An "on call" service is maintained to meet trains from 3 p.m. to 11:30 p.m. The schedule bears the notation that "Bus Will Run Off Line When Required."

Based on the record, the following findings appear necessary.

Modification of the Commission's Decision No. 24754 to amend and clarify the extension of the operating right granted therein so as to permit T. J. Henderson to serve all points within one-half mile of and in any direction from his terminals at Emerald Lake No. 1 and Canyon Sanitarium.

Amendment of respondent's tariff rule covering extra charge for service to points within one-half mile of his terminals at Emerald Lake No. 1 and Canyon Sanitarium to eliminate the present discrimination existing in favor of passengers not carried to the extreme one-half mile limit.

The Commission believes that Mr. Henderson should be censured for his failure to charge his full tariff rates on express matter and that he be directed to cease such practice immediately. For his failure to file time schedules with the Commission which will accurately reflect the current service being rendered, he should also be warned that in the future greater care must be exercised in these matters. It also appears advisable for Mr. Henderson to delete from said schedules any reference of service to "off-line points." Rather, it is suggested that a notation that service will be rendered to all points in any direction within one-half mile of terminals at Emerald Lake No. 1 and Canyon Sanitarium be appended.

The record does not support a finding at this time in regard to the alleged inequalities in the rate structure of the Rodwood City-Emerald Lake Bus Line but the Commission deems it advisable for Mr. Henderson to devote some time and thought to a better coordination of his operation with a view to effecting operating economics and establishment of better relations with his patrons.

O R D E R

Public hearing having been held in the above entitled matter and the same having been duly submitted and the Commission being fully apprised of the facts,

IT IS HEREBY ORDERED that Decision No. 24754, dated May 9, 1932, wherein T. J. Henderson was granted an extension of his operating right to a point one-half mile beyond his Emerald Lake and Canyon Sanitarium terminals be and it is hereby clarified so as to permit said T. J. Henderson to serve all points within one-half mile of and in any direction from his terminals at Emerald Lake No. 1 and Canyon Sanitarium, provided that said T. J. Henderson shall prepare and file a map showing the routes over which he operates, delineating thereon the limits of the area he will serve in conformity with the authority herein set forth.

IT IS HEREBY FURTHER ORDERED that T. J. Henderson shall immediately file a supplement to his tariff amending the rule governing fares to be charged beyond his terminals, and

shall file a time schedule showing all service as now being rendered both scheduled and "on call" with particular stress being laid to his service beyond termini in relation to service between termini.

The effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 13th day of February, 1937.

William H. ...
Leon ...
Frank ...
Ray L. Kelley
COMMISSIONERS.