

**ORIGINAL**Decision No. 34478

## BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of ROBERT )  
 MILLER (MARTINEZ-DIABLO STAGE), for an order )  
 authorizing the discontinuance of automotive ) Application  
 passenger, baggage and express service between ) No. 24344  
 Martinez and Walnut Creek, in the County of )  
 Contra Costa, State of California. )

L. N. BRADSHAW, for Applicant

E. B. BRADLEY, Mayor of Walnut Creek,  
Interested Party.

BY THE COMMISSION:

O P I N I O N

In this application Robert Miller, d.b.a. Martinez-Diablo Stage, requests authority to abandon his automotive passenger baggage and express service between Martinez and Walnut Creek, Contra Costa County.

A public hearing was held in this matter before Examiner Hall in Walnut Creek on August 7, 1941, at which time the matter was submitted.

Applicant has been operating passenger stages in this territory since 1926. Originally he performed service between Port Chicago and Martinez, and between Concord and Martinez. By Decision No. 24650, in Application No. 17959, applicant was authorized to extend his service to Walnut Creek. By an agreement with the Sacramento Northern Railway, who held a certificate between Walnut Creek and Diablo, applicant Miller performed a through service between Martinez and Diablo via Concord and Martinez. On July 1, 1941, Sacramento Northern abandoned its operative right between Walnut Creek and Diablo, since when applicant has been operating only between Martinez and Walnut Creek.

The result of applicant's operations for the period 1927

to and including 1940 shows that each year he has sustained a loss in his common carrier operations from \$321.00 in 1930 to a maximum of \$3,470 in 1940. Applicant testified that he was able to keep his common carrier operations in effect only because of his non-utility services, such as school bus operations, taxi business, and mail contract, but that he now has none of these auxiliary services and is therefore unable to continue to sustain these losses.

Since the discontinuance of his through service to Diablo on July 1st, his revenues have had a very marked decrease, as shown by Exhibit No. 3. Applicant operates one bus, the driver of which receives \$5.86 per day wages, and the operation of which takes ten gallons of gasoline per day. The revenues per day from this operation during July and the first five days of August ran from \$3.60 as a maximum on July 2nd, to no revenue at all on July 27th. Furthermore, applicant showed that this bus is now ten years old and is in need of being replaced or having a major overhauling, which would involve the installation of a new engine.

It is quite clear from the record that applicant cannot longer sustain these losses.

The territory involved would not be without passenger service as the Pacific Greyhound Lines operates between Walnut Creek and Concord, and by transfer could perform service between Walnut Creek and Martinez.

No one appeared to oppose the granting of this application.

It is Heroby Found as a Fact that public convenience and necessity do not require the continued operation by applicant of his passenger stage service between Martinez and Walnut Creek, therefore the application will be granted.

O R D E R

A public hearing having been hold and the matter being now

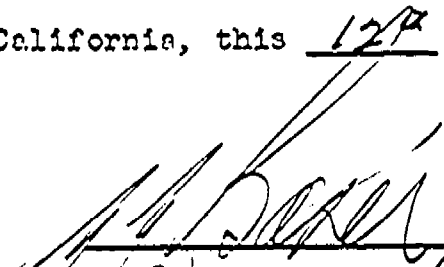
under submission and ready for decision,

IT IS HEREBY ORDERED that Robert Miller, d.b.a. Martinez-Diablo Stage, is hereby granted authority to abandon and discontinue the operation of his passenger stage service between Martinez and Walnut Creek, Contra Costa County, and to cancel, in conformity with the rules of this Commission, all passenger and express tariffs and time schedules between said points, subject to the following conditions:

- (1) Applicant shall, within thirty (30) days thereafter, notify this Commission in writing of the abandonment of passenger service herein authorized and of its compliance with the provisions hereof.
- (2) Applicant shall give not less than five (5) days' notice to the public of said abandonment by posting notices in his bus or buses.
- (3) The authorization herein granted shall lapse and become void if not exercised within one year from the date hereof unless further time is granted by subsequent order.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 12<sup>th</sup> day of August, 1941.

  
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Ray & Riley  
Justice J. Calver  
Francis C. Haverice  
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Commissioners