

Decision No. 35404

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
A. W. SCHMITT, dba LIVERMORE VALLEY
STAGES, for a certificate of public
convenience and necessity to operate
between Livermore and Wagoner Field
Naval Air Training Station in the
transportation of passengers and
baggage by passenger stage.

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Application No. 25018

BY THE COMMISSION:

ORIGINAL

O P I N I O N

A. W. Schmitt, doing business as Livermore Valley Stages, is now providing passenger stage service between Livermore and Arroyo Sanitarium, and intermediate points, for the transportation of passengers under an operative right acquired by him under authority of the Commission's Decision No. 18221, on Application No. 13635.⁽¹⁾ In the above-entitled application, Schmitt requests an extension of that right between Livermore and Wagoner Field Naval Air Training Station and intermediate points.

Applicant proposes to publish a one-way fare of 15 cents. An 8-ride commutation ticket, good for thirty days, would be sold for \$1. The distance between Livermore and the Field is approximately three miles. Three round trip daily schedules would be operated during the evening hours from approximately 5:30 p.m. to about 11:30. This service is designed to care for the present needs of the construction personnel now engaged in erecting facilities, including housing accommodations, at the Training Station. It is asserted that upon the completion of these facilities a Naval and Civilian

(1) The right originally authorized the transportation of passengers and property. By Decision No. 30698, on Application No. 21797, Schmitt was authorized to abandon the transportation of property and continue the transportation of passengers.

complement of considerable size will be stationed there. Applicant asserts that he has been requested by the Commanding Officer of the Training Station to establish the proposed service as quickly as possible.

No other passenger stage operator serves between the points involved herein. No public hearing is necessary and we are of the opinion and so find that public convenience and necessity require the establishment and operation of the proposed service. The order will so provide.

O R D E R

An application having been filed as above-entitled and it being found that public convenience and necessity so require:

IT IS ORDERED that a certificate of public convenience and necessity is hereby granted to A. W. Schmitt authorizing the establishment and operation of service as a passenger stage corporation, as defined in section 2 $\frac{1}{2}$ of the Public Utilities Act, for the transportation of passengers and their baggage between Livermore and Wagoner Field Naval Air Training Station, and intermediate points, as an extension and enlargement of the operative right acquired by applicant by Decision No. 18221, as amended by Decision No. 30698, subject to the condition that applicant his successors or assigns may never claim before this Commission or any court or other public body a value for the certificate herein granted in excess of the actual cost thereof.

IT IS FURTHER ORDERED that in the operation of the passenger stage service pursuant to the foregoing certificate, the following service regulations shall be observed:

- (1) Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed thirty (30) day's from the effective date hereof.
- (2) Applicant shall comply with the rules of the Commission's General Order No. 79 and Part IV of General Order No. 93-A by filing, in triplicate, and concurrently making effective tariffs and time schedules satisfactory to the Commission within sixty (60) days from the effective date hereof and on not less than one (1) day's notice to the Commission and the public.
- (3) Subject to the authority of this Commission to change or modify them at any time by further order, applicant shall conduct passenger stage service pursuant to the certificate herein granted over and along the following route:

Over and along County Road 1515 (East Avenue),
County Road 1408 (Tesla Road), Buena Vista
Avenue, and County Road 1515 (East Avenue).

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 26th day of

May, 1942.

Justice F. Cameron
Ray L. Riley

Richard L. Hatcher