

ORIGINALDecision No. 35800

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 MARY MARITZEN and E. B. OSTHUES for)
 a certificate of public convenience)
 and necessity to operate bus service) Application No. 25232
 as a common carrier of passengers,)
 baggage and express between Modesto)
 and Hammond General Hospital, Cal-)
 ifornia.)

BY THE COMMISSION:

O P I N I O N

By their application in this proceeding, Mary Maritzen and E. B. Osthues seek a certificate of public convenience and necessity under Section 50 $\frac{1}{2}$, Public Utilities Act, authorizing operation as a passenger stage corporation, as defined by Section 2 $\frac{1}{2}$ of that Act, between Modesto and Hammond General Hospital, a United States Army hospital situated approximately three miles northwest of Modesto. A public transportation service is essential, it is alleged, to accommodate Army personnel and civilian employees stationed at the hospital who have occasion to travel between that institution and Modesto, where many of them will reside. At present no public transportation facilities exist. No other common carrier operates between these points.

To provide this service applicants will use two 25-passenger buses. A fare of 10 cents per passenger, in each direction, will be charged. As shown by the proposed time schedule, service would be provided between 6:30 A.M. and 11:10 P.M. under a headway varying in frequency from ten to forty minutes.

In our opinion there is a need for the establishment of this service, and, accordingly, the application will be granted. No public hearing appears to be necessary.

O R D E R

Application having been made as above entitled; and the Commission being of the opinion, and now finding, that public convenience and necessity so require:

IT IS ORDERED:

(1) That a certificate of public convenience and necessity be and it hereby is granted to Mary Maritzen and E. B. Osthues authorizing the establishment and operation of a service as a passenger stage corporation, as defined by Section 2 $\frac{1}{4}$, Public Utilities Act, between Modesto and Hammond General Hospital, situated approximately three miles northwest of Modesto.

Said certificate is granted subject to the following condition:

Mary Maritzen and E. B. Osthues, their successors or assigns, may never claim before this Commission or any court or other public body, a value, for any purpose, for the certificate herein granted in excess of the actual cost incurred by them in securing said operative authority.

(2) That in the operation of said passenger stage service applicants shall comply with and observe the following service regulations:

1. Applicants shall file a written acceptance of the certificate herein granted within a period of not to exceed thirty (30) days from the effective date hereof.

- 2. Applicants shall comply with the provisions of General Orders Nos. 79 and 80 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 the Commission to change or modify it at any time by further order, applicants shall conduct said passenger stage service over and along the following route:

Commencing at the Courthouse Square at 11th and "I" Streets in the City of Modesto; thence via "I" Street to 9th Street, also known as U. S. Highway No. 99; thence north along 9th Street (U.S. Highway No. 99) to Blue Gum Avenue; thence west on Blue Gum Avenue to Hammond General Hospital.

Returning over the same route.

The effective date of this order shall be the date

hereof.

Dated at San Francisco, California, this 29th day of September, 1942.

Justus P. Culler

W. Baker

Francis J. Hayward

Richard R. Backe

COMMISSIONERS