

Decision No. 35846

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 WILLIS M. KLEINENBROICH, an individual,)
 doing business as MODESTO RIVERBANK)
 OAKDALE STAGE LINE, for certificate of)
 public convenience and necessity to)
 operate passenger, baggage, and express) Application No. 25267
 service between Modesto, Riverbank, and)
 Oakdale, California via an alternate)
 route between Modesto and Riverbank,)
 California.)

BY THE COMMISSION:

O P I N I O N

Willis M. Kleinenbroich, doing business as Modesto Riverbank Oakdale Stage Line, is now providing a passenger stage service between Modesto and Oakdale and intermediate points via Riverbank. This service is provided over and along McHenry Avenue and Sonora Highway.

In the above-entitled application Kleinenbroich requests a certificate of public convenience and necessity authorizing the establishment and operation of a passenger stage service for the transportation of passengers, baggage and shipments of express, not to exceed 100 pounds each, between Modesto and Riverbank and intermediate points over an alternate route via the plant of Defense Plants Incorporated. This plant is located approximately 9 miles northeasterly of Modesto and about 2 miles southerly from Riverbank. The alternate route would be over "F" Street, Scenic Drive, Claus Road and Patterson Road between Modesto and Riverbank. Applicant asserts that traffic to, from or between points intermediate to Modesto and Riverbank along his

regular route is so meager that little if any inconvenience would result to the public by use of the alternate route to serve Defense Plants Incorporated. Commutation tickets would be sold permitting one round-trip daily for each calendar month between Modesto, Oakdale and Riverbank, on the one hand, and Defense Plants Incorporated, on the other hand, for \$7.50, \$7.00 and \$5.00, respectively. The one-way fares between the same points would be 25 cents, 25 cents and 10 cents, respectively. Two daily round-trip schedules would be operated.

Applicant has available four pieces of passenger stage equipment varying in seating capacity from six to twenty-seven passengers which would be used in this service.

In support of the authority sought applicant asserts that Defense Plants Incorporated is establishing an aluminum production plant which will employ a considerable force of workmen; that the only housing facilities available for such workmen are located at Modesto, Riverbank and Oakdale and that there are no common carrier transportation facilities between those points and Defense Plants Incorporated which applicant proposes to provide.

After due consideration of this matter the Commission is of the opinion that the authority requested is in the public interest and should be granted. The order will so provide. There being no other passenger common carrier serving the points involved this does not appear to be a matter in which a public hearing is necessary.

ORDER

It being hereby found that public convenience and necessity so require,

IT IS ORDERED that a certificate of public convenience and necessity is hereby granted to Willis M. Kleinenbroich, 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, baggage and shipments of express weighing not in excess of 100 pounds each, on passenger carrying vehicles between Modesto and Riverbank and intermediate points, via Defense Plants Incorporated as an extension and enlargement of, and consolidated with, the operative right acquired by applicant under the authority of the Commission's Decision No. 24602, dated March 21, 1932, in Application No. 18022, subject to the following condition:

Willis M. Kleinenbroich, his successors or assigns, may never claim before this Commission or any court or other public body, a value, for any purpose, for the authority herein granted in excess of the actual cost of obtaining the certificate.

IT IS FURTHER ORDERED that in the operation of 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) days from the effective date hereof.
2. Applicant shall comply with the rules of the Commission's 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 five (5) days' notice to the Commission and the public.

- 3. Applicant shall conduct said passenger stage service over and along the following route subject to the authority of the Railroad Commission to change or modify it at any time by further order:

Between Modesto and Riverbank over and along "H" Street, Scenic Drive, Claus Road and Patterson Road.

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

Dated at San Francisco, California, this 13th day of October, 1942.

Justus F. Cramer

[Signature]

Francis R. Havens

[Signature]

COMMISSIONERS