

Decision No. 38193

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

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)
service between Modesto, Riverbank and)
Oakdale, California via an alternate)
route between Modesto and Riverbank,)
California.)

Application No. 25267
1st Supplemental

BY THE COMMISSION:

O P I N I O N

Willis M. Kleinenbroich conducts a passenger stage service between Modesto and Oakdale and intermediate points via Riverbank over and along McHenry Avenue and Sonora Highway pursuant to a prescriptive operative right. Decision No. 35846, dated October 13, 1942, authorized him to use an additional route between Modesto and Riverbank for the purpose of serving the Defense Plants Incorporated, situated southerly of Riverbank on Claus Road. The route used between Modesto and Riverbank via this plant was over H Street, Scenic Drive, Claus Road and Patterson Road. By supplemental application, as amended, it is stated that operations at Defense Plants Incorporated, which was engaged in the manufacture of aluminum as a wartime enterprise, has been temporarily discontinued. Applicant requests authority to suspend his service to and from this plant on a temporary basis, but to reestablish such service if and when operations at the plant are resumed provided there is a public need for such service. This plant, when in operation, is the only point on this route which requires public transportation.

In our judgment, applicant's request for temporary suspension should be authorized for one year only with the right to reestablish service to and from Defense Plants Incorporated, whenever public need so requires within this period. At the expiration of such period applicant should request that the operative right involved be revoked if, in the meantime, there has been no demand for reestablishment of this service. No public hearing is necessary.

O R D E R

Good cause appearing,

IT IS ORDERED that Willis M. Kleinenbroich is hereby authorized to suspend operations between Modesto and Riverbank via H Street, Scenic Drive, Claus Road and Patterson Road until September 1, 1946, provided that such service may be reestablished in the meantime provided public convenience and necessity so require, subject to the provision that applicant shall, within 60 days from the effective date hereof, and on not less than one day's notice to the Commission and the public, file appropriate supplements to his tariffs and time tables reflecting the authority herein granted.

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

Dated at San Francisco, California, this 12th day of September, 1945.

Harold C. Quinn
Justice J. Quinn

Francis C. Quinn
Don W. Quinn
COMMISSIONERS