

Decision No. 24152

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 WILLIAM FINN, MARY A. FINN and
 GEO. W. CRAWFORD for certificate of
 public convenience and necessity to
 operate as a common carrier between
 San Francisco, California, and Los
 Angeles, California.)

) Application
 No. 17611

ORIGINAL

Thos. T. Califro, Attorney for Applicants.
 H. W. Hobbs, for Southern Pacific Company, Protestant.
 H. C. Lucas, for Motor Carriers' Association, Protestant.
 Orla St. Clair and L. G. Markel, for Pacific
 Greyhound Lines, Inc., Protestant.

HARRIS, Commissioner -

O P I N I O N

This is an application by William Finn, Mary A. Finn and George H. Crawford for a certificate of public convenience and necessity to operate an automotive passenger stage service between San Francisco and Los Angeles. It is not proposed to serve points intermediate between the terminals. Applicants propose to use 7-passenger cars of Sedan type, and to charge a one-way fare of \$7.50.

A public hearing was held at San Francisco, evidence heard and an order of submission made.

The application was protested by the Southern Pacific Company, Motor Carriers' Association and Pacific Greyhound Lines, Inc.

William Finn, one of the applicants, testified that he had been in the transportation business for seven years, operating what he considered to be a "private service." He seldom drove a car himself, depending on other car owners for vehicles needed to transport persons to whom he had sold space in a car. The "fares" varied from \$4.00 a seat to \$5.50. He retained one dollar for each

"space", and, according to his testimony, maintained the private nature of the service by refusing to sell space to a Chinese, a colored person or anyone that did not meet a rather nebulous standard of general appearance. Applicants, he stated, now propose to operate as a common carrier, at a fixed fare, two trips a day, and serving all the public seeking transportation between San Francisco and Los Angeles, making no distinction because of color or race.

Applicants, Finn testified, do not own the equipment proposed to be used, contemplating the use of leased equipment. He further testified that while he was prepared, in the past, to send a car any place on sufficient demand, fully 85% of his patrons had been transported between San Francisco and Los Angeles, as many as twelve 7-passenger cars, fully loaded, being sent out in one day. He said further that in the last eight or nine months on not more than four or five days had he missed sending out a car carrying passengers. He said he obtained his customers by advertising in certain San Francisco newspapers.

Applicants produced but one public witness - M. Rado, a salesman, who testified that he preferred the service described by Finn to service given by other carriers because it was cleaner, cheaper, safer and more comfortable. By stipulation it was agreed that the testimony of five other persons named by applicants would be of the same character as that presented by witness Rado.

Protestants offered practically no evidence other than a series of exhibits showing the service already established between Los Angeles and San Francisco, prevailing fares and the number of vacant seats (several thousand) available in stages operated by Pacific Greyhound Lines, Inc. during the months of July, April and January, 1931, and October, 1930. Exhibit No.7 by the Southern Pacific Company shows that there are available to the public by train, stage, airplane and boat thirty eight (38) services each way, most of them daily, between Los Angeles and San Francisco.

A. Croocox, motor vehicle inspector for the Board of Public Utilities and Transportation of the City of Los Angeles, testified as to the arrest and conviction of applicant Finn in Los Angeles for a violation of a city ordinance covering the issuance of auto stage permits.

While it is apparent from a close study of the record in this proceeding that applicant Finn has been operating illegally for several years, it appears to me that inasmuch as he has sought authority to continue the service, submitting the matter squarely to the Commission on a claim that public convenience and necessity require it, that public good will best be served by considering the matter from that standpoint. True, applicants offer a lower rate than is now in effect and a certain type of service that, judging by the patronage it has received, is attractive to a certain part of the public. Yet, I am of the opinion, giving full consideration to every feature of the record, but particularly to the requirements of public convenience and necessity, and find as a fact, that public convenience and necessity do not require the service proposed by applicants. The application should be denied.

I recommend the following form of order:

O R D E R

Public hearing having been held in the above entitled matter, evidence heard and an order of submission made,

IT IS HEREBY ORDERED that the above entitled application be and the same is hereby denied.

The above Opinion and Order are hereby approved and adopted as the Opinion and Order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 26th day of October, 1931.

Leon Dewhedge
W. J. King
M. B. King
Fred G. Stewart
COMMISSIONERS.