

ORIGINAL

Decision No. 5240

DECISION NO. _____

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of)
DENNI PETTAS for certificate of)
public convenience and necessity to)
operate stage service between Antioch)
and Pittsburg.)
.....)

APPLICATION NO. 3561.

A. F. Bray for Applicant.
B. D. Marx Greene for Ernest Ward,
Protestant.

BY THE COMMISSION.

O P I N I O N

Denni Pettas has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of an automobile stage line as a common carrier of passengers between Pittsburg and Antioch and intermediate points.

Public hearings were held by Examiner Encell at San Francisco on March 12th and 20th, 1918, the matter was duly submitted and is now ready for decision.

Applicant proposes to operate one four-cylinder, 36 horse-power Cadillac automobile with a seating capacity of seven passengers, licensed by the State Motor Vehicle Department under license No. 243006 and to increase the equipment when business will justify. He proposes to operate ten round trips daily between Antioch and Pittsburg and to charge fares in accordance with a schedule filed as an exhibit attached to the application in this proceeding. Applicant relies on the statement that the

Southern Pacific Company and the Oakland, Antioch and Eastern Railway Company are the only transportation agencies serving the territory and that workmen between Antioch and Pittsburg demand some sort of conveyance as the train connections are poor.

It appears from the evidence at the hearings on this matter that the route sought by applicant is already served by Ernest Ward, operating under the name of Ward's Auto Bus, and that said Ward has regularly filed tariffs and schedules with this Commission, and is operating between Antioch and Pittsburg meeting all trains of the Oakland, Antioch and Eastern Railway at Pittsburg.

Applicant desires to enter the stage business claiming that there is not sufficient accommodation furnished by the Ward line, and that busses are crowded during certain hours when workmen are en route to or from the industrial plants of the Chemical Company, the Bowers Rubber Works, the Columbia Steel Company and the Redwood Manufacturers' Company. Witnesses for applicant testified that the combined forces employed by the Chemical Company, the Columbia Steel Company and the Redwood Manufacturers' Company amounted to twelve hundred persons, all of whom ceased work at approximately the same hour. The employees of the Bowers Rubber Works, numbering seventy five to one hundred, ceased their work approximately one-half hour later. It was estimated that about four hundred of the employees of the first three industries all desired transportation at the same time, making a peak load existing for but one half-hour of each day.

Ernest Ward, protestant operating Ward's Bus Line,

has operated continuously since February 15, 1915, meeting all Oakland, Antioch and Eastern Railway trains at Pittsburg and has complied with all requirements of this Commission in the filing of tariffs, time schedules and the observance of operating rules and safety regulations. Competition existed over the route which was not eliminated until July, 1917, and during the time that competition existed the business was not profitable to any of the lines operating. The Ward Bus Line operates nine cars and has made arrangements whereby overflow loads beyond the capacity of his cars are cared for by the operation of another car that all passengers may be provided with a seat, and to avoid any violation of the Commission's regulation against over-crowding of cars beyond the rated seating capacity. Conditions at the industrial plants during the evening rush hour when employees are leaving their work have been difficult to meet satisfactorily, the entire number of employees coming off shift requiring transportation at the same time, and the traffic being materially increased in stormy weather. Prominent citizens of Pittsburg, including officials of the industrial plants, testified that they had observed no overcrowding of busses, that the present service is satisfactory and adequate, and that in their opinion the public convenience and necessity do not require the establishment of the line herein sought by applicant. Mr. Ward, proprietor of Ward's Bus Line, testified that he was financially able to provide such equipment as was necessary to satisfactorily care for all the traffic offering between Pittsburg and Antioch and desiring transportation by automobile stage, and that he would provide such service as

rapidly as the traffic conditions warranted increased runs and the use of additional equipment.

After careful consideration of all the evidence in this proceeding, we are of the opinion that no adequate showing of public convenience and necessity has been made by the applicant herein and that the existing stage line now established and serving this territory is giving a reasonable and satisfactory service, and that the proprietor of same is in position to increase schedules and provide additional equipment to meet such demands of travel as may offer for transportation.

O R D E R

Denni Pettas having applied to the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of an automobile stage line as a common carrier of passengers between Pittsburg and Antioch, public hearings having been held and the Commission being fully advised.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity do not require the operation by applicant herein of an automobile stage line as a common carrier of passengers between Pittsburg and Antioch, and

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

Dated at San Francisco, California, this 10th day
of April, 1918.

Max Theiler
H. D. Donald
Alex Gordon

Commissioners