

ORIGINAL

Decision No. 5629

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the matter of the application	}
of DENNAS PETTAS for certificate	
of public convenience and neces-	
sity to operate automobile stage	
service between Pittsburg and	
Antioch.) Application No. 3844.

Wade W. Moore for applicant.
B. D. Marx Greene for E. H. Ward,
protestant.

BY THE COMMISSION:

O P I N I O N

Dennas Pettas applies for declaration that
• public convenience and necessity require him to operate a
7-passenger touring car as a common carrier of passengers
between Pittsburg and Antioch and intermediate points, all
in Contra Costa County.

A public hearing on the application was
held by Examiner Westover in San Francisco.

Applicant heretofore sought similar au-
thority in Application No. 3561, which was denied. The
decision therein, No. 5290 of April 10, 1918, fully describes
traffic conditions in and about Pittsburg and Antioch, ^{to} which
opinion reference is hereby made.

Most of the testimony offered by applicant
in support of the present application relates to the service

furnished by Mr. Ward, now operating over the route in question, and to violations by him of the operating rules and regulations prescribed by the Commission. It also appeared from the testimony that applicant has been operating without authority and violating the Commission's operating rules, especially that concerning overloading.

It appears from the testimony that Mr. Wade has for use in the service between Pittsburg and Antioch four 7-passenger touring cars, two 10-passenger busses, one 14-passenger bus, and that he has an option upon an 18-passenger bus which he proposes to purchase and put into service, but is awaiting the outcome of the present application.

A detailed report of passengers carried by Mr. Ward's touring cars and busses in the stage service between Antioch and Pittsburg from June 20th to July 5th, shows that his equipment carried approximately 65% of its total seating capacity of the cars and busses used and that during the period the only instance of overloading was one occasion when a 7-passenger car carried an eighth passenger a distance of half a mile and another instance in which a child on its mother's lap made the eighth passenger. The statement in question is based upon trip reports made by drivers, who Mr. Ward testified have been strictly instructed against overloading.

A recent visit by one of the Commission's service inspectors revealed the fact that some of the Commission's operating regulations had not been fully complied with, but the testimony was to the effect that these infrac-

tions of the rules had subsequently been corrected.

We are satisfied that Mr. Ward is prepared to furnish sufficient service of the standard required by the Commission and that he intends in good faith to comply with all of the Commission's requirements. It must be understood that a failure to do so will not be tolerated.

Applicant failed to show that public convenience and necessity require the service offered by him.

O R D E R

DENNAS PETTAS having applied to the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of the automobile stage line herein described, public hearing having been held upon said application and the Commission being now 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.

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

Dated at San Francisco, California, this 26th day of July, 1918.

Edwin O. Edgerton
W. S. ...
...

Commissioners.