

Decision No. 26524

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

WILLIAM HILLS and FRANK KNAPP,
Complainants,

vs.

T. J. HENDERSON and MAX HENDERSON,
Defendants.

ORIGINAL

Case No. 3638

John G. Evans, for Complainants.

Jackson & Mc Credie, by C. H. Mc Credie,
for Defendants.

BY THE COMMISSION -

O P I N I O N

This case, involving the complaint of taxi drivers of Redwood City against certificated carriers of this Commission, came on trial at Redwood City on October 20, 1933, before Examiner Johnson.

The complaint alleged that T. J. Henderson, operating a public stage line between Redwood City and the suburban territory of Emerald Lake, has violated his certificate by calling for and discharging passengers off his regular authorized route. The complaint alleged the same practice with reference to the operations of Max Henderson who operates a stage line between Redwood City and Woodside, another suburban territory. The complaint also alleged the using of stages and buses interchangeable between the two Hendersons who are father and son operating under separate franchises. The complaint further charges that the rates and schedules submitted to this Commission are not followed by

either of the defendants and that their operations cloak an unlicensed taxi service. All of these charges are specifically denied in the answer of the defendants.

The evidence failed to prove any of the allegations of the complaint except in the matter of one passenger hauled on June 7, 1933, for a disputed compensation and on a series of disputed trips. This passenger, who rode in T. J. Henderson's bus and also in complainants' taxi, paid more than the regular charge for a midnight trip to the San Francisco Hospital.

This passenger made one trip out in the afternoon on which he paid the regular rate and was informed of the regular charge, but at night he made another trip to San Carlos and also to the San Francisco Health Farm and then paid something in excess of that regular charge, the amount of which is disputed.

The defendants were somewhat successful in their effort to show that this passenger was traveling to get evidence for complainants and was not a bonafide passenger who was supposed to be seeking employment at the San Francisco Hospital. At any rate, the trip that he made at midnight to San Carlos and the Hospital seemed a rather futile and useless round trip.

The other witnesses called were limited to the two defendants, the two complainants, one taxi driver who testified for complainants that Hendersons took one of his customers, another taxi driver who testified that defendants complied with their certificates, and a railroad official who testified to the good service rendered on schedule by the defendant T. J. Henderson.

The complainants failed to call a single public witness who was a resident or regular patron or who was not personally interested. The only infraction shown by the evidence was the overcharge of schedule price to the midnight traveler. But the

cards of the defendants did indicate that they might make a service call in the suburbs, one half mile from terminals or on each side of the road. That, the Hendersons admitted, was their conception of their franchises. Inasmuch as the only disinterested public witness, the railroad official, testified that he invariably was required to walk the 200 feet to be on defendants' routes, it is not clearly established that defendants made a practice of departing from their routes to pick up city passengers.

Outside of a warning to defendants that they must be careful not to accept gratuities from public passengers, the complaint should be dismissed.

O R D E R

The above entitled matter having been duly heard and submitted and the Commission being fully advised,

IT IS HEREBY ORDERED that the complaint be and the same hereby is dismissed.

Dated at San Francisco, California, this 15th day of November, 1933.

C. J. Harvey
Leon Caldwell
M. J. Lee
M. B. Harris
J. H. [unclear]
COMMISSIONERS.