

ORIGINAL

Decision No. 32418

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 (1) KATHERINE KEHLER and JOE OLIVIERA,)
 co-partners doing business under the)
 firm name and style of JOE'S TAXI, for)
 certificate of public convenience and) Application No. 24024
 necessity to operate (2) as common)
 carrier of passengers, baggage and)
 express between Carmel and Pacific)
 Grove.)

SHELBURN ROBISON, for Applicants.

WALLACE L. WARE and HAROLD HARPER by Wallace
L. Ware, for Bay Rapid Transit Company,
Protestant.

BAKER, Commissioner:

O P I N I O N

This is an amended application by Katherine Kehler and Joe Oliviera, co-partners doing business as Joe's Taxi, for authority to establish and operate a common carrier automotive service for the transportation of passengers and their baggage between Carmel and Pacific Grove via the Carmel - Pacific Grove Highway.

A public hearing of this application was had in Carmel on April 25, 1941 where testimony was taken, exhibits filed, the matter submitted and it is now ready for decision.

The granting of the authority herein sought was opposed by Joseph Miller, operating under the name and style of Bay Rapid Transit Company.
(1)

(1) Notice of hearing sent to the following: Katherine Kehler and Joe Oliviera, Shelburn Robison, Southern Pacific Company, Pacific Greyhound Lines, Joseph Miller and Wallace L. Ware.

Applicants propose to establish a daily service consisting of four round trips between termini. Two trips will be made in the morning and two in the afternoon between the hours of 7:30 A.M. and 6:30 P.M. Fifteen minutes running time has been estimated for the one-way distance of six miles. Equipment available for this service consists of one 1940 model 25-passenger G.M.C. bus, for general use, and one 1938 model 7-passenger Buick sedan which will be used principally for standby service.

Applicant proposes to operate both intracity and intercity and to assess a fare of ten cents and twenty cents, respectively, for such service. No round-trip fares are proposed but children under six years of age are to be transported for half fare.

The record discloses that the applicants have been and are now engaged in the taxi business in Pacific Grove, which appears to be their principal business. In addition, they operate a parcel delivery service in Carmel under a city carrier permit, engage in the transportation of school children in the district, and also transport army officers, by authority not clearly explained in the record, between Camp Ord and Monterey. As none of these various activities were definitely indicated as subject to curtailment or discontinuance, it appears likely that the additional services here contemplated will be an adjunct to such activities rather than a full-fledged and independent common carrier public utility service. This is further supported by the fact that applicant Oliviera's son-in-law, who now drives a taxi, will also "double in brass" as the operator of the bus. This man now receives \$100 per month and, lacking information to the contrary, it is to be assumed that his services as a bus driver will be included in this stipend, but no basis of allocation of this expense was stated.

Applicants, themselves, in their testimony shed little light on this subject of costs aside from a statement by Oliviera that he expected to operate for approximately one dollar per day, an utterly impossible figure when it is contemplated that a 25-passenger G.M.C. bus must be operated a distance of approximately fifty-three miles daily if the proposed schedules are to be maintained.

Questions as to contemplated revenue elicited the same type of nebulous information, no survey having been made to ascertain either the average number of passengers expected per trip or a daily total number other than a guess that ten to fifteen passengers would be carried.

The service here proposed is one which is designed to provide a direct service between Pacific Grove and Carmel not now available and allegedly advantageous by reason of a saving in time over the existing route operated by Bay Rapid Transit Company via Monterey proper, which involves one transfer occasioning a delay of one-half hour in transit if connections should be missed.

Public witnesses, while favoring establishment of the proposed operation, expressed no preference as to whether applicants or protestant should perform the service. Several witnesses stated that any impairment of existing service was undesirable and others definitely asserted that the existing carrier should be afforded the opportunity to establish and operate this extended service if it were found to be in the public interest.

With respect to protestant Bay Rapid Transit Company,

an operator of long standing in this territory, the record shows that previously established experimental services over applicants' proposed route had failed to produce sufficient patronage to warrant continuance. Protestant further stated that, should the Commission now find that public convenience and necessity require this operation, protestant Bay Rapid Transit Company was ready, willing and able to establish such a service.

From this record, it appears that a limited public need may be said to exist for the establishment of the direct service here proposed, but there is no showing that applicants could operate such a service on a compensatory basis. Indeed, the record reveals little more than a desire upon the part of applicants to establish this service. The record does not support a finding that existing services are inadequate, but is indicative only that, under present operating conditions, certain inconveniences have resulted. It is further evident that there is insufficient traffic to support two operators in this territory. The establishment of an independent service, as here proposed, would adversely affect existing services to a point where an inevitable diversion of revenue, with its attendant curtailment or perhaps enforced discontinuance of currently conducted and necessary schedules, might well result, leaving in the field, at best, an operator incapable, on this record, of furnishing a service adequate for the area here involved and, in fact, not of reasonably proven ability to serve even a part thereof.

Under the circumstances, I recommend that the application be denied without prejudice.

O R D E R

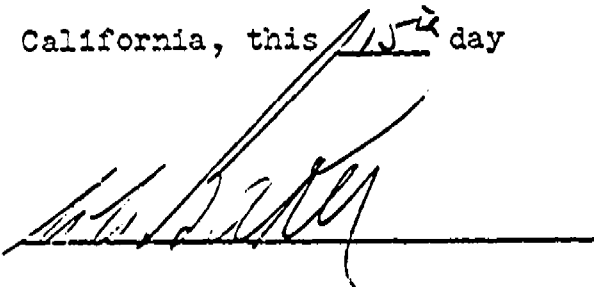
Public hearing having been had in the above-entitled matter, evidence having been received, the matter having been duly submitted, and the Commission now being fully advised in the premises,

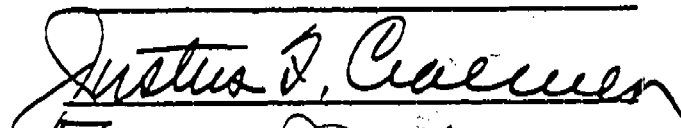
IT IS ORDERED that Application No. 24024 is denied without prejudice.


The effective date of this order shall be twenty (20) days from the date hereof.


The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 15th day of July, 1941.








COMMISSIONERS