

ORIGINAL

Decision No. 36175

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 HARRY MAHAFFEY, an individual, doing)
 business under the firm name and style)
 of CITY CAB COMPANY, for a certificate)
 of public convenience and necessity to)
 operate motor vehicles as a passenger)
 stage corporation pursuant to the pro-)
 visions of Section 50-1/4 of the Public)
 Utilities Act for the transportation of)
 passengers between U.S. Army Quartermaster)
 Corps Sub-Depot at Lyoth, California, on)
 the one hand, and points within the City)
 of Tracy, California, and intermediate)
 points, on the other hand.)

Application No. 25507

BY THE COMMISSION:

O P I N I O N

In the application here considered Harry Mahaffey re-
 quests the Commission to issue to him a certificate of public
 convenience and necessity authorizing the establishment and oper-
 ation of service as a passenger stage corporation between Tracy
 and U. S. Army Quartermaster Corps Sub-Depot at Lyoth and inter-
 mediate points.

The distance between those termini is approximately
 three miles. Applicant proposes to charge 10 cents for each one-
 way trip. No commutation tickets would be sold. At the inception
 of service applicant proposes to establish about twenty-eight
 round-trip schedules between termini, the earliest of which would
 leave Tracy at 6:45 A.M. and the latest at 1:00 A.M.

It is asserted that applicant is now engaged in the
 taxicab business at Tracy in which service he is using three

taxicabs which are 1942 models. He has arranged to lease a 1932 model, 40-passenger capacity Reo stage and, if necessary, will be able to acquire another stage under lease. It is further stated that applicant now employs four drivers, a mechanic, and two dispatchers, all of which personnel would be available for employment in the proposed passenger stage operation. Applicant proposes to use his taxicabs in the conduct of that operation at those times when loads are insufficient to justify the use of larger equipment or to handle overloads.

As justification for the authority sought it is alleged:

That the Army maintains at Lyoth, California, a Quartermaster Corps Sub-Depot at which are employed many civilians who reside in Tracy who do not have any means of public conveyance available for transportation between Lyoth and their homes. That the United States Army, through certain of its officers, has requested that applicant obtain the requisite authority from the Commission to institute and maintain the proposed service. That the Commanding Officer of said sub-depot will cooperate with applicant in the readjustment of schedules, if later necessary, and the conservation of equipment.

That applicant is an experienced operator, having operated taxicabs in Lodi for a period of approximately one year, and in Tracy for approximately a month and is experienced in various aspects of automotive transportation.

That there are many homes located on the route to be followed and many additional homes are being erected thereon, so that the operation along said route will enable passengers to utilize the proposed service without the necessity of walking any considerable distance.

It is asserted that there is no other passenger stage corporation serving the points involved.

After full consideration of applicant's request and the allegations in support thereof, it appears that the proposed service is in the public interest and will be granted. This is not a matter in which a public hearing is necessary.

O R D E R

It being found that public convenience and necessity so require,

IT IS ORDERED that a certificate of public convenience and necessity is hereby granted to Harry Mahaffey authorizing establishment and operation of service as a passenger stage corporation between Tracy and the United States Army Quartermaster Corps Sub-Depot at Lyoth and intermediate points, subject to the condition that Harry Mahaffey, his successors or assigns, may never claim before this Commission or any court or other public body a value, for any purpose, for the certificate herein granted in excess of the actual cost incurred by him in securing said operative authority.

IT IS FURTHER ORDERED that in the operation of service pursuant to the foregoing certificate, Harry Mahaffey shall comply with and observe the following service regulations:

1. Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed thirty (30) days from the effective date hereof.
2. Applicant shall comply with the provisions of General Order No. 79 and Part IV of General Order No. 93-A by filing, in triplicate, and concurrently making effective, tariffs and time schedules satisfactory to the Commission within sixty (60) days from the effective date hereof and on not less than one (1) day's notice to the Commission and the public.
3. Subject to the authority of this Commission to change or modify it at any time by further order, applicant shall conduct said passenger stage operations over and along the following route:

Beginning at the intersection of Adam Street and 11th Street (Tracy), thence along 11th Street, North E Street, East 9th Street, West 9th Street, Roosevelt Avenue, Highland Avenue, Parker Avenue, 11th Street, U. S. Highway No. 50 and Chrisman Road to the sub-depot at Lyoth.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 16th day of February, 1943.

Francis R. Havenner
M. Baker
Justin F. Casner
Robert R. Casner
James O. Casner
COMMISSIONERS