

Decision No. 38046

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of D. MOYERS,)
d.b.a. MOYERS STAGES, for a modification of)
Order No. 34404 on Application No. 24297,)
issued to applicant for the transportation of)
passengers between the City of Fresno, Clovis,)
and Friant via the United States Army Air Base)
or Hammer Field.)

Application
No. 24297
2nd Supplement

ORIGINAL

G. L. AYNESWORTH, for Applicant

GILBERT H. JERTBERG, for Fresno City Lines, Inc.,
Protestant.

DAVID E. PECKENPAUGH, for various prospective patrons

BY THE COMMISSION:

O P I N I O N

In this second supplement to Application No. 24297, applicant requests that the condition in Decision No. 34404, dated July 8, 1941, be modified to allow applicant to pick up and discharge passengers intermediate to Fresno and United States Army Air Base, known as Hammer Field.

A public hearing on this second supplement was held before Examiner Hall in Fresno on May 24, 1945, at which time the matter was submitted for determination.

For brevity, hereinafter D. Moyers, d.b.a. Moyers Stages, will be referred to as "Moyers," Fresno City Lines, Inc. will be referred to as "City Lines," and the United States Army Air Base will be referred to as "Hammer Field." (1)

(1) Hammer Field is located on Shields Avenue between Clovis and Winery Avenues, in the County of Fresno.

The Order in Decision No. 34404 in the original application authorized Moyers to establish an automotive passenger stage service between the city of Fresno and the city of Friant via Hammer Field and Clevis, subject to the restriction that no passengers be picked up or discharged at any point intermediate to the city of Fresno and Hammer Field, except when traveling from or to a point beyond the city of Fresno or Hammer Field, and that no passengers be carried locally within the city of Fresno.

The above order also authorized City Lines to establish an automotive passenger stage service between the city of Fresno and Hammer Field as an extension and enlargement of its operative rights without any territorial restrictions.

Both parties, in their operations between the city of Fresno and Hammer Field, traverse the same route along Fresno Avenue and Shields Avenue. City Lines can pick up and discharge passengers at any point along the entire route, whereas Moyers can carry passengers between Hammer Field and Fresno only and cannot pick up or discharge intermediate passengers.

Moyers now desires to pick up and discharge passengers in the unincorporated area between the city limits of Fresno and Hammer Field, contending that the service of City Lines is insufficient and too infrequent to care for the needs of this territory. Moyers produced evidence that he had sufficient capacity to handle the traffic offered and produced witnesses who stated that they preferred his service to that of City Lines.

City Lines contended that it is performing sufficient service to handle all traffic offered, and produced traffic counts to show the number of passengers handled on its buses from and to the territory involved (Exhibit No. 4). This count covered a 15-day period in May

1945 and shows that on the maximum day 115 passengers and on the minimum day 49 passengers were carried in and out of the territory involved. The time schedules (Exhibits Nos. 2 and 3) show that between the hours of 5:00 a.m. and 2:00 a.m. (21-hour period) Meyers operates 41 round trips and City Lines operates 31 round trips. The record indicates that each carrier has capacity to handle the traffic presenting itself. The territory involved is none too thickly populated and we are convinced it could not, of itself, support the amount of service provided by either carrier.

Under the present arrangement patrons have the advantage of transferring to the various lines of City Lines. In the event the request of Meyers is granted, these persons would have to pay an extra fare to enjoy citywide service.

A review of the entire record in this proceeding leads to the conclusion that public convenience and necessity do not at the present time warrant the granting of this second supplemental application and it will therefore be denied.

O R D E R

A public hearing having been held and the matter having been submitted;

IT IS HEREBY ORDERED that Second Supplemental Application No. 24297 is denied.

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

Dated at San Francisco, California, June 26 1945.

Richard Culver
Justice J. G. Griffin
Richard Kach

James H. Rainey
Commissioners