

Decision No. 38469

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
James C. Kelly and Thomas F. Thompson, )  
Co-partners, doing business as RED TOP ) Application No. -26872  
CAB. CO., to remove restrictions on )  
route serving U. S. Naval Air Base. )

Aaron Glickman, for applicant.

C. W. Anderson, for Motor Street Car Service,  
Inc. protestant.

BY THE COMMISSION:

O P I N I O N

James C. Kelly and T. F. Thompson, partners, are conducting a passenger stage service between Santa Rosa and a United States Naval Air Base, and intermediate points, subject to a restriction that no passengers may be picked up or discharged at any point easterly of the junction of Avalon Avenue and Sebastopol Avenue, except passengers having point of origin or point of destination westerly of such junction. In the above entitled application, as amended, applicants request that such restriction be removed. They also request a slight modification of that portion of their present route near the Santa Rosa terminus. Motor Street Car Service, Inc. a passenger stage corporation, opposes the request for removal of the restriction.

A public hearing thereon was had before Examiner Paul at Santa Rosa on November 15 and 16, 1945, and the matter was submitted.

In support of the authority requested, applicant relies,

in part, upon the asserted needs of the employees of the Bridgford Company which processes and freezes fresh foodstuffs at its plant which is located near Sebastopol Avenue in the southwesterly portion of Santa Rosa. Evidence adduced from the testimony of the general manager of this plant shows that it began operation during the latter part of June, 1945. Its peak season of operation is during the months of June, July, August and September. The plant is designed for eleven months operation during the year. During the peak season it uses about 700 employees. During the remainder of the season the crew would be reduced to between 250 and 300 employees. The plant has been operating on two shifts, one from 7:00 a.m. to 4:30 p.m. and the other from 4:30 p.m. to 2:00 a.m. At the present time the plant is operating on a temporarily reduced plan between seasons, with only a day shift crew of about 100 employees. It is anticipated that normal off peak operations will be resumed during December when winter crops are available for processing.

The testimony of the general manager of this plant was, in substance, to the effect that at no time has the service of the present carrier to and from his plant been satisfactory, with more particular reference to those times when employees are coming on or going off shift. His plant is dependent upon the local population for labor. The witness stated that many prospective employees did not accept employment because of lack of transportation. He further stated that he had consulted with the present carrier in regard to providing service for the employees, particularly for transportation from the plant of the workers going off the 2:00 a.m. shift. Such consultation was unsatisfactory, chiefly upon the basis that the present carrier could not provide the desired transportation for the latter group of employees. This

witness stated that about 30 private cars were used by employees on the night shift. It was his opinion about one-half of this group used taxicabs. The remainder, which he estimated to be about 85 employees, walk home. He also stated that two lists of employees were furnished the carrier to assist it in establishing the desired service. The only other evidence adduced to show any need for improved service for the plant was that of one of its employees who had interviewed approximately 90 of the 100 workers presently employed. This witness stated that of the employees whom he interviewed about 50 could use public transportation. However, an exhibit submitted through him shows that approximately one-half of the employees indicated that they are satisfied with the present service. About 77 per cent of the employees so questioned reside at points available to public transportation.

Other evidence was adduced through public witnesses who stated they would avail themselves of applicant's service between their homes and Santa Rosa if the requested authority is granted. Their testimony, in general, was to the effect that they are now required to walk distances varying from one block to something less than one-fourth mile to use presently available service.

James C. Kelly, one of the applicants, stated that he had received a request from the Bridgford Company to provide service to and from the plant. He also stated that he had received complaints from passengers that his drivers had refused to pick them up within the restricted zone. He stated that he now has a schedule leaving the Naval Air Base at 1:30 a.m. which, in his opinion, could be used to serve the Bridgford plant off-going 2:00 a.m. shift. If such schedule were insufficient an additional schedule would be established. This witness stated that the

personnel at the Naval Air Base is being reduced; that there has been a decrease of about 160 passengers a day which he has transported to and from the Base due to such curtailment of personnel; that there is a probability that such personnel will be further reduced to about 75, in the near future, in which event he would be compelled to reduce the service so drastically that it might become unsatisfactory to others presently using it. In his opinion, therefore, it is essential that the restriction be removed so that he can obtain additional traffic from the presently restricted zone to off-set his expected loss of traffic to and from the Naval Air Base.

Protestant contends that it is providing a fully adequate service over its present routes as well as to and from the Bridgford Company plant. It introduced evidence to show that it established a special schedule for the Bridgford employees going to work at 7:00 a.m. Such schedule arrives at the plant about 6:55 a.m. This special service was established on August 31, 1945, and picks up passengers in the northerly, northwesterly, westerly and southern portions of Santa Rosa and points intermediate to such areas and the plant. It was shown that this schedule had operated 58 days between August 31 and November 9, 1945, and transported a total of 677 passengers to the plant. The least number of passengers transported on one trip of this special schedule was two passengers and the largest number was 22 passengers. There were only two trips on which 22 passengers were transported. The average load for the period was 11.67 passengers. The equipment used on this special service is a twin-coach with a seating capacity of 22 passengers and a standee capacity of 10 to 15 passengers. The evidence shows that protestant is operating 45 round-trip schedules

daily, except Sundays and principal holidays, over its Route No. 4, the westerly terminus of which is within about one block of the Bridgford plant. These schedules are operated between 7:30 a.m. and approximately 10:00 p.m. These are in addition to the special service above referred to. According to the record, 2,372 passengers were transported over Route No. 4 during the first seven days of November, the daily average being 339 passengers.

On Route No. 4, which serves the Bridgford plant, protestant uses two drivers who have been operating this route for a considerable period of time. The only shift change which either of these drivers serve is at 4:30 p.m. One of them stated that from July 1, 1945, to date seven passengers was the largest number that got off his bus at the Bridgford plant terminus. During the same period, two passengers was probably the largest number that boarded his bus at such terminus. This witness stated that during this time he had not observed any difference in the volume of travel to and from this terminal. He arrives and departs therefrom a few minutes prior to the 4:30 p.m. shift change. The other driver stated that among the schedules which he drives one arrives and departs from the Bridgford plant terminal at approximately 4:37 p.m. On this trip not to exceed five passengers debarked at the Bridgford plant terminal and on the return he generally transported from 10 to 12 passengers. Fourteen passengers was the largest number he transported on the return trip. On this schedule both going and return, all passengers were able to obtain seats. He transported no standees. The equipment he drives has a seating capacity of 14 passengers and available room for six standees.

After careful review of all the evidence in this proceeding, it is our conclusion that the showing made is insufficient.

to establish that there is a public need for additional transportation service along that portion of applicants' route where they are prohibited from providing local service. The record clearly discloses that the present service of protestant is reasonably adequate to meet the public demands, with the possible exception of some of the employees of Bridgford Company going off shift at 2:00 a.m. It appears that most of these employees are obtaining rides with fellow employees, or walking to their homes, while those living at more distant points use taxicabs. It is clear from the record that even though the request of applicant were granted, most of those passengers now using taxicab service would still be required to use such cabs from the central portions of Santa Rosa to their homes if beyond a reasonable walking distance. Based upon the evidence in this record, we find that applicants' request for a removal of the restrictions must be denied. Such will be the order. The request for a slight modification of the route will be authorized.

O R D E R

A public hearing thereon having been had; evidence adduced; the matter submitted and the Commission being fully informed therein,

IT IS ORDERED:

(1) That applicants' request for a removal of the restriction in their operative right between Santa Rosa and the United States Naval Air Base, and intermediate points, as set forth in the order of Decision No. 37683, is hereby denied.

(2) That the route of operations described in service regulation 3 of part (5) of the order of said Decision No. 37683 is hereby amended to read as follows:

"Beginning at the intersection of 3rd Street and A Street (Santa Rosa), thence along 3rd Street, Hinton Street, 4th Street, A Street, South A Street, Sebastopol Avenue, Wright Road and Finley Avenue to its junction with Sebastopol Avenue."

(3) That in all other respects Decision No. 37683 shall remain in full force and effect.

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

Dated at San Francisco, California, this 10<sup>th</sup> day of December, 1945.

[Signature]

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COMMISSIONERS