

Decision No. 42026

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
MARTIN J. KILKENNY, doing business)
as A-1 CHARTER LINE, for certificate)
to operate a direct bus service, as)
a common carrier, between Vallejo)
and pedestrian entrance to grandstand)
Golden Gate Fields Race Track, Albany,)
California, and return.)

ORIGINAL

Application No. 29500

MARTIN J. KILKENNY, in propria persona.
DOUGLAS BROOKMAN, for Pacific Greyhound Lines, protestant.

O P I N I O N

This is an application by Martin J. Kilkenny, doing business as A-1 Charter Line, for a certificate of public convenience and necessity to operate a bus service, as a common carrier of passengers, between Vallejo and the Albany Race Track, commonly known as Golden Gate Fields Race Track. A public hearing was held before Examiner Gannon in San Francisco, on August 27, 1948.

Applicant proposes to institute a transportation service for the accommodation only of persons desiring to attend the races at said race track, during the period September 14 to October 30, 1948. A one-way fare of 65 cents and a round trip of \$1.20 are proposed. The distance between the points is approximately 19 miles.

The applicant testified that he owned one twin coach model bus accommodating 41 passengers, which he would drive himself. For a time last year he operated a similar service to Bay Meadows but was unable to state whether such operation was a profitable or losing venture. No cost or revenue estimates were submitted by applicant for the service which he now proposes.

The application was protested by Pacific Greyhound Lines which has tariffs on file with the Commission issued August 4, 1948, effective during the racing period, and naming a round trip fare of \$1.00 between its Vallejo terminal at York and Sonoma Streets into Golden Gate Fields Race Track grounds at Albany, and return.

The record herein shows that both applicant and protestant offer a service to the main gate of the track; that protestant has available all the buses that may be required for this special service; that it offers a round trip fare between Vallejo and Golden Gate Fields Race Track of one dollar, including tax, as against applicant's fare of \$1.20, and that there exists no need for any additional service of the type proposed.

In view of these facts the applicant stated that should the Commission grant him a certificate it would involve him in a losing business. He stated that "under the circumstances I believe the decision of the court (Commission) should be that we be denied, unless the State wants us to lose money."

We are of the opinion, and so find, that the application should be denied, and it will be so ordered.

O R D E R

A public hearing having been held in the above-entitled proceeding, the matter having been submitted and the Commission being fully advised,

IT IS ORDERED that Application No. 29500 of Martin J. Kilkenny for a certificate of public convenience and necessity to

operate a passenger stage service between Vallejo and Golden Gate Fields Race Track be and it hereby is denied.

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

Dated at San Francisco, California, this 3rd day of September, 1948.

R. B. Johnson
Justice J. Callahan
Samuel Potter

Commissioners