

Decision No. 42480

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

BAY AREA TRANSPORTATION LEAGUE, INC.,  
a corporation,

Complainant

vs.

Case No. 4964

KEY SYSTEM TRANSIT LINES, a corporation,

Defendant.

DONAHUE, RICHARDS, ROWELL & GALLAGHER by FRANK S.

RICHARDS, for Defendant.

CLARENCE E. RUST, for Complainant.

LT. COLONEL CHARLES D. PENNIMAN, for San Francisco  
Port of Embarkation, interested party.

HAROLD R. HILL, for Twelfth Naval District, interested  
party.

#### O P I N I O N

Bay Area Transportation League, Inc. complains and alleges that Key System Transit Lines operates its passenger transportation system in an inefficient and unimproved manner in twenty-one specified respects. These charges can be grouped roughly into four general categories:

1. The probable payment of excessive prices for management, equipment and supplies; the probable employment of an unduly large number of general officers, consultants and office employees; large donations to groups having nothing to do with transportation, and failure to make full use of existing facilities, resulting in increased operating costs and higher rates of fares than those charged by other transportation companies for similar services.

2. Violations of the safety rules and regulations of the Public Utilities Commission by failing to provide seats for every

passenger; by transporting excessive standees; by permitting operators to collect fares while vehicles are in motion, and by failing to provide emergency doors on the left side of buses operated in transbay service, and to provide adequate ventilation of vehicles.

3. Failure to provide adequately for the convenience and safety of defendant's patrons by making stops at certain designated points; by refusing to establish certain other stopping points; by restricting in some cases and in other cases prohibiting the issuance of transfers; by failing to provide shelters for patrons of certain lines, and by the manner of assessing and collecting charges for transportation.

4. Failure of defendant to comply with its alleged duty in regard to the appeals of certain Federal and State officials and public bodies concerning conservation of petroleum products, and failure to comply with local laws.

This proceeding was set for hearing on August 12, 1948, with Application No. 29434, in which Key System sought certain fare increases. At that time it was ordered that the evidence produced in the rate proceeding could be considered in connection with this proceeding. Thereafter the complaint proceeding was adjourned to a separate date and was heard before Examiner Paul in the City of Oakland on September 13, 1948. At the request of complainant the matter was heard on the evening of that date when the matter was submitted.

At the hearing defendant renewed a previously filed written motion to strike seven specified allegations "on the grounds that said allegations are sham based upon misstatements of the law and are intended merely for delay".

Oral and documentary evidence was produced by the president, vice president and secretary of the complainant corporation. Two other witnesses called by complainant testified that they frequently rode in buses operated by defendant on certain of its lines; that said buses were improperly heated and ventilated; that at times the buses were overloaded and operated at speeds asserted to be excessive; that stops were made to unload passengers to the inconvenience of other passengers; that defendant permitted insanitary conditions to prevail on its equipment and that defendant failed to establish stops, other than the terminal stops, within the City of San Francisco for the convenience of its patrons.

The officers of complainant testified in substance that defendant failed to issue transfers to passengers in transbay service whether requested or not; that defendant failed to utilize fully its rail facilities and otherwise did not provide a service satisfactory to defendant's patrons. The principal testimony was that of the secretary of complainant, Mr. River, who asserted that fares charged by defendant were in excess of those of other carriers serving between other points; that if it were unsafe for other carriers to transport standees it would likewise be unsafe for defendant to so transport standees, and that defendant should be required to establish shelters for its patrons. He also testified as to other matters irrelevant to this proceeding. This witness expressed criticism of the manner in which the officials of defendant conduct its business and operations and objected to the amounts paid for certain executive and other services furnished to defendant.

Upon the record made it is evident that complainant has failed to substantiate any of the charges made in its complaint. No evidence whatever was offered upon many of the allegations made,

and as to the remainder no substantial evidence was produced. There is no direct evidence that defendant pays excessive prices for management, equipment and supplies, or employs an excessive number of general officers, consultants or general office employees. Nor did complainant introduce any evidence with regard to the allegation of non-compliance by defendant with the Commission's safety rules respecting the use of equipment without emergency exit doors. However, as a result of the latter allegation the Commission has reviewed the safety reports rendered by its staff which show that defendant does operate equipment in compliance with the Commission's safety rules and regulations. It should be noted in this connection that defendant, with respect to its motor coach operations, has been authorized to comply with the rules and regulations of General Order No. 93-A which apply to urban service. (Decision No. 33739 issued December 17, 1940, in Case No. 3963).

Upon a full review and consideration of all the evidence of record it is found as a fact that complainant has failed to support the allegations contained <sup>in the Complaint.</sup> ~~therein~~. Therefore the complaint will be dismissed.

In view of such action there is no need to discuss the motion of defendant to strike certain allegations of the complainant.

## O R D E R

A complaint as above entitled having been made, a public hearing had thereon, the Commission being fully advised in the premises and based upon the finding set forth in the foregoing opinion,

IT IS ORDERED that the complaint in Case No. 4964 is hereby dismissed.

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

Dated at San Francisco, California, this 1st day of February, 1949.

R. B. Zimmerman  
Justice J. Cassius  
Justice F. H. L. L.  
Harold P. Kula  
Commissioners