

ORIGINAL

Decision No. 42831

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ANTONE AIELLO, doing business as GROVE TAXI,)
FRANK AIELLO, doing business as FRANK'S LUCKY)
CAB, NENO BARRACO, doing business as PETE'S)
TAXI, RATZI BONNANO, doing business as RATZI'S)
INDEPENDENT CAB, FRANK BRUNO, doing business as)
FRANK'S TAXI, JOSEPH T. GONZALES, doing business)
as VICTORY CAB, FRANK LISTRO, doing business as)
LUCKY CAB, JOSEPH MERCURIO and S. F. ENEA, a)
partnership, doing business as MURPHY'S TAXI,)
PHILIP J. MIKLICH, doing business as MICK'S CAB,)
ANTHONY SCHILLACE, doing business as MISSION)
CAB, VINCENT SCOTTO, doing business as VETERAN'S)
CAB, NICK MERCURIO, doing business as NICK'S)
LUCKY CAB, and ANTHONY VIENNA, doing business as)
TONY'S TAXI,)

Complainants,

vs.

Case No. 5171

NENO COBISENO, doing business as COPIE'S TAXI,)
NENO RUSSO, doing business as ACE TAXI, DOMINIC)
K. VINCE, doing business as G. I. TAXI, JULIO)
QUESADA, doing business as JAY-QUE TAXI, FRANK)
LOMBARDO, doing business as HOPPY'S TAXI, FRANK)
CANEPA, doing business as LOU'S TAXI, W. V.)
HODGES, doing business as VISTA TAXI, PAUL)
RAZZUTO, doing business as OWL TAXI, AQUILINO)
NAVES, doing business as NAVE'S TAXI, MANUEL)
FERNANDEZ, doing business as GRAY TAXI, ROBERT)
BUNDY, doing business as SEDAN TAXI COMPANY,)
FRANK ROBERTS, doing business as ANTIOCH CAB)
COMPANY,)

Defendants.

Judson and Judson for complainants.
Matthew S. Walker and Mortimer B. Veale for defendants,
Neno Cobiseno, Neno Russo, Dominic K. Vince, Julio
Quesada, Frank Lombardo, Frank Canepa, W. V. Hodges,
Aquilino Naves, Manuel Fernandez, Robert Bundy;
Paul Ruzzuto in propria persona; Mary C. Roberts
for defendant, Frank Roberts;
George C. Carmody for Dennis Pettas, interested party.

O P I N I O N

The complaint herein alleges that defendants and each of

them are operating as passenger stage corporations over regular routes and between fixed termini and specifically between Camp Stoneman on the one hand and Pittsburg, Antioch, Concord, Martinez, Walnut Creek, Oakland and San Francisco on the other hand; that each of the complainants has been issued a permit by the City of Pittsburg to operate taxicabs therein; that defendant Robert Bundy has a permit to operate taxicabs in the City of Antioch only; that none of the other defendants has any permits to operate taxicabs in any of the cities mentioned; that each defendant possesses a permit from the State Board of Equalization; that none of the defendants has a certificate of public convenience and necessity from this Commission to operate as a passenger stage corporation.

The defendants admit the allegations relative to the permits that have and have not been issued to each complainant and to each defendant, and generally deny all the rest of the complaint.

A public hearing was held in Martinez on January 25 and 26, 1950, before Examiner Gillard, and the matter submitted for decision.

The record shows that Camp Stoneman, a military reservation of about 1800 acres, is bounded on the North by California Avenue in the City of Pittsburg, and on the East by a county road called Railroad Avenue. It is approximately one-half mile from the main gate of the Camp along Railroad Avenue going north to the Pittsburg city limits at California Avenue, and the most direct route from that main gate to the center of Pittsburg's business district is along Railroad Avenue.

Camp Stoneman is a Replacement Depot, and at the present time its average daily population is about 3500 soldiers. The great majority of these are either just going overseas, or have just returned from there, and their average stay at Camp Stoneman is less than one month. Taxicab service for this mobile population was restricted by the Commanding Officer on January 16, 1950, to taxicabs operated by ten of the defendants herein, and military permits to operate within the camp were denied to all others, including all the complainants and defendants, Paul Razzuto and Frank Roberts. Counsel for complainants during the hearing moved to dismiss as to these two defendants on the ground of insufficient evidence, and the motion will be granted. The term "defendants" as hereinafter used will therefore refer only to the ten remaining defendants.

As the result of the military permits issued only to defendants, and Pittsburg city permits issued only to complainants and others than defendants, soldiers desiring to use taxicabs between the Camp and Pittsburg can use only the cabs of defendants when going from Camp, and can use only the cabs of complainants and others than defendants when going from Pittsburg.

Operation of taxicabs within the Camp is controlled by orders issued by the Commanding Officer, which provide that cabs may park at the main gate at Grant Drive near Railroad Avenue and at a taxi stand at 15th and Grant Drive; may cruise and pick up or discharge anyplace along Grant Drive, and may pick up and discharge in eight designated areas of the Camp, which areas constitute the main centers of camp activity. In the taxicab stand at 15th and Grant Drive, defendants have installed a telephone which is connected with the main camp switchboard, thus permitting phone

calls to the cab stand from any point in camp.

The operations of each defendant, except Robert Bundy, are similar and will be discussed together. Each of these nine defendants owns one five passenger vehicle, painted a distinctive color, with a fictitious name (e.g. Copie's Taxi) and a telephone number painted on each side, and a customary "taxi" sign on the top. Five or six use the telephone number of "Angelo's Drive-in" and the rest that of "La Fiesta", each of which places is outside the limits of Pittsburg. These nine cabs rotate between the stands at 15th and Grant Drive, the main camp gate, and Angelo's or La Fiesta. Each cab operates a majority of the time from the stand at 15th and Grant Drive. Most of the fares picked up at the main gate are destined to points within the camp itself. Some business is developed from Angelo's and La Fiesta, either while the cabs are parked there, or by means of telephone calls relayed to the taxi stand in the camp. Most of the business of these defendants develops at that taxi stand, with prospective passengers contacting the drivers either in person or by telephone. Some fares are picked up by cruising along Grant Drive. Most of the soldiers are destined to the business district in Pittsburg, and specifically to bus depots, train depots, theaters, bars or night clubs. Other trips are made with much less frequency to places outside Pittsburg's city limits, and to each of the cities herein-above named. Fares are charged on a trip basis regardless of the number of passengers, if all passengers are discharged at the same point; additional fares are charged to destinations beyond the first stop. A cab may be hired by one passenger only, or by any number in a group up to five.

Robert Bundy owns four cabs, each of which carries permits from the City of Antioch, Camp Stoneman and the State Board of Equalization. Most of his revenue (60% to 75%) develops in Antioch and from there trips are made in every direction. Two of his cabs are always in Antioch; one is usually located at Camp Stoneman; the fourth cab is in either place, depending upon the demands of business. The cabs do not have fixed assignments, but alternate between the two places. Most of the fares picked up in Camp are destined to Pittsburg, although there is some business to other cities.

Camp Stoneman, as stated herein, is a federal military reservation, and the military authorities may exclude any operator therefrom. Complainants and defendants perform similar services between the gate at Camp Stoneman and surrounding territory, except that complainants operate to the Camp and defendants render service therefrom. It is obvious that here an attempt is being made by one group to eliminate or harass a competitive group by invoking the aid of this Commission in what is essentially a private dispute.

Defendants apparently operate what may be characterized as a charter car service and assess fares on a group basis to destinations and over routes indicated by the riders. The record herein does not warrant a finding that defendants are operating as passenger stage corporations within the meaning of the Public Utilities Act. Therefore the complaint will be dismissed.

O R D E R

A public hearing having been held, and based upon the

evidence adduced and the findings and conclusions set forth in the opinion,

IT IS ORDERED:

That the complaint be and it is hereby dismissed as to all defendants.

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

Dated at San Francisco, California, this 14th day of February, 1950.

Q. T. Anderson
Justice J. Cassien
James H. [illegible]
Harold P. Kido
Frederick Patten
COMMISSIONERS