

Decision No. 45192

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application	)
of MARIO LUCIDO, an individual doing	)
business under the name of MARIO'S	)
SERVICE, for certificate of public	) 3rd Supplemental Application
convenience to operate passenger	) Application No. 25553
service between City of Pittsburg	)
(399 Black Diamond Street) and Camp	) "To designate bus stop on
Stoneman and Pittsburg Replacement	) Railroad Avenue, Pittsburg,
Depot.	) Contra Costa County, Calif."

George Carmody, for applicants.  
Judson & Judson by Joseph L. Judson, for Dennis Pettas,  
protestant.

O P I N I O N

By Third Supplemental Application No. 25553, Mario Lucido, doing business as Mario's Service, Pittsburg, requests the Commission to designate a bus stop for applicant on Railroad Avenue in Pittsburg.

By Fourth Supplemental Application No. 25553, Mario Lucido and the partnership of Salvatore J. Mayjoffe and Vincent P. Billeci request that the partners be substituted in the place and stead of Mario Lucido as applicants in Third Supplemental Application No. 25553. This substitution is sought by reason of the fact that the partnership of Mayjoffe and Billeci was authorized by the Commission to acquire from Mario Lucido the latter's passenger stage operative right created by Decision No. 36390 in Application No. 25553 (Decision No. 44909, October 17, 1950, Application No. 31813). The substitution of the parties as requested will be authorized.

A public hearing on these proceedings was had before Examiner Paul at Pittsburg on October 23, 1950, and the matter was submitted.

The verified application of Mario Lucido states that it is no longer practicable to use the northeast corner of East 4th Street

and Black Diamond Street as the Pittsburg terminus, as he had leased his service station at that corner, which can no longer be used in connection with the operation of his buses. The application states that after loading passengers at East 4th Street and Black Diamond Street it is required to operate buses in reverse motion southerly along Black Diamond Street to and across East 4th Street, and thence proceed in forward motion along East Fourth Street, and thence along the regular route. This, so the application asserts, constitutes a traffic hazard. These are the reasons for applicants' request that the Commission designate a bus stop on Railroad Avenue. To grant this request would require definition of a new routing. The application describes no proposed routing. At the hearing counsel for applicants suggested that they be authorized to continue northerly along Railroad Avenue to its northerly terminus, where applicants would make a turn-around and proceed southerly along the same street.

Mario Lucido testified that buses moved northerly from Camp Stoneman along Railroad Avenue to East 5th Street, thence westerly along East 5th Street, to Black Diamond Street, thence northerly to witness' service station at the northeasterly corner of East 4th Street and Black Diamond Street, where a right-hand turn was made on the service station property and passengers were discharged and picked up. The buses then moved through the service station into East 4th Street and proceeded easterly to Railroad Avenue, thence southerly along the regular route to Camp Stoneman. According to the witness this service station property has a frontage on East 4th Street and East Diamond Street of approximately 100 feet each. The route of this operation as authorized by Decision No. 36390 begins at the northeast corner of East 4th Street and Black Diamond Street, thence east on East 4th Street to Railroad Avenue, thence south on Railroad Avenue to Camp Stoneman. At the termini of this route the vehicles may be

turned either in the intersection of the street or by operating around a block contiguous to such intersection.

On June 12, 1950, witness Lucido applied to the City Council of Pittsburg for authority to utilize a bus stop at either East 3rd Street and Railroad Avenue or East 4th Street and Railroad Avenue. Both requests were denied. Prior to the date of that request drivers of witness Lucido had been issued 10 citations dated June 6, 1950 and one citation dated June 7, 1950, for stopping buses at the intersection of East 3rd Street and Railroad Avenue. The stops were made on the west side of Railroad Avenue and the north side of East 3rd Street, while southbound. The witness stated that at the trial on these citations they were dismissed. The evidence of record shows that at the time of issuance of these citations buses had been operated from Camp Stoneman northerly along Railroad Avenue to its terminus north of East 2nd Street, where a turn-around was made, the buses then returning southerly on Railroad Avenue.

Witness Lucido stated that he had negotiated with a representative of the Southport Land and Commercial Company to use certain of its properties at the northerly end of Railroad Avenue for layovers of buses between schedules but no agreement was consummated. The witness also stated that there was no other available location for such layovers in the vicinity of East 4th Street and Black Diamond Street, the present terminus of the route.

Witness Billeci stated that he and his partner Mayjoffo had taken over the operation from Lucido on October 19, 1950, and gave testimony similar to that of witness Lucido with respect to a place to lay over between schedules. This witness indicated a desire to discontinue operations over East 4th Street and in substitution thereof to operate over Railroad Avenue from East 4th Street to the

northerly terminus of Railroad Avenue, and expressed the opinion that operation over Railroad Avenue between these points would do no injury to the operation of Dennis Pettas, who operates between Camp Stoneman and the intersection of East 3rd Street and Railroad Avenue. This witness stated that he operates on a 20-minute headway along Railroad Avenue from 6:00 a.m. to 3:00 p.m., and on a 10 to 15-minute headway from 3:00 p.m. to midnight. He further stated that Dennis Pettas likewise operates at the same intervals but that the schedules of each were alternated to avoid running at the same time.

Mrs. Mario Lucido testified that Salvatore J. Mayjoffo and Vincent P. Billeci would not be deprived of use of Lucido's service station for layovers but would be required to pay for the use thereof.

No direct evidence was produced by protestant Pettas. Cross-examination of the applicants' witnesses developed the fact that protestant is apprehensive that if applicants were permitted to change the route so that they could use Railroad Avenue in their operations it would produce a competitive situation which would be detrimental to the operations of protestant. It was also shown that in the past there have been times when the buses of each of the carriers competed actively in arriving at bus stops in order to pick up waiting passengers. Cross-examination of applicants' witnesses also showed that much of their traffic has its origin and destination along Black Diamond Street in the vicinity of applicants' present terminus at East 4th Street and Black Diamond Street.

A review of the evidence at this proceeding shows that Mario Lucido, in fact, desires to change the terminus of the operation involved from East 4th Street and Black Diamond Street to some other location, to place him in a better position to execute a lease on his service station property at that intersection. The record

further shows that several months before filing this application, he entered into tentative arrangements to lease the property but no lease was executed. Subsequent to that time and about three or four months prior to the hearing, negotiations were entered into with other parties to lease the property, which have not been concluded. According to the evidence, the present owners of this operation, Mayjoffo and Billeci, may continue to use the service station of Mario Lucido as long as he retains control of that property. It also shows that there is sufficient curb room at the northeast corner of East 4th Street and Black Diamond Street for stops to pick up or discharge passengers, arrangements for which should be made with officials of the City of Pittsburg. Because of their familiarity with local traffic conditions the officials of the City of Pittsburg are better able to and can more appropriately determine whether applicants may use the streets of the city for terminal facilities and where bus stops should be designated which may be used for the purpose of picking up and discharging passengers within the city. Further examination of the record shows that applicants failed to show that public convenience and necessity require any change in the route presently operated and, in fact, there is no request in the application for a specific change of routing. Based upon the evidence of record, the Commission finds that the application should be denied.

O R D E R

An application having been filed requesting the Commission to establish certain bus stops, a public hearing having been had thereon, and based upon the conclusions and findings contained in the opinion hereof,

IT IS ORDERED that S. J. Mayjoffo and V. P. Billeci be and they are hereby substituted in the place and stead of Mario Lucido

in Third Supplemental Application No. 25553.

IT IS FURTHER ORDERED that Third Supplemental Application No. 25553 is hereby denied.

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

Dated at San Francisco, California, this 27<sup>th</sup> day of December, 1950.

R. Z. Indurain  
James F. Casner  
W. H. Powell

Kenneth Potter  
Commissioners