

Decision No. 46247

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of NEWTON PASSENGER TRANSPORTATION) Application No. 32674
COMPANY, INC., a corporation, to)
remove restrictions.)

Francis X. Vieira, for applicant.
Jones, Lane, Weaver and Daley, by Gilbert L. Jones,
for Stockton City Lines, Inc., protestant.
Bill Dozier, for City of Stockton, interested party.

O P I N I O N

Newton Passenger Transportation Company, Inc. herein requests that all restrictions against its local passenger stage service within the city limits of Stockton be removed. The application was filed on August 16, 1951, at which time, and continuously since July 1, 1951, all passenger stage services of Stockton City Lines, Inc. were immobilized by a labor dispute. The application alleges the need for local service by the residents of Stockton because of this situation.

A public hearing was held in Stockton before Examiner Gillard on September 12, 1951, and the matter submitted for decision.

The labor dispute involving Stockton City Lines had been settled on August 21, 1951, and full service had been restored on that date, and Stockton City Lines was in full operation at the time of the hearing herein. Apparently because of this situation, applicant during the hearing concentrated its evidence on the need for local service along its Fremont and Waterloo routes, and presented no substantial evidence relative to a similar need on its run to French Camp, south of Stockton. The latter line will therefore be disregarded in the ensuing opinion.

Eskdale Newton, the individual predecessor of applicant corporation, was granted an in-lieu certificate on November 23, 1943 (Decision No. 36715) authorizing operations between Hunter Square, in the City of Stockton, and E. Fremont Street, and Waterloo Road, subject to the restriction that no passengers could be transported whose origin and destination were both between Hunter Square, on the one hand, and the intersection of Cherokee Lane (Waterloo Road) and Wilson Way, and the intersection of E. Fremont Street and the prolongation of Locust Street, on the other hand. In the area herein involved, the easterly city limits of Stockton lie along Wilson Way. From Hunter Square, applicant's motor coaches travel easterly along E. Weber and E. Miner to Wilson Way, and northerly along Wilson Way to E. Fremont and Waterloo Road. From E. Miner and Wilson Way, northerly along Wilson Way, the distance is two blocks to E. Fremont and six blocks to Waterloo Road. Locust Street lies two blocks easterly from Wilson Way. As the result of the restriction against local service, passengers boarding applicant's motor coaches in downtown Stockton (vicinity of Hunter Square) and destined to points along Wilson Way north of E. Miner, can debark only at E. Fremont and Locust or at Wilson Way and Waterloo Road, and walk back a minimum of two and a maximum of six blocks.

The Ophir Street line of protestant Stockton City Lines parallels Wilson Way two blocks to the west, with the result that passengers using this line can reach any point along the section of Wilson Way here involved by walking two blocks.

Representatives of three businesses on Wilson Way testified on behalf of applicant. All desired that applicant's motor coaches make stops on Wilson Way, for the benefit of their customers or employees. Concerning the customers, it was stated by two of these witnesses that they were inconvenienced by having to walk two blocks

to protestant's Ophir Street line. Relative to the employees, it was stated that those who lived within the city had to walk two blocks, whether applicant's or protestant's motor coaches were used. Many had complained and some had quit because of this situation.

The principal of Jefferson Grammar School, located at Wilson Way and E. Fremont, testified that 800 pupils attended his school. There is no school bus. Most of the pupils live east of Wilson Way and are picked up and discharged by applicant right at the school. He estimated that from 20 to 80 pupils live west of Wilson Way, and that all walk to school. If they used the Stockton City Lines, they would have to walk one and one-half blocks to the school from Ophir Street. The western boundary of the school district is American Street, eight and one-half blocks from the school. He was not certain if any of these pupils would use applicant if it were authorized to stop at the school.

The rest of the witnesses presented no substantial testimony relative to the issues raised by the application.

The various situations described by the four witnesses above referred to do not establish a public need for the additional operative authority sought by applicant. On behalf of the "20 to 80" pupils of Jefferson School residing west of Wilson Way, it may be that there is a need for public transportation right to the school, but if such be the fact it does not appear on this record. The school principal was unable to testify that any of them would use the proposed service, and no other witness appeared on their behalf.

The employees of the three business concerns on Wilson Way would not be helped by applicant's proposal. Applicant's system does not cover any appreciable portion of the residential area of Stockton, hence the employees of these concerns would not be served to or from their homes by this proposal.

The testimony concerning the customers was that, to retain their trade, the business establishments had to drive them to town (after the customers had left their vehicles for repairs) because they wouldn't walk two blocks to protestant's Ophir Street line. It is not reasonable to assume that the great hurry of these patrons to reach downtown destinations is going to be solved by applicant's motor coaches, which operate on 15- and 30-minute headways during various periods of the day.

The record clearly indicates that a large portion of the trouble experienced by applicant is due to the fact that passengers who board its motor coaches within the city and want to be discharged within the city, cannot be thus accommodated. However, applicant at no time has put any signs on the exterior of its motor coaches to indicate that local service cannot be rendered, and such passengers are thus misled in their expectations of service.

Upon careful review of the record, we are satisfied, and we find, that public convenience and necessity do not require approval of this application.

O R D E R

Public hearing having been held in the above-entitled proceeding, and based upon the conclusions and findings set forth in the foregoing opinion,

IT IS ORDERED that the application be and it is hereby denied.

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

Dated at San Francisco, California, this 2nd day of October, 1951.

R. T. Zimmerman
President
Justus D. Caswell
Harold P. Kule
Robert L. Mitchell
Commissioners