

**ORIGINAL**Decision No. 49948

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)  
 GEORGE E. FERRIS, LYLE C. SCOTT, )  
 CLARENCE E. WILLIAMS, copartners, )  
 for certificate of public conven- )  
 ience and necessity to operate a )  
 passenger stage service between )  
 Moffett Field, California and )  
 San Jose, California. )

Application No. 35030

Harry N. Grover, for applicants.  
Douglas Brookman, for Pacific Greyhound Lines,  
 protestant.  
F. Elmer De Bevoise, for U. S. Naval Air Station,  
 Moffett Field, interested party.  
Charles E. Bridgett, for the Commission's staff.

O P I N I O N

The applicants, three in number, as partners wish to establish a passenger stage service between San Jose and the United States Naval Air Station at Moffett Field. Public hearing of the application was held before Examiner Power at San Francisco on March 19, 1954. The established carrier in the field, Pacific Greyhound Lines, called "Greyhound" herein, protested the application while a representative of the Naval installation appeared as an interested party. The Commission's staff was also represented. After testimony and exhibits were presented, the matter was argued orally and submitted.

The proposed service is not, strictly speaking, a "bus" service. It is to be a "jitney" service. The vehicles to be used would be seven-passenger pleasure cars with an extra jump seat in back. Vehicles of the type described will accommodate eight paying passengers beside the driver.

Jitneys have been in use in San Francisco for many years. They have been able to successfully compete with mass transportation facilities there even though, in recent years at least, their fares have been higher. One line in particular, mentioned in evidence here, runs from the Hunter's Point Naval Shipyard to 3d and Market Streets nonstop. The fare is 25 cents. The mass transportation facility over the competitive route charges only 15 cents but makes frequent stops.

All three applicants testified in favor of their application, the principal witness being Mr. Ferris. Protestant's superintendent of transportation and a representative of the Navy also testified.

At the outset it should be noted that in order to grant the certificate here requested, we must find that the requirements of the last sentence of Section 1032 of the Public Utilities Code have been met. That sentence reads as follows:

"The Commission may, after hearing, issue a certificate to operate in a territory already served by a certificate holder under this part only when the existing passenger stage corporation or corporations serving such territory will not provide such service to the satisfaction of the Commission."

It is our opinion that the language quoted raises certain requirements. The service offered must be a reasonable one which the established carrier might properly be requested to provide. Then in some way, the desire for such a service must have been made manifest to the established carrier.

The applicants here have shown an adequate net worth. They possess sufficient vehicles to at least institute the service they propose. They are all experienced and capable jitney operators, their respective experience being two years in one case, nine years in another, seven to eight years in the third.

The rate proposed by applicants is a straight one-way fare of 50 cents. Their chief witness stated that they might later consider a scrip book rate, perhaps 12 rides for five dollars or some similar reduction. For comparison purposes, the Greyhound fares are 30 cents one way and 55 cents round trip between these points. These rates apply from stops located on U. S. Highway 101 Bypass (Bayshore Highway) about one-half mile from the main gate of the station.

*2.7.2* Applicants propose to operate between 4 p.m. and 8 a.m. only. These ~~curious~~ <sup>unusual</sup> hours were adopted because they are the liberty hours of enlisted personnel. There is little hope of patronage from other sources. Upwards of 90 per cent of the civilians on the base have their own cars. Nothing appears in the record about officers; perhaps they also have cars or the use of cars. Applicants propose 20-minute headways. When hired drivers are used they will be paid by an arrangement similar to the San Francisco taxi agreement.

The Navy representative stated that the proposed service would be "desirable"; that he thought there was a need for it but could not say there was a public necessity for it. The enlisted personnel, it seems, now rely mainly on hitchhiking. The Navy does not approve of hitchhiking but the practice persists.

*2.7.2* Greyhound presented its superintendent of transportation as a witness. This witness testified that Greyhound has a company policy of providing any service to defense installations that the military authorities ~~feel~~ <sup>deem</sup> necessary. He went on to say that a request for service in the area here involved should come from the office of the transportation officer of the 12th Naval District. No such request has been received by Greyhound.

This witness presented an Exhibit (No. 6) showing results of an experimental service maintained by Greyhound for a period of about a month in the summer of 1951. Four round trips daily were operated from July 18 to 31. An additional round trip was added on August 1 and the five round trips continued until August 15 when the service was discontinued. In all, 190 schedules in both directions were operated and 208 passengers carried an average of just over one passenger per schedule.

Applicants counter this evidence with the contention that the experiment involved bus service not the type of operation that applicants propose to offer.

Be that as it may, however, we cannot say on the basis of this record that Greyhound, in the language of the statute, " \* \* \* will not provide such service to the satisfaction of the Commission." It follows that the application must be denied.

O R D E R

An application having been filed, public hearing having been held thereon, and the record having failed to establish that public convenience and necessity require the proposed service,

IT IS ORDERED that Application No. 35030 be and it is hereby denied.

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

Dated at San Bernardino, California, this 20th day of April, 1954.

R. J. [Signature]  
 President  
James J. Callahan  
Frederick Pottel  
John C. [Signature]  
Gene [Signature]  
 Commissioners