

ORIGINALDecision No. 49949

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 JOSEPH J. DOHNALEK, LOUIS W. KLEASNER)
 and WILLIAM H. LANDRY for certificate)
 of public convenience and necessity)
 to operate a bus line between Marine)
 Corps Training Center and Twentynine)
 Palms.)

Application No. 35032

In the Matter of the Application of)
 JOHN C. HASTIE, dba 29 Palms Stages,)
 for a certificate of public conven-)
 ience and necessity to operate an auto-)
 mobile scheduled passenger bus service)
 as a highway common carrier for the)
 transportation of passengers, baggage)
 and express, between Four Corners,)
 Twentynine Palms, California, and)
 Twentynine Palms Marine Corps)
 Artillery Base at Deadman's Drylake,)
 California, and surrounding points,)
 and between Twentynine Palms Marine)
 Corps Artillery Base at Deadman's)
 Drylake, California and Twentynine)
 Palms Highway over any and all accessi-)
 ble highways and roads, and intermediate)
 points in connection therewith.)

Application No. 35090

Rutan, Tucker, Howell and Tucker, by H. Rodger
 Howell, for D K L Bus Company in Application
 No. 35032 and protestant in Application
 No. 35090.

Knauf, Henry and Farrell, by Robert J. Farrell,
 for John C. Hastie in Application No. 35090
 and protestant in Application No. 35032.

R. E. Thomas, for Pacific Greyhound Lines;
Albert O. King and Geo. F. Patton, for
 29 Palms Chamber of Commerce; and
Capt. Clarence H. Schmidt, United States
 Marine Corps, interested parties.

O P I N I O N

Applicants are each seeking authority to operate a
 passenger stage service between the community of Twentynine Palms,
 San Bernardino County, and the main gate of the Marine Corps
 Training Center, a distance of approximately 5½ miles. The

applications were consolidated for hearing which was held at Twentynine Palms before Examiner Chiesa. Evidence having been adduced, the matters were submitted for decision.

John C. Hastie, doing business as 29 Palms Stages, now operates a daily passenger stage service between Banning and Twentynine Palms. He requests authority to extend said service to the Marine Corps Training Center. He now uses one bus for the Banning service and will add one more, which he now owns, for the new service. His net worth is approximately \$29,000 (Exhibit D, filed with application). The present fares will not be changed. Fares between the Marine Base and Twentynine Palms will be 25 cents one way and 45 cents round trip. It is proposed by this applicant to inaugurate the service by operating five round-trip schedules between 6 a.m. and 2:05 a.m. The time and number of trips will depend on demand and public convenience. This applicant has had in excess of 15 years' experience in the operation of public bus service in the Twentynine Palms area, owns all the necessary equipment and is financially able to continue the proposed service for such period as may be necessary to determine whether it can be developed into a compensatory operation.

Applicants Joseph J. Dohnalek, Louis W. Kleasner and William H. Landry, doing business as D K L Bus Company, is a partnership which is not at present engaged in the passenger stage business. Its partners reside and are employed in Santa Ana and vicinity. Louis W. Kleasner is assistant manager in charge of traffic for a cold storage and warehouse company, and at one time was employed by a local bus line which operates between Santa Ana and El Toro. Joseph J. Dohnalek has had experience as superintendent of the same bus line. He and Kleasner occasionally operate charter buses. William H. Landry was at one time manager of a private bus service

operated by an aircraft company. They propose to pool some of their individual resources for the purpose of providing one bus and the capital necessary to operate the proposed service. The evidence does not show that any definite commitments have been made except that Dohnalek will transfer to the partnership a bus now used in charter service. The extent of the capital investment by each of the partners was not definitely established. This applicant proposes 15 schedules daily between 6:15 a.m. and 2:15 a.m., charging a one-way fare of 25 cents and round-trip fare of 40 cents.

Six witnesses testified that there is a need for service between Twentynine Palms and the Marine Corps Training Center, including the president of the local chamber of commerce and a Marine captain representing the training center. The evidence shows that there are between 3,500 and 4,000 Marines and several hundred civilians at the base. There are also 34 naval rental units in Twentynine Palms occupied by persons or families having some need for public transportation to and from the training center. The base is being enlarged to a capacity of approximately 7,500 Marines. A considerable number of private automobiles are owned by personnel stationed at the training center.

The regional manager of a large transcontinental bus company testified in support of the application of John C. Hastie. His company now has satisfactory interchange arrangements with Hastie at Banning, California and provides the latter with free terminal facilities.

The record clearly shows that there is some public need for bus transportation between Twentynine Palms and the Marine Corps Training Center. However, the present need is definitely limited

and, in view of the estimated costs of operation for a service of this type, ⁽¹⁾ it is our opinion that considerable public support will be required to maintain either of the proposed services on a compensatory basis. We find that public convenience and necessity do not require the establishment and operation of more than one of the proposed services. Having carefully considered the entire record in this proceeding, particularly as to the operating experience, financial condition, and other merits of the two applications, we are of the opinion and find that applicant John C. Hastie is better fitted to render said service. On the other hand, we cannot find that public convenience and necessity also require the establishment and operation of passenger stage service as herein proposed by applicant D K L Bus Company.

The application, as amended, of John C. Hastie, doing business as 29 Palms Stages, Application No. 35090, will therefore be granted, and the application of Dohnalek, Kleasner and Landry, doing business as D K L Bus Company, will be denied.

O R D E R

A public hearing having been held in the above-entitled proceedings, the Commission being fully advised in the premises and having found that public convenience and necessity so require,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity be, and it hereby is, granted to John C. Hastie, authorizing him to

(1) John C. Hastie estimated a cost of 23 cents per bus mile operated. Joseph J. Dohnalek estimated a cost of 20 cents per mile. Applicant Hastie presented a breakdown of his costs; D K L Bus Company did not itemize its estimate. Both estimates appear to be conservative based on Commission data pertaining to like operations.

operate as a "passenger stage corporation," as defined in Section 226 of the Public Utilities Code, for the transportation of persons and their baggage or express, between the community of Twentynine Palms in San Bernardino County and the Marine Corps Training Center situated northerly of said community, and intermediate points, as an extension and enlargement of and to be consolidated with his present operating rights, subject to the following restrictions and conditions:

In the transportation of property, no package or article exceeding seventy-five pounds in weight, nor any shipment from one consignor to one consignee in one day exceeding one hundred pounds in weight shall be transported, and all property shall be transported on passenger vehicles only.

(2) That in providing service pursuant to the certificate herein granted, there shall be compliance with the following service regulations:

- (a) Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted.
- (b) Within sixty days after the effective date hereof, and upon not less than five days' notice to the Commission and the public, applicant shall establish the service herein authorized and file in triplicate, and concurrently make effective, tariffs and time schedules satisfactory to the Commission.
- (c) Subject to the authority of this Commission to change or modify such at any time, John C. Hastie, doing business as 29 Palms Stages, shall conduct said passenger stage operation over and along the following described routes:

Regular Route:

Beginning at the intersection of Adobe Road and 29 Palms Highway, thence along Adobe Road and other unnamed roads to the entrance to the Marine Corps Training Center.

Alternate Route:

For "on call" direct service between Banning and Marine Corps Training Center. Over and along any and all accessible roads connecting the Marine Corps Training Center with the 29 Palms Highway.

(3) That the application of Joseph J. Dohnalck, Louis W. Kleasner and William H. Landry, doing business as D K L Bus Company, Application No. 35032, be, and it hereby is, denied.

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

Dated at San Francisco, California, this 10th day of April, 1954.

R. J. [Signature]
President
Justin J. [Signature]
Samuel [Signature]
John L. [Signature]
Gene [Signature]
Commissioners