

Decision No. 51116

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

KATHIE ZAHN,

Complainant,

vs.

KEY SYSTEM TRANSIT LINES, a
corporation,

Defendant.

Case No. 5585

Kathie Zahn, in propria persona.

Donahue, Richards, Rowell & Gallagher, by
George E. Thomas, for defendant.

O P I N I O N

Kathie Zahn instituted this proceeding by the filing of a complaint against Key System Transit Lines.

The crux of the complaint is that the Commission, when it authorized ⁽¹⁾ the discontinuance of through service of the "G" ⁽²⁾ Line during off-peak hours and on Saturdays, and the substitution therefor, of shuttle bus service operating at 45-minute intervals between train connections at 40th and San Pablo and the end of the line in Albany, did not have before it a record that contained all the facts relative to the "G" Line service. The complainant seeks

(1) Decision No. 50620 in Application No. 35309, dated October 5, 1954, and Decision No. 50663, in Application No. 35309 dated October 19, 1954. The latter decision denied a petition for rehearing filed by complainant in this proceeding.

(2) The Transbay Motor Coach "G" Line operates between San Francisco and Albany, and intermediate points.

an order to restore service on the "G" Line, as it was being rendered prior to October 5, 1954.

The defendant denied the material allegations of the complaint and upon the issues thus joined a public hearing was held at San Francisco on January 7, 1955 before Commissioner Peter E. Mitchell and Examiner Carl Silverhart.

Evidence adduced by complainant showed that during October 1954, ⁽³⁾ 21,742 revenue miles were operated over the "G" Line; that operating revenue of \$10,532 was derived therefrom; that the estimated total average operating expenses per mile for transbay coaches was 45 cents per mile; that the resultant net operating income was approximately \$748.

Two of defendant's officials testified with reference to the operations of the "G" Line. Such testimony is partially summarized in the following tables:

"G" - Solano - San Pablo Motor Coach Line
Estimated Revenue and Out-of-pocket Expense During
Off-peak Period - October, 1954

<u>Transbay Passengers</u>	<u>Out-of-Pocket Expenses</u>	<u>Revenue</u>
Off-Peak - 4,520	Mileage - 8,107	Total Month \$10,532
Total Transbay Passengers - 27,343	Cost per mile - 25.76	
Off-Peak Percentage - 16.5	Total - \$2,088.36	: 16.5% \$1,737.78

Estimated Loss \$350.58

Mileage Reduction and Estimated Savings

<u>Mileage (Per Month)</u>	<u>Mileage Reduction (Per Month)</u>	<u>Established Saving (Per Month)</u>
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Prior to 11-7-54	After 11-7-54*	
22,120	16,877	5,243
		5,243 miles x 25.76 c.p.m. = \$1,351

* The date upon which adjustment in "G" Line service took effect.

(3) The last complete month prior to the institution of the adjusted "G" Line service as authorized by the second ordering paragraph of Decision No. 50620.

Average Transbay Passengers Per Off-Peak Schedule

*Week Beginning May 17, 1954 - Month of October, 1954

<u>WEEK-DAYS</u>		
<u>Westbound</u>	9	8
<u>Eastbound</u>	7	7
<u>SATURDAYS</u>		
<u>Westbound</u>	7	7
<u>Eastbound</u>	7	7

*Period used by Commission staff in study entitled "Report On Service and Future Mileage Estimates Proposed Service Curtailments", Exhibit 6 in Application No. 35309.

Schedule Comparison
Monday through-Friday

<u>Westbound (from 5.35a to 5.50p)</u>		
<u>Prior to 11/8/54</u>	<u>Effective 11/8/54</u>	
<u>Through Schedules</u>	<u>Through Schedules</u>	<u>Shuttle Service to Key Train</u>
31	21	9

<u>Eastbound (from 6.35a to 6.30p)</u>		
<u>Prior to 11/8/54</u>	<u>Effective 11/8/54</u>	
<u>Through Schedules</u>	<u>Through Schedules</u>	<u>Shuttle Service From Key System</u>
30	20	9

Complainant conceded that a small number of passengers were transported via the "G" Line during off-peak hours and on Saturdays, but maintained nevertheless, that through "G" Line service should be reinstated for all schedules. Complainant took this position upon the ground that the indicated loss of \$350.58 resulting from operation of through service on the "G" Line during off-peak hours was regained in the net operating revenue derived from the over-all "G" Line service.

It should be here noted that the Commission found the rate of return, it allowed in Decision No. 50620 for defendant's transbay operations, to be reasonable after having given consideration, among other things, to the service modifications therein authorized. To now require the restoral of through off-peak hour "G" Line service, in the face of the loss occasioned by the operation of such service, could very well work a diminution of

the rate of return heretofore approved, increase defendant's operating ratio and might make necessary a further increase in its rate structure. Such results would not be warranted by the circumstances here obtaining. The evidence presented by complainant does not alter or attenuate the applicability of the statements set forth in Decision No. 50620, 53 Cal P.U.C. (advance sheets) page 524 wherein the Commission said:

"It is clear from the evidence that the patronage does not warrant under present conditions operation of the through service during the times in question." and again "The record is convincing that the proposed off-peak and Saturday shuttle bus service would result in material reduction of the operating expenses otherwise incurred and that it would afford reasonable service for the volume of traffic offering."

The complainant has failed to establish to the satisfaction of the Commission that an order reversing decretal paragraph two of Decision No. 50620, in so far as it relates to the "G" Line, should issue.

The complaint will be dismissed.

O R D E R

A public hearing having been held and based upon the evidence therein adduced,

IT IS ORDERED that the complaint in Case No. 5585 is dismissed.

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

Dated at San Francisco, California, this 23rd day of February, 1955.

John E. Mitchell
President
William J. ...
...

Commissioners
Commissioner Ray E. Untermyer, being necessarily absent, did not participate in the disposition of this proceeding.