

Decision No. 76712**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of OBIE CARTER for Certificate of
Public Convenience and Necessity
to Operate Jitney Service Between
Rossmoor Leisure World of Walnut
Creek, California, and Sun Valley
Shopping Center, Concord,
California.

Application No. 50986
(Filed April 3, 1969)

William J. Betts, for the applicant.

Walter H. Medak, for County Transit
Lines, Inc., protestant.

Mark L. Kermite, for the Board of
Supervisors, Contra Costa County,
interested party.

Edward C. Cole, for the Commission
staff.

O P I N I O N

This application was heard before Examiner Fraser on June 25, 1969, in Walnut Creek. It was submitted on the filing of a late exhibit, which has been received. Copies of the application and the notice of hearing were served in accordance with the Commission's procedural rules. County Transit Lines, Inc., appeared as a protestant.

Applicant has requested authority to provide a passenger bus (jitney) service with a single 1969 11-passenger (excluding driver) Ford Club Wagon, between Rossmoor Leisure World, -downtown Walnut Creek and Sun Valley Shopping Center in Concord; twelve daily trips are proposed, with six to downtown Walnut Creek from Rossmoor and the remaining six from Rossmoor to downtown Walnut Creek, thence on to Sun Valley Shopping Center in Concord. The first schedule will

start from Sun Valley at 9:30 a.m. on Monday through Saturday; arrive at Rossmoor at 9:55 a.m. and leave at 10:00 a.m. The last schedule leaves Rossmoor at 6:00 p.m. and arrives at Sun Valley at 6:30 p.m. Applicant alleges that his service is designed for the midday shopper and for those who ride in for medical, dental or other service. Applicant has only one vehicle and will do all the driving himself. If his vehicle breaks down he plans to lease another van for as long as necessary.

Applicant testified that he drove a San Francisco Municipal bus for four years, a truck for another four years and sold cars for about seven years. His last job was twelve months of driving a County Transit Lines bus between Rossmoor Leisure World and Rossmoor Shopping Center, a distance of two or three miles. He testified his driving experience and the requests of his customers prompted him to file the present application; he resigned his position with County Transit Lines, Inc., and purchased the 1969 Ford Club Wagon as the most suitable vehicle for a jitney. He testified he will be charging 35 cents between Rossmoor and Walnut Creek and between Sun Valley and Walnut Creek; 50 cents will be charged from Sun Valley to Rossmoor or Rossmoor to Sun Valley. He stated he will be picking up passengers anywhere on his route where it is safe to stop. He testified that he is hopeful of collecting \$10,000 to \$12,000 in gross fares annually, with a net profit of \$6,500 to \$7,000. He estimated the depreciation on his new Ford to be \$120 a month. Cross-examination developed that he did not have an estimate of what it would cost per mile to operate his vehicle. Cross-examination further developed that he will have to transport at least 100 passengers every day, or 30,000 every year to gross \$10,000 annually.

Five members of the public testified in support of the application. A lady from Rossmoor testified that the service to Walnut Creek is adequate, but there should be more service from Rossmoor to Sun Valley. She testified the bus schedules are too far apart now for the convenience of the shopper. Walnut Manor is an area with 418 homes and apartments, located adjacent to the route proposed by applicant between Walnut Creek and Sun Valley. Four who testified reside in Walnut Manor. It was developed that almost all of the people living in the Manor are retired; that about 70% do not drive and that the nearest shopping area is at least a half to three-quarters of a mile away; it is a mile to the nearest Greyhound stop and almost two miles to the County Transit Lines bus stop. It was further noted that County Transit Lines had a bus stop in Walnut Manor until January of 1969 when service was terminated. The fare was 30 cents to Sun Valley Shopping Area. The managers of Walnut Manor provide a bus once a week for shoppers or others who want a ride into town. All of the witnesses admitted that they seldom rode County Transit Lines' buses. They appeared because the applicant had promised his jitneys would stop at Walnut Manor on all routes going and coming. Applicant renewed his promise during the hearing and advised that he will provide additional schedules if business warrants it.

The president of protestant County Transit Lines testified as follows: protestant has been operating since March of 1967; it provides service between Rossmoor-Walnut Creek and Sun Valley with 37-passenger, air-conditioned Diesel buses; it costs 50 cents a mile to operate the bus and five passengers are required on all schedules between Rossmoor and Walnut Creek to pay

for operating the bus; protestant had six schedules through Walnut Manor in each direction six days a week for a year ending on October 13, 1968; only 12 passengers a day, or one per schedule, used the service; protestant expanded to 12 schedules in each direction from Walnut Manor during the period from October 13, 1968 to January 16, 1969; on the latter date the service was terminated, because patronage remained the same - 12 passengers a day; most people seem to walk from the Manor to nearby shopping areas, or use private transportation; protestant was informed by the City of Pleasant Hill that it was illegal to park, or stop, on the street in front of Walnut Manor; it therefore became necessary to drive the bus along a private road and into Walnut Manor, to pick up and deposit passengers; this city requirement added 3/10th of a mile to every schedule.

Exhibit No. 4 was presented in evidence to show the routes of Western Greyhound Lines, County Transit Lines, and the applicant. The latter two provide, or propose to provide, service from Rossmoor and downtown Walnut Creek to Sun Valley. Applicant will use the same route as protestant for 2.6 miles between Rossmoor and downtown Walnut Creek. Applicant's total (one way) route is nine miles, and his schedules (Exhibits 1, 5) show he plans to drive the route in 25 minutes. The witness for the protestant testified he does not believe the route can be traveled in less than 40 minutes, if there are passengers to pick up and drop off. He further stated he does not believe there is enough business in the county for two bus operators. He requested that the application be denied. Protestant's Exhibit No. 2 lists all County Transit Lines' schedules; Exhibit No. 3 consists of a series of tables showing the number of

passengers riding on all County Transit Lines' schedules between Rossmoor and Walnut Creek (downtown) Greyhound station. Separate tables are provided for a series of Monday through Friday dates; for Saturdays and for Sundays. The daily totals of passengers carried on Monday through Friday - on the 15 days reported in April and May, 1969 - range from 59 to 123; the average is 92. The average on three Saturdays reported is 60 a day, and 22 a day on three Sundays. The most used schedules are those going in to town about noon and returning at 4:30 p.m. The issue to determine is whether there are enough potential riders to support one bus operator. Recent losses have forced the protestant to discontinue all routes.

After this matter was submitted, protestant filed to suspend all of its service on the basis of an operating loss of \$200,000 after 18 months in business. Rossmoor leased three buses to provide service to Walnut Creek for its residents. Protestant was not able to transfer its rights or find another operator to reinstate service on the abandoned routes.

Findings and Conclusion

1. Applicant has requested authority to provide Rossmoor residents with scheduled transportation between Rossmoor and Walnut Creek with one eleven-passenger van.
2. The route applied for is one of four that protestant was forced to abandon due to enormous operating losses.
3. Protestant has terminated all service and has requested authority from this Commission to suspend its operating authorities for twelve months.
4. The Rossmoor residents are now being transported over the identical route proposed by applicant in buses leased and operated by the Rossmoor corporation.

5. Protestant's passengers to and from Rossmoor were almost exclusively Rossmoor residents who are now served by the Rossmoor buses.

6. There are now no certificated passenger stage corporations operating in the area, and there is no present need for additional service.

7. The application should be denied. Applicant cannot operate profitably or provide an adequate service with one eleven-passenger vehicle.

Upon consideration of the evidence the Commission finds that applicant has failed to establish that there is any public need for the proposed service and concludes that the application should be denied.

O R D E R

IT IS ORDERED that Application No. 50986 is denied.

This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this 27th day of JANUARY, 1970.

William S. ...
President
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Commissioners