

ORIGINAL

Decision No. 93107 MAY 19 1981

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Department of Transportation, City)
of Los Angeles,)

Complainant,)

vs)

Thomas Monroe Hall, dba Speedy Car)
Co., TCP 1195, and Western Pacific)
Transit, Inc., TCP 1389,)

Defendants.)

Case No. 10908
(Filed September 19, 1980)

James V. Ferro, Attorney at Law, for Department
of Transportation, City of Los Angeles,
complainant.

H. Virginia King, Attorney at Law, for Thomas
Monroe Hall and Western Pacific Transit, Inc.,
defendants.

O P I N I O N

The Department of Transportation of the city of Los Angeles (Department) alleged that it has the authority to enforce Los Angeles' taxicab ordinance and regulations. It alleged that defendant Western Pacific Transit, Inc. (Western) is controlled by Thomas Monroe Hall (Hall) and that both defendants hold charter-party permits from this Commission.

Department claims that Hall as Speedy Car Co. (Speedy) holds himself out as a taxi and performs a service directly competitive with city-licensed taxicabs without possessing the appropriate city license. It also claims that some vehicles operated for hire by Speedy do not have commercial license plates and that some odometers have not been

tested or sealed. In some other instances, the names and addresses of persons requesting transportation are allegedly not recorded. It also alleged that the vehicles are frequently leased to drivers who have no permits and that, in some instances, the appropriate TCP number is not displayed.

Defendants filed an answer consisting principally of a general denial. They admitted some leasing of vehicles but claimed the vehicles remained under defendants' control. The answer's basic theory is that a charter permit authorizes its holder to operate in direct competition with city-licensed taxicabs, without having to comply with city regulations.

Hearing was held on December 9, 1980 in Los Angeles before Administrative Law Judge Gilman. Investigators for the Department testified concerning their observations of the Speedy operation, including several instances in which they patronized the service.

Defendants did not concede that any operations conducted under the Speedy authority were unlawful. However, to avoid further litigation with the Department and with other cities, defendant Hall has decided to sever his connection with the so-called car-chartering operation and to concentrate on the Western operation which will provide bus transportation for special educational facilities and for the physically handicapped.

The parties have therefore reached a stipulation which will terminate this proceeding. The stipulation calls for conditions to be imposed on defendants' authority.

The stipulation reads as follows:

"It is stipulated between the parties that the following conditions be imposed upon the operations of the defendants:

- "1. The permit holder shall maintain all records required by General Order No. 98-A, Part 13.
- "2. The permit holder shall comply with Los Angeles Municipal Code requirements.
- "3. Odometers and speedometers in charter-party vehicles shall be sealed as required by the California Business and Professions Code.
- "4. The permit holder shall not paint or so decorate vehicles authorized for use under the charter-party carrier permit issued so as to be suggestive of those vehicles authorized as taxicabs by local ordinances.
- "5. Roof-top lights of any configuration or color shall not be permitted.
- "6. The use of a taximeter or similar meter for the purpose of displaying to the passenger or passengers the elapsed time and/or fare owed shall not be permitted."

Findings and Conclusion

The parties have reached agreement by stipulation which we find reasonable and which should be ratified by the following order.

O R D E R

IT IS ORDERED that Thomas Monroe Hall and Western Pacific Transit, Inc. shall comply with the terms of the stipulation.

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

Dated MAY 19 1981, at San Francisco, California.

Jal E. Byrnes
 President

Richard D. ...

Thomas ...

Walter ...

Prudence C. ...
 Commissioners