

Decision No. 28781

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
SACRAMENTO NORTHERN RAILWAY for certifi-
cate of public convenience and necessity
to operate an auto stage line for the
transportation of passengers, baggage, mail,
and express, as a common carrier, for com-
pensation, between the City and County of
San Francisco and the City of Pittsburg,
County of Contra Costa, and intermediate
points (other than locally between San
Francisco and the City of Oakland, County
of Alameda) as an enlargement and extension
of its present operative rights.

Application No. 19967

In the Matter of the Application of
BEVERLY GIBSON for a certificate of public con-
venience and necessity to operate auto stage
lines for the transportation of passengers,
baggage and express, for compensation, and as a
common carrier, between Port Chicago (Bay
Point), and San Francisco, California, via
Concord, Walnut Creek, Lafayette and Oakland,
and intermediate points; also between Willow
Pass Junction and San Francisco, California, via
Willow Road Pass, Concord, Walnut Creek, Oakland
and intermediate points; said service to be
rendered in addition to, in conjunction with,
and as an extension and enlargement of the
transportation service now being rendered by
applicant over the route between Sacramento and
Port Chicago (Bay Point), California, via
Clarksburg, Courtland, Walnut Grove, Antioch
and intermediate points.

Application No. 19969

In the Matter of the Application of
MANUEL CARDOZA for a certificate of public
convenience and necessity to operate an auto
stage line for the transportation of passengers
and baggage, for compensation, and as a common
carrier, between Rio Vista and Rio Vista
Junction in the County of Solano, State of
California.

Application No. 20264

In the Matter of the Application of
PACIFIC GREYHOUND LINES, INC., a corporation,
for certificate of public convenience and
necessity to operate a passenger stage service,
as a common carrier of passengers, baggage and
express between Oakland and Borden Junction via
Walnut Creek and Concord.

Application No. 20513

ORIGINAL

L. N. BRADSEAW, for applicant Sacramento Northern Railway, protestant in Application No. 19969 and in support of Application No. 20264.

WARE & WARE, by ALLISON WARE, for applicant Beverly Gibson.

ERNEST I. SPIEGL, for applicant Manuel Cardoza.

H. C. LUCAS and T. FINKBOHNER, for applicant Pacific Greyhound Lines, protestant in Application No. 19969.

HARRY SEE, for the Brotherhood of Railroad Trainmen.

H. W. HOBBS and A. S. WILLIAMS, for Southern Pacific Company and Pacific Motor Transport Company, protestants in Application No. 19969.

EDWARD STERN and ROBERT S. ELLIOTT, for Railway Express Agency, Inc., in favor of Applications Nos. 19967 and 20264, and protestants in Application No. 19969.

MCCARTY, RICHARDS & CARLSON, by Frank S. Richards and T. K. McCarthy, for Key System and East Bay Transit Company, protestants.

ROBERT BRENNAN and L. E. SIEVERT, by L. E. Sievert and George W. Lupton, Jr., for The Atchison, Topeka and Santa Fe Railway Company and Santa Fe Transportation Company, interested parties.

EDWIN G. WILCOX, for the Oakland Chamber of Commerce.

H. N. DYKE, for the Rio Vista Chamber of Commerce.

JOHN J. O'TOOLE, City and County Attorney; DION R. HOLM, Assistant City and County Attorney; and PAUL L. BECK, Valuation Engineer, by Paul L. Beck and Dion R. Holm.

BY THE COMMISSION:

O P I N I O N

In the above entitled applications there are sought certificates of public convenience and necessity to provide automotive passenger stage service between the San Francisco Bay area and

- (a) those portions of Contra Costa County adjacent to the rail line of Sacramento Northern Railway;
- (b) the Delta area along the Sacramento River, and
- (c) Stockton via Marsh Creek and Walnut Creek, all of which will be hereinafter described.

Public hearings⁽¹⁾ were held in these matters at various

(1) Public hearings were held before former Commissioner Harris on November 26, 1935, at Rio Vista; on November 27, December 3, and December 5, 1935, and September 1, 1936, at San Francisco; and before Examiner Hall on September 3, 1936, at Rio Vista; on September 4, 1936, at Walnut Grove; on September 14, 1936, at Walnut Creek; and on September 15, 1936, February 4, 5, and 15, 1937, at San Francisco.

points and at the hearings on February 5 and 15, 1937, the matters were submitted, subject to (a) the filing of briefs; (b) the filing of consent by California Toll Bridge Authority to operation by buses over San Francisco-Oakland Bay Bridge; and (c) the filing of consent by the City and County of San Francisco to operation by buses over streets in said City and County. All of these filings have now been made and the matters are ready for decision. At the initial hearing in these matters the applications were consolidated for hearing and determination.

Pending final action in these proceedings, an Interim Order was issued December 16, 1935, in Decision No. 28448, to provide immediately a passenger service between the Delta area and San Francisco via Rio Vista Junction.

DESCRIPTION OF THE VARIOUS APPLICATIONS

Application No. 19967, filed May 22, 1935 - Sacramento Northern Railway.

In this application a certificate of public convenience and necessity is sought by Sacramento Northern Railway to establish and operate an automotive stage line for the transportation of passengers, baggage, mail, and express between the City and County of San Francisco and the City of Pittsburg, County of Contra Costa, and intermediate points (other than locally between San Francisco and the City of Oakland, County of Alameda), as an enlargement and extension of its present operative rights. It is proposed by Sacramento Northern Railway to operate two round trips between San Francisco and Pittsburg, passing through Oakland, County of Alameda, and Lafayette, Walnut Creek and Concord, County of Contra Costa. One route is proposed to operate between Concord and Pittsburg, via Port Chicago, and the other via the Willow Pass Road. In addition, a third round trip schedule is proposed to be operated between San Francisco and Orinda, Contra Costa County.

It is the desire of applicant to establish and maintain a coordinated and unified system of transportation by automotive stage and electric train between above named points, and as an enlargement and extension of its existing stage operations.

Application No. 19969, filed May 23, 1935.
Beverly Gibson.

In this application a certificate of public convenience and necessity is sought by Beverly Gibson to establish and operate an automotive stage service for the transportation of passengers, baggage, and express between Port Chicago (Bay Point), County of Contra Costa, and the City and County of San Francisco, via Concord, Walnut Creek, Lafayette, Contra Costa County, and Oakland, Alameda County, also between Willow Pass Junction (Junction of Pittsburg-Port Chicago Highway with Willow Pass Road) and San Francisco via Willow Pass Road, Concord, Walnut Creek, Oakland, and intermediate points. Said service is proposed to be performed in addition to, in conjunction with, and as an extension and enlargement of the transportation service now being rendered by applicant between Sacramento and Port Chicago, via Walnut Grove, Rio Vista, and Antioch and intermediate points. Applicant does not propose to offer service between San Francisco and Antioch, nor does it propose to offer service between Sacramento on the one hand and San Francisco and Antioch and intermediate points on the other hand. It is planned to operate three round trips per day between Sacramento and San Francisco, two of which are via Willow Pass Road and one via Port Chicago.

Application No. 20264, filed November 18, 1935.
Manuel Cardoza.

In this application a certificate of public convenience and necessity is sought by Manuel Cardoza to establish an automotive stage service for the transportation of passengers, baggage, and

express between Rio Vista and Rio Vista Junction, Solano County, making connections with the trains of Sacramento Northern Railway in each direction at the latter point. It is planned to operate five round trips each weekday and six round trips on Sunday, with "on call" service to connect with all other Sacramento Northern Railway trains.

Application No. 20513, filed April 19, 1936.
Pacific Greyhound Lines, Inc.

In this application a certificate of public convenience and necessity is sought by Pacific Greyhound Lines, Inc., (now known as Pacific Greyhound Lines), to establish an automotive passenger stage service for the transportation of passengers, baggage, and express between Oakland, Alameda County, and Borden Junction, Contra Costa County, via the main highway through Low Level Tunnel, Orinda Corners, Lafayette, Walnut Creek, Concord, Clayton, and Byron; provided, however, that until such time as Low Level Tunnel is completed routing to be via Fish Ranch Road, and subject to the restriction that no passengers, baggage, or express are to be transported locally between Stockton and Byron. Applicant further requests the right to consolidate the certificates sought herein with the rights heretofore granted by Decision No. 23244 and amendments thereto. Applicant plans two round trips per day between San Francisco and Stockton over the route herein involved.

PROPOSALS

Sacramento Northern Railway now proposes to augment its existing rail operations between San Francisco and Pittsburg. This line serves agricultural, industrial, and suburban districts. The suburban communities of Orinda, Lafayette, Walnut Creek, and Concord are growing rapidly and the areas around Port Chicago and Pittsburg are important and growing industrial districts. It is applicant's contention that the proposal to augment its service

by stage, rather than by rail, is desirable, not only because it is more flexible but also because it is less costly to provide.

The testimony indicates that there is a real need for a service between these Contra Costa County points and the San Francisco Bay area. The service proposed by applicant Sacramento Northern Railway will supply this public need and, furthermore, give Orinda a transportation service which it does not now enjoy.

Applicant Beverly Gibson and applicant Manuel Cardoza propose to supply transportation service between the Delta area of Sacramento River and San Francisco. The former would provide this service by operating stages between the Delta area and the San Francisco Bay area without transfer, whereas the latter would perform service only between Rio Vista and Rio Vista Junction, and passengers to and from San Francisco would transfer to and from the lines of Sacramento Northern Railway at the latter point.

Early in these proceedings there was much testimony showing that the Delta area was without any direct public transportation to or from the San Francisco Bay area⁽²⁾ and that there was an immediate need for such service.

In order to alleviate this condition and at the request of applicant Gibson, an Interim Order (Decision No. 28448, dated December 16, 1935), was issued, requiring the inauguration by Beverly Gibson and Sacramento Northern Railway of a coordinated auto-stage and electric railway service between the Delta area and San Francisco. The parties elected to use Rio Vista Junction as the transfer point, and applicant Gibson established two round

(2) Service between Rio Vista and Rio Vista Junction by the Rio Vista Transit Company (Isham Line) was discontinued in August, 1932. Similar service by River Auto Stages was placed on an "on call" basis in September, 1932, and the service by River Auto Stages from the Delta area to Port Chicago was placed on an "on call" basis in July, 1932. The River Lines operating a fleet of steamers between San Francisco and Sacramento no longer stop at intermediate river points to serve passenger traffic.

trips per day between Delta points and Rio Vista Junction, and made connections with Sacramento Northern Railway trains at the latter point. The people of the Delta area now have this service pending the final determination of these matters.

The proposal of applicant Beverly Gibson will give direct service between all Delta points and the Bay area, whereas the proposal of applicant Cardoza will give direct-service only between Rio Vista and Bay points through a transfer with Sacramento Northern Railway at Rio Vista Junction. It would be possible to give transportation service to the remaining portion of the Delta area provided the operations of Gibson, Cardoza and Sacramento Northern Railway were coordinated, which would involve a transfer at both Rio Vista and Rio Vista Junction.

An abundance of testimony in the record, by residents of the various portions of the Delta area, shows that this area is in real need of passenger stage and express service direct to the Bay area and that such a service was preferable to a service that would involve one or more transfers. It was pointed out that this need was not only for the permanent residents of these communities, but also for the movement of seasonal farm labor engaged by growers of celery, spinach, asparagus, tomatoes, sugar beets, and other truck garden products.

The proposal of applicant Gibson would furnish three round trips between the Delta and Bay areas, which would be more convenient and beneficial to the Delta area as a whole than would a service only between Rio Vista and Rio Vista Junction.

The proposal of Pacific Greyhound Lines, if authorized, would give this applicant an additional route between Stockton and the San Francisco Bay area and, in addition, give the territory between Byron and Concord (via Marsh Creek), a passenger

and express service which it does not now enjoy.

An objection was raised by Sacramento Northern Railway with respect to the handling of passengers in the territory between Concord and the Bay area by applicant Pacific Greyhound Lines, on the grounds that it now provides adequate passenger service to this district. Applicant Pacific Greyhound Lines voiced no objection to the inclusion of such a restriction.

The granting of these applications was protested in part by Key System and East Bay Transit Company on the ground that applicants should not be allowed to transport local passengers between San Francisco and the East Bay district within the territory described in Exhibit "E" (which is sometimes referred to as "reserved territory"), attached to and made a part of the agreements of March 6, 1936, between the California Toll Bridge Authority and Key System, and between California Toll Bridge Authority and Interurban Electric Railway Company.

Applicants Sacramento Northern Railway, Beverly Gibson, and Manuel Cardoza; by stipulation, agreed not to seek any local operative rights for the transportation of passengers within said "reserved territory" as shown in Exhibit "E" referred to above.

Under date of February 17, 1937, the California Toll Bridge Authority advised the Commission, in writing, that it had acted upon the applications of Sacramento Northern Railway, Beverly Gibson, and Pacific Greyhound Lines, and that it does not object to the granting of said applications provided, however, that Sacramento Northern Railway and Beverly Gibson shall not transport local passengers (as hereinabove described) across the San Francisco-Oakland Bay Bridge, and that Pacific Greyhound Lines shall not transport local passengers (as hereinabove described) across said bridge except in equipment at the time being used primarily for the transportation of passengers other than local passengers.

CONCLUSIONS:

Beverly Gibson now has a right to operate between Rio Vista and Rio Vista Junction; the identical route over which Manuel Cardoza proposes to operate. Gibson is now operating the service in accordance with the terms of Decision No. 28448. If both the Gibson application and that of Cardoza are granted, there would result two services between Rio Vista and Rio Vista Junction and one through-service between the Delta area and the San Francisco Bay area.

The record shows that in addition to through-service, as proposed by Beverly Gibson, public convenience and necessity warrant motor coach service between Rio Vista and Rio Vista Junction for the convenience of those who now use and in the future elect to use the Sacramento Northern Railway route. In order to make such a service of real convenience, a coordinated schedule such as Cardoza proposes should be inaugurated, i.e., five round trips on week-days, six round trips on Sundays, and "on call" service to connect with all other passenger trains of Sacramento Northern Railway.

Beverly Gibson is the possessor of a certificate of public convenience and necessity for the operation of passenger stage service between Rio Vista and Rio Vista Junction, and until December 19, 1935, this service was on an "on call" basis. However, with the granting of a guarantee of earnings to the extent of out-of-pocket cost of operation by Sacramento Northern Railway, Beverly Gibson resumed regular passenger service on the above-mentioned date with two round trips daily coordinated with passenger trains of Sacramento Northern Railway. This subsidy or guarantee arrangement is to terminate with determination of the applications involved herein.

We are of the opinion that Beverly Gibson should furnish this motor coach service with no less frequent headway than that proposed by Manuel Cardoza. If Beverly Gibson desires to perform

the service, he should so notify this Commission within fifteen (15) days from the date of this order. In the event no notification is received within the specified time, it will be assumed that Gibson does not desire to perform this service, and we will, without further notice, grant to Manuel Cardoza a certificate of public convenience and necessity to operate such a service between Rio Vista and Rio Vista Junction.

The proposed routes of Sacramento Northern Railway, Beverly Gibson, and Pacific Greyhound Lines traverse the so-called Tunnel Road and the Low Level Tunnel between Walnut Creek and Oakland. The reconstruction of the Tunnel Road is now nearing completion and is usable for stage operation. The Low Level Tunnel is under construction and it is expected to be completed during this year.

Pending completion of the Tunnel it would be necessary for stage operations to be performed over the so-called Fish Ranch Road between the east portal of Low Level Tunnel and Claremont Avenue, Berkeley. This road has grades up to 16 per cent, with many sharp curves, and without question is not a proper route for permanent auto-stage operation. However, pending completion of the Low Level Tunnel it could be used temporarily.

After carefully analyzing the entire record in these proceedings, the Commission finds as a fact that public convenience and necessity require:

1. The granting of the application of Sacramento Northern Railway to operate auto-stage service between San Francisco and Pittsburg (Application No. 19967).

2. The granting of the application of Beverly Gibson to perform auto-stage service between the Delta area of the Sacramento River and San Francisco Bay area (Application No. 19969).

3. The denial, without prejudice, of the application of Manuel Cardoza to operate auto-stage service between Rio Vista and Rio Vista Junction (Application No. 20264).

4. The granting of the application of Pacific Greyhound Lines to operate auto-stage service between Borden Junction, Contra Costa County, and Oakland, Alameda County, and to coordinate said service with the remainder of its operations.

Sacramento Northern Railway, Beverly Gibson, and Pacific Greyhound Lines are hereby placed upon notice that "operative rights" do not constitute a class of property which should be capitalized or used as an element of value in determining reasonable rates. Aside from their purely permissive aspect they extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be changed or destroyed at any time by the State, which is not in any respect limited to the number of rights which may be given.

ORDER

Public hearings having been held, briefs having been filed, and the matters having been duly submitted:

PART I

The Railroad Commission of the State of California .
Hereby Declares that public convenience and necessity require the establishment and operation by Sacramento Northern Railway, a corporation, of an automotive service as a passenger stage corporation as defined in Section 22 of the Public Utilities Act, for the transportation of passengers, baggage, and express, between Pittsburg and San Francisco and intermediate points, not as a separate operating right but as an extension and enlargement of

the operating rights heretofore acquired by said Sacramento Northern Railway by Decision No. 20391 dated October 26, 1928, in Application No. 14923, over and along the following route:

From Pittsburg, along the main highway to Concord via Port Chicago (Bay Point) and as an alternate between these two points via the Willow Pass Road, from Willow Pass Junction to Concord; thence from Concord along the main highway to Walnut Creek; thence along the Tunnel Road through Lafayette to Orinda Junction; thence to Orinda and return to Orinda Junction; thence along Tunnel Road and Low Level Tunnel to Broadway, City of Oakland; thence along Broadway to 40th Street, thence along 40th Street to Shafter Avenue (Sacramento Northern station); thence along 40th Street to Broadway; thence along Broadway to 14th Street; thence along 14th Street to Cypress Street; thence along Cypress Street and the San Francisco-Oakland Bay Bridge to Harrison Street and Essex Street, City and County of San Francisco

(a) (Permanent route in San Francisco) thence along Essex Street to Folsom Street; thence along Folsom Street to Second Street; thence along Second Street to Mission Street; thence along Mission Street to Beale Street; thence along Beale Street to Folsom Street; thence along Folsom Street to Essex Street; thence along Essex Street to truck ramp of San Francisco-Oakland Bay Bridge and return to the point of beginning.

(b) (Temporary optional route in San Francisco pending opening of interurban terminal at First and Mission Streets); thence along Harrison Street to Fourth Street; thence along Fourth Street to permanent Santa Fe terminal (Fourth Street off Market Street); thence returning along Fourth Street to Harrison Street to truck ramp of San Francisco-Oakland Bay Bridge and return to the point of beginning.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity therefor is hereby granted to Sacramento Northern Railway, subject to the following conditions:

- (1) This certificate is granted subject to the express condition that applicant, Sacramento Northern Railway, shall not transport local passengers over the San Francisco-Oakland Bay Bridge. The term "local passengers" as used herein shall be deemed to mean passengers carried and transported upon or across said bridge, who have both origin and destination within the territory described in Exhibit "E," attached to and made a part of the agreements of March 6, 1936, between the California Toll Bridge Authority and Interurban Electric Railway Company, and California Toll Bridge Authority and Key System.

- (2) Pending the completion of the Low Level Tunnel, applicant may operate its service over the so-called Fish Ranch Road as hereinbefore described. Upon the opening to traffic of said Low Level Tunnel applicant shall immediately route its service through said tunnel.
- (3) Applicant shall file written acceptance of the certificate herein granted within a period of not to exceed fifteen (15) days from the date hereof.
- (4) Applicant shall commence the service herein authorized within a period of not to exceed one hundred and twenty (120) days from the effective date hereof, and shall file in triplicate and concurrently make effective on not less than ten (10) days' notice to the Commission and the public, a tariff or tariffs constructed in accordance with the requirements of the Commission's General Orders and containing rates and rules which, in volume and effect, shall be identical with the rates and rules shown in Exhibit "A" attached to Application No. 19967 in so far as they conform to the certificate herein granted, or rates and rules satisfactory to the Commission.
- (5) Applicant shall file, in duplicate, and make effective within a period of not to exceed one hundred and twenty (120) days after the effective date of this order, on not less than five (5) days' notice to the Commission and the public, time schedules covering the service herein authorized, substantially in accordance with Exhibit "B" attached to Application No. 19967, and in a form satisfactory to the Commission.
- (6) Applicant is authorized to turn its motor vehicles at termini, either in the intersection of the streets or by operating around a block contiguous to such intersection in either direction and to carry passengers as traffic regulations of the respective public bodies may require.
- (7) The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer, or assignment has first been obtained.
- (8) No vehicle may be operated by applicant herein unless such vehicle is owned by said applicant, or is leased by applicant under a contract or agreement on a basis satisfactory to the Commission.
- (9) In the transportation of express, no packages shall be accepted for shipment which exceed one hundred (100) pounds in weight, and all express shall be transported on passenger vehicles only.

PART II

The Railroad Commission of the State of California
Hereby Further Declares that public convenience and necessity
require the establishment and operation by Beverly Gibson of an
automotive service as a passenger stage corporation, as defined
in Section 24 of the Public Utilities Act, for the transportation
of passengers, baggage and express between Port Chicago (Bay Point)
and San Francisco and intermediate points, not as a separate oper-
ating right but as an extension and enlargement of the operating
right heretofore granted said Beverly Gibson by Decision No. 24147,
dated October 19, 1931, in Application No. 14026, over and along
the following route:

Between Port Chicago (Bay Point) and the
City and County of San Francisco: - From Port
Chicago via main highway to Clyde and Concord
and an alternate route between Willow Pass
Junction and Concord via Willow Pass Road;
thence through Concord via Salvio Street and
Galindo Street; thence via main highway through
Victory Junction to Walnut Creek; thence via
Tunnel Road and Low Level Tunnel passing through
Lafayette and Orinda Junction to Broadway, Oakland;
thence along Broadway to 20th Street; thence along
20th Street to Telegraph Avenue; thence along
Telegraph Avenue to Oakland Stage Depot - National
Trailways System (18th Street and Telegraph Avenue);
thence west on 18th Street to Cypress Street, City
of Oakland; thence along Cypress Street and the
San Francisco-Oakland Bay Bridge to the end of truck
ramp at Harrison Street, in the City and County of
San Francisco; thence along Harrison Street to
Fourth Street; thence along Fourth Street to the
permanent Santa Fe Terminal located on Fourth Street,
between Mission Street and Market Street; thence
returning along Fourth Street to Folsom Street; thence
along Folsom Street to Essex Street; thence along
Essex Street to truck ramp of San Francisco-Oakland
Bay Bridge and return to the point of beginning.

IT IS HEREBY FURTHER ORDERED that a certificate of public
convenience and necessity therefor is hereby granted to Beverly Gibson,
subject to the following conditions:

- (1) No passengers, baggage, or express having both
point of origin and destination between San
Francisco and Antioch, both points inclusive,
and intermediate points, shall be transported.

- (2) No passengers, baggage, or express having either point of origin or destination between San Francisco, Antioch and intermediate points, on the one hand, and Sacramento, on the other hand, shall be transported; nor shall applicant Gibson issue any joint tariffs from or to points beyond Sacramento.
- (3) No passengers, baggage, or express shall be transported between Woodbridge, Lodi, Stockton, and intermediate points on the one hand, and Oakland and San Francisco on the other hand.
- (4) Pending the completion of the Low Level Tunnel, applicant may operate its service over the so-called Fish Ranch Road as hereinbefore described. Upon the opening to traffic of said Low Level Tunnel applicant shall immediately route its service through said tunnel.
- (5) Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed fifteen (15) days from the date hereof.
- (6) Applicant shall commence the service herein authorized within a period of not to exceed one hundred and twenty (120) days from the effective date hereof, and shall file in triplicate and concurrently make effective on not less than ten (10) days' notice to the Commission and the public a tariff or tariffs constructed in accordance with the requirements of the Commission's General Orders and containing rates and rules which, in volume and effect, shall be identical with the rates and rules shown in Exhibit A-1, filed September 14, 1936 as an amendment to Exhibit "A," attached to Application No. 19969, in so far as they conform to the certificate herein granted, or rates and rules satisfactory to the Commission.
- (7) Applicant shall file, in duplicate, and make effective within a period not to exceed one hundred and twenty (120) days from the effective date of this Order, on not less than five (5) days' notice to the Commission and the public, time schedules covering the service herein authorized, in a form satisfactory to the Commission.
- (8) Applicant is authorized to turn its motor vehicles at termini, either in the intersection of the streets or by operating around a block contiguous to such intersection, in either direction, and to carry passengers as traffic regulations of the respective public bodies may require.

- (9) The rights and privileges herein authorized may not be discontinued, sold, leased, transferred, nor assigned, unless the written consent of the Commission to such discontinuance, sale, lease, transfer, or assignment has first been obtained.
- (10) No vehicle may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by applicant under a contract or agreement on a basis satisfactory to this Commission.
- (11) In the transportation of express, no package shall be accepted for shipment which exceeds one hundred (100) pounds in weight, and all express shall be transported on passenger vehicles only.

PART III

IT IS HEREBY FURTHER ORDERED that Applicant Beverly Gibson shall continue to operate passenger motor coach service between Rio Vista and Rio Vista Junction coordinated with the passenger trains of Sacramento Northern Railway on a schedule of not less than five (5) round trips on week-days and six round trips on Sundays and holidays, with "on call" service to connect with all Sacramento Northern Railway passenger trains stopping at Rio Vista Junction not met by the above-required service,

subject to the following conditions:

- (1) Applicant shall commence the service herein required within a period of not to exceed fifteen (15) days from the effective date hereof.
- (2) Applicant shall file, in duplicate, within a period of not to exceed fifteen (15) days from the date hereof, time schedules covering the coordinated service herein required.

PART IV

IT IS HEREBY FURTHER ORDERED that Application No. 20264 be and the same is hereby denied without prejudice.

PART V

The Railroad Commission of the State of California
Hereby Further Declares that public convenience and necessity require the establishment and operation by Pacific Greyhound Lines of an automotive service as a passenger stage corporation as defined in Section 2 $\frac{1}{2}$ of the Public Utilities Act, between Borden Junction (junction of Borden Highway with Brentwood-Byron Highway) and Oakland and intermediate points, not as a separate operating right but as an extension and enlargement of the operating rights heretofore granted Pacific Greyhound Lines by Decision No. 23244, dated December 31, 1930, and amendments thereto, over and along the following route:

Between Borden Junction (junction of Borden Highway with Brentwood-Byron Highway), County of Contra Costa, and Oakland, Alameda County: - Along Brentwood-Byron Highway to Byron; along Marsh Creek Road through Marsh Creek and Clayton to Concord; along main highway through Victory Junction to Walnut Creek; along Tunnel Road and Low Level Tunnel through Lafayette and Orinda Junction to Broadway, Oakland, Alameda County; along Broadway to Moss Avenue; along Moss Avenue and 38th Street to Market Street; along Market Street to its intersection with existing lines on San Pablo Avenue, City of Oakland, Alameda County.

IT IS HEREBY FURTHER ORDERED that a certificate of public convenience and necessity therefor is hereby granted to Pacific Greyhound Lines, subject to the following conditions:

- (1) (a) No passengers, baggage, or express having either point of origin or destination between San Francisco, on the one hand, and points between Oakland and Matheson (Bay Point and Clayton Railway crossing) including Matheson but excluding Oakland, on the other hand, shall be transported.
- (b) No passengers, baggage, or express having both point of origin and destination between Oakland and Matheson and intermediate points shall be transported.
- (2) No passengers, baggage, or express having both point of origin and destination between Stockton and Byron and intermediate points shall be transported.

- (3) This certificate is granted subject to the express condition that Pacific Greyhound Lines shall not transport local passengers over San Francisco-Oakland Bay Bridge except in equipment at the time being used primarily for the transportation of passengers other than local passengers. The term "local passengers" as used herein shall be deemed to mean passengers carried and transported upon or across said bridge who have both origin and destination within the territory described in Exhibit "E", attached to and made a part of the agreements of March 6, 1936, between the California Toll Bridge Authority and Interurban Electric Railway Company, and between the California Toll Bridge Authority and Key System.
- (4) Pending the completion of the Low Level Tunnel, applicant may operate its service over the so-called Fish Ranch Road as hereinbefore described. Upon the opening to traffic of said Low Level Tunnel applicant shall immediately route its service through said tunnel.
- (5) Applicant shall file written acceptance of the certificate herein granted within a period of not to exceed fifteen (15) days from the date hereof.
- (6) Applicant shall commence the service herein authorized within a period not to exceed one hundred and twenty (120) days from the effective date hereof and shall file, in triplicate, and concurrently make effective on not less than ten (10) days' notice to the Commission and the public a tariff or tariffs constructed in accordance with the requirements of the Commission's General Orders and containing rates and rules which, in volume and effect, shall be identical with the rates and rules shown in Amended Exhibit "C", attached to Application No. 20513, in so far as they conform to the certificate herein granted, or rates and rules satisfactory to the Commission.
- (7) Applicant shall file, in duplicate, and make effective within a period of not to exceed one hundred and twenty (120) days after the effective date of this Order, on not less than five (5) days' notice to the Commission and the public, time schedules covering the service herein authorized, substantially in accordance with Exhibit "B," attached to Application No. 20513 and in a form satisfactory to the Commission.
- (8) Applicant is authorized to turn its motor vehicles at termini, either in the intersection of the streets or by operating around a block contiguous to such intersection, in either direction, and to carry passengers as traffic

regulations of the political subdivisions affected may require.

- (9) The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned, unless the written consent of the Commission to such discontinuance, sale, lease, transfer or assignment has first been obtained.
- (10) No vehicle may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by applicant under a contract or agreement on a basis satisfactory to the Commission.
- (11) In the transportation of express, no package shall be accepted for shipment which exceeds one hundred (100) pounds in weight and all express shall be transported on passenger vehicles, only, except as to the property transported for or through the agency of Railway Express Agency, Incorporated, and milk and cream and empty containers therefor when being transported to or from a rail junction point in connection with rail transportation thereof, to which said restriction as to weight and vehicle shall not apply.

The effective date of this Order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 24th day of May, 1937.

Leon G. Whelan
Frank R. Kelly
W. A. Deane
Ray E. Kelly
COMMISSIONERS