

Decision No. 28760

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of KEY SYSTEM,
a corporation, for a Certificate of Public
Convenience and Necessity to operate a motor
coach service between San Francisco and
Treasure Island and Oakland and Treasure Is-
land.

Application
No. 21789

ORIGINAL

DONAEUE, RICHARDS & HAMLIN, by FRANK S. RICHARDS,
for the Applicant.

ANDREW J. GALLAGHER, in propria persona.

JOHN J. O'TOOLE, City Attorney, by DION R. HOLM, Assistant
City Attorney, for the City and County of San
Francisco.

EBELER, WHITE & McAULIFFE, by LLOYD W. DINKELSPIEL, for
the California Toll Bridge Authority.

H. C. LUCAS and JOHN A. MAATTA, for the Pacific Greyhound
Lines, interested party.

WALTER A. ROEDE, for San Francisco Chamber of Commerce.
HARRY A. BOLLIES, for the Commandant of 12th Naval District.
T. G. DIFFERDING, for Oakland Chamber of Commerce.
I. S. SHATTUCK, for the Exposition Company.
JOHN D. PHILLIPS, City Attorney, and CHESTER FISK, Assistant
City Manager, for the City of Berkeley.
CARL SUNDBERG, for the Gray Line, Inc.

DEVLIN, COMMISSIONER:

INTERIM OPINION

By two applications filed on February 28, 1938, and amended
on March 31, 1938, Key System seeks authority to render passenger
transportation service, by ferry boats (Application No. 21788) and
motor coaches (Application No. 21789), to and from Treasure Island,
the site of the Golden Gate International Exposition. Public hearing
was had at San Francisco on April 1, 1938. While the two proposed
services are somewhat related, they will be considered in separate
decisions, in accordance with the understanding had at the hearing.

Applicant seeks a certificate of public convenience and

necessity to operate a motor coach service over the following routes:

(a) San Francisco:

Commencing at the Key System-Santa Fe motor coach terminal, located on 4th Street between Mission and Market Streets, in the City and County of San Francisco, along applicant's regularly certificated route across the San Francisco-Oakland Bay Bridge to Treasure Island and the site of the Golden Gate International Exposition.

(b) Oakland:

Commencing at Yerba Buena Avenue and San Pablo Avenue in the Town of Emeryville, County of Alameda, along San Pablo Avenue, thence via applicant's regularly certificated route across the San Francisco-Oakland Bay Bridge to Treasure Island and the site of the Golden Gate International Exposition.

In the application it is alleged in part as follows:

"IV.

"That said motor coach operations are proposed as a portion of the plan adopted and agreed upon by the Golden Gate International Exposition and Key System for the provision of transportation facilities to Treasure Island, and are supplementary to applicant's proposed ferry operations.

"That said service will be a necessary supplement to said ferry service, and that public convenience and necessity requires the granting of this application."

and

"VII.

"That this application is filed at the request of and with the approval of the Golden Gate International Exposition and pursuant to the agreement between said Exposition and Key System, relating to the establishment of transportation facilities to Treasure Island."

In the amendment to the application it is set forth that applicant desires to file the following experimental and temporary ninety-day tariff to cover said service:

- (a) From San Francisco, California (Vicinity of Santa Fe Terminal) (By direct motor coach service via the San Francisco-Oakland Bay Bridge) To Treasure Island and RETURN - ROUND TRIP FARE 35¢
- (b) From Oakland, California, (40th and San Pablo Avenue

by direct motor coach service via the San Francisco-
Oakland Bay Bridge) To Treasure Island and RETURN -
ROUND TRIP FARE 35¢

the above fares to include the motor coach bridge toll of 75¢ and
bridge toll of 5¢ per passenger.

The Golden Gate International Exposition opens on February
16, 1939. The site of this exposition is on a newly constructed
island adjoining Yerba Buena Island in San Francisco Bay. Although
many of the Exposition buildings are nearing completion, the site
is without public passenger transportation. Those now engaged in
the construction of the Exposition buildings are transported to
the Island in their own vehicles via the San Francisco-Oakland Bay
Bridge or in private launches. The record shows that there are
about 1,000 men now employed in construction work on the island,
with an increasing number as the work progresses. In addition to
the need for some form of public transportation for those engaged in
the construction work, there is a demand for transportation for the
large volume of visitors permitted to visit the Exposition grounds in
advance of the official opening of the Exposition. In fact, it is
planned to open the grounds to visitors in the near future.

The proposed motor coach service is intended to supplement
applicant's proposed ferry operation, which is discussed in greater
detail in the decision dealing with the companion ferry boat applica-
tion (Application No. 21788). As there stated, applicant will
probably operate but two ferry schedules daily from San Francisco
on week-days, one in the morning and one in the evening, the
schedules being arranged to accommodate workmen employed on
Treasure Island. However, there are a number of foremen and
others who are required to be at the Exposition site at hours when
the proposed ferry service would not be available, and it is
primarily for these individuals that applicant desires to render
this supplemental motor coach service from San Francisco.

Because of the fact that the existing demand for public transportation of workmen and others is greater from San Francisco than it is from the East Bay, applicant does not propose to inaugurate ferry services from its Oakland pier immediately. For the present it is believed by applicant that those desiring transportation from the East Bay can be accommodated by the proposed motor coach service. However, when and if there is a material increase in the demand for transportation from the East Bay applicant intends to operate ferry service from its Oakland pier, in which event the proposed motor coach service from that side of the Bay would supplement the ferry service.

Under the proposed plan of operation there will be no local service offered by motor coach in San Francisco or in the East Bay. At the request of the Twelfth Naval District, applicant offered to provide one or more stops on Yerba Buena Island during the pre-exposition period to accommodate passengers desiring transportation to or from that Island.

The record shows that the following interested parties favor the granting of this application, or have signified that they are not opposed to the granting of the same:

1. California Toll Bridge Authority, as evidenced by a Resolution dated March 31, 1938 (Exhibit No. 1).
2. City of Oakland, as evidenced by Resolution No. 6238 C.M.S., dated March 29, 1938 (Exhibit No. 3).
3. Twelfth Naval District, as evidenced by letter dated March 18, 1938, and signed by A. J. Hepburn, Rear Admiral U.S. Navy Commandant, (Exhibit No. 9), with the following provisions:
 - (a) Bus operation across Yerba Buena Island will be confined to such highways as have been, or will be designated for travel from the Bridge to the Fair grounds.
 - (b) That the certificate will be limited to the period of time during which the general public is admitted to Treasure Island, and not to extend beyond the duration of the Fair.

Furthermore, request was made that one or more stops be provided on Yerba Buena Island for the accommodation of passengers desiring transportation to or from that island.

4. Southern Pacific Company, as evidenced by letter dated March 19, 1938, and signed by A. T. Mercier, General Manager (Exhibit No. 6); provided authority is made to expire with the closing of the Golden Gate International Exposition, and that no permanent operating rights for this service will be granted.
5. Pacific Greyhound Lines takes the position that it does not agree to the granting of the application nor does it oppose the granting of the same.⁽¹⁾
6. Sacramento Northern Railway advised by letter under date of March 7, 1938, signed by H. A. Mitchell, President, that the company does not desire to oppose the granting of the application and is agreeable to the application being granted.

It is apparent from the record that there is a need for public passenger transportation to the site of the Golden Gate International Exposition from both San Francisco and the East Bay, and that applicant's proposal to provide ferry and motor coach service appears to meet this public requirement. The transportation problem in connection with the Exposition may be divided into three periods; first, the so-called pre-Exposition period, during which time transportation is required for workmen and others having business on Treasure Island, as well as visitors to the Exposition site prior to the official opening; second, the Exposition period proper, when mass transportation will be required; and third, a period following the official closing of the Exposition, during which time a lesser amount of public passenger transportation may be required

(1) "Our action in not appearing and protesting the above application is not to be considered as a waiver by us of any existing right to transport passengers between Oakland and San Francisco via the San Francisco-Oakland Bay Bridge, or of any other right of any kind or character whatsoever with respect to the transportation of passengers by motor bus over, upon or across the said Bridge, or over or upon Treasure Island. Neither is our action to be considered in any way recognition of the validity of the agreement between California Toll Bridge Authority and Key System or of the agreement between California Toll Bridge Authority and the Interurban Electric Railway Company, concerning transportation over the San Francisco-Oakland Bay Bridge, dated March 6, 1936."

for workmen and others in connection with the removal of exhibits, etc.

Under the circumstances disclosed by the record and in view of the temporary nature of the rate proposed, it appears appropriate to grant a certificate for an experimental period of 90 days only. During such period applicant will be expected to keep an accurate record of the revenues and expenses resulting from the operation of this particular service and to render monthly reports thereof to the Commission. Thus by the end of the experimental period actual results of operation will be readily available for consideration in connection with the transportation problem created by the Exposition.

Shortly before the expiration of the 90 day experimental period, or earlier if warranted, a further hearing will be had in this matter. Further consideration will then be given to applicant's request for a certificate, as well as the question of the proper rate to be charged for the proposed service.

INTERIM ORDER

A public hearing having been held in the above proceeding, and good cause appearing,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the establishment and operation by Key System, for a period of ninety days, of an automotive passenger service for the transportation of passengers between and serving the following named termini and along the following routes:

1. Commencing at Santa Fe Bus Terminal, located on 4th Street, between Mission and Market Streets, in the City and County of San Francisco, thence along its regular route over streets in San Francisco and San Francisco-Oakland Bay Bridge to Yerba Buena Island, thence along any highway open to public use and travel and connecting said bridge with Treasure Island, to Treasure Island (site of Golden Gate Inter-

national Exposition), stops to be made on Yerba Buena Island in accordance with such arrangements as may be made with the Twelfth Naval District.

2. Commencing at Yerba Buena Avenue and San Pablo Avenue in the Town of Emeryville, County of Alameda, thence along San Pablo Avenue to Central approach to San Francisco-Oakland Bay Bridge, thence along regular certificated route along central approach to said bridge and along said bridge to Yerba Buena Island, thence along any highway open to public use and travel and connecting said bridge with Treasure Island, to said Treasure Island (site of Golden Gate International Exposition), stops to be made on Yerba Buena Island in accordance with such arrangements as may be made with the Twelfth Naval District.

IT IS ORDERED that a certificate of public convenience and necessity therefore is hereby granted to Key System for a period of ninety (90) days from the date of commencement of operation, subject to the following conditions:

- (1) 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.
- (2) Applicant shall commence the service herein authorized within a period of not to exceed twenty (20) days from the date hereof, and shall file in triplicate, and concurrently make effective on not less than one day's notice to the Railroad 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 the exhibit attached to the application in so far as they conform to the certificate herein granted, or rates and rules satisfactory to the Railroad Commission.
- (3) Applicant shall file, in duplicate, and make effective within a period of not to exceed twenty (20) days after the date of this order, on not less than one day's notice to the Railroad Commission and the public, a time schedule or time schedules covering the service herein authorized in a form satisfactory to the Railroad Commission.
- (4) Applicant is authorized to turn its motor vehicles at termini, either in the intersection of the streets or by operating around a block contiguous thereto, in either direction, and to carry passengers as traffic regulations of the municipalities may require.

- (5) 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.
- (6) 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 Railroad Commission.

The authority herein granted shall become effective on the date hereof.

The foregoing Opinion and Order are hereby approved and ordered filed as the Opinion and Order of the Railroad Commission of the State of California.

Dated, San Francisco, California, April 11, 1938.

Mattie J. Smith
Leon Whitely
Frank R. Nealm
Ralph Watson
W. L. Rieky
Commissioners.