

Decision No. 20768.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of PACIFIC
GREYHOUND LINES, a corporation, for an amend-)
ment to existing certificate of public con-) Application
venience and necessity for transportation of)
passengers and baggage and authorizing service) No. 21844.
to and from Treasure Island.)

H. C. LUCAS and JOHN A. MAATA, for Applicant.

DONAHUE, RICHARDS & HAMLIN, by FRANK S. RICHARDS,
for Key System.

ANDREW J. GALLAGHER, in propria persona.

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

HELLER, WHITE & McCAULIFFE, by LLOYD W. DINKELSPIEL, for
the California Toll Bridge Authority

WALTER A. ROEDE, for San Francisco Chamber of Commerce.

HARRY A. BOLLES, 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 this application Pacific Greyhound Lines requests that its existing certificate of public convenience and necessity be amended to permit it to render service to Treasure Island (the site of the Golden Gate International Exposition), subject to existing restrictions governing present operations to and from San Francisco.

Public hearing was had at San Francisco on April 1, 1938. On the same day hearings were held on two applications

filed by Key System for authority to render local passenger transportation service to and from Treasure Island by ferry boats (Appl. No. 21788) and by motor coaches (Appl. No. 21789). It was stipulated that the record in the two Key System applications, in so far as material to the Greyhound application, may be deemed a part of the record herein.

The Greyhound application alleges in part as follows:

"The following conditions exist which are relied upon as justification for the granting of this application:

"With the opening of the Golden Gate International Exposition there will be a great influx of visitors and tourists from points in the State of California outside the San Francisco Bay area to the Exposition grounds on Treasure Island. Pacific Greyhound Lines is presently providing a common carrier passenger transportation service over practically all the major routes and between all the principal points in the State of California and San Francisco and Oakland. By the authority herein sought, applicant will be in a position to offer and provide to the public a motor bus transportation service to and from points served by it in California and elsewhere direct to Treasure Island. Your applicant is further in a position to operate as public demand requires additional through bus schedules to and from such outlying territories direct to Treasure Island.

* * * * *

"By this application, applicant respectfully requests:

(1) That its certificate of public convenience and necessity authorizing it to operate as a common carrier of passengers and baggage between all points in California be amended to permit service to Treasure Island, a point within the City and County of San Francisco, subject to existing restrictions applying to and from San Francisco.

(2) Such other and further order or orders as your Commission may deem proper in the premises."

By Decision No. 29242 (November 2, 1936), as amended by Decision No. 29587 (March 8, 1937), Pacific Greyhound Lines was authorized to operate certain of its routes over the San Francisco-Oakland Bay Bridge, subject, however, to the following restrictions:

"This certificate is granted subject to the express condition that Pacific Greyhound Lines, Inc., shall not transport local passengers over said 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 California Toll Bridge Authority and Key System."

Applicant's witness (T. Finkbohner) testified to the effect that it is not the purpose and intent of the present application to seek the removal of any existing restrictions, and that the only additional right sought is authority to establish Treasure Island as another terminal point to and from which passengers may be carried direct from and to points located without the restricted area known as "Exhibit 'E' territory". The witness disclaimed any intent or request to institute a purely local service, and stated that the proposed operation would in no way be competitive with the Key System with respect to the handling of local mass transportation across San Francisco Bay or to or from Treasure Island.

The California Toll Bridge Authority, by the adoption of a resolution, has gone on record as not objecting to the granting of the application as to service over the San Francisco-Oakland Bay Bridge from territory outside of the so-called "Exhibit 'E' territory". (Exhibits Nos. 1 and 2.) Key System, in view of the action of the Toll Bridge Authority and the testimony of Witness Finkbohner, has no objection to the granting of the application.

Applicant has in mind the establishment of bus service from some of the more populous territory outside of the restricted area direct to the Exposition Grounds. It contemplates that on various special days of the Exposition, such as Vallejo day or Santa Cruz day or Stockton day, there will be a considerable demand for such direct service. When asked concerning the contemplated manner of

handling such traffic, applicant's witness testified that the details had not yet been worked out. However, by way of illustration, on operations entering San Francisco via the Peninsula, applicant hopes to have a sufficient volume of business to warrant operation of a through bus direct to the Exposition without going to the San Francisco terminal at Fifth and Mission Streets, and there consolidating loads of through passengers from outlying points for transportation to the Island in another bus.

It must be frankly stated that the showing as to an immediate public convenience or need for the proposed service during the pre-Exposition period is not as clear and convincing as would ordinarily be required. However, it is recognized that during the period prior to the official opening of the Exposition the grounds will be open to the public, and it is possible that there may be some demand for the proposed service, particularly on Sundays and holidays. It is also recognized that it is difficult at this time to foretell the extent of transportation needs to the Island from outlying territory.

Our decisions in the two Key System applications referred to in the second paragraph of this opinion authorize service for an experimental period of 90 days only and contemplate further hearings in connection with the transportation problems created by the Exposition. It appears appropriate that a somewhat similar interim order be issued in this proceeding. This is particularly true because of the fact that applicant has not submitted proposed rates, rules and regulations.⁽¹⁾

(1) Rule 26-A of the Commission's Rules of Procedure provides in part that in applications for certificates the applicant "shall submit the following data, either in the application or as exhibits attached thereto. * * * (a) Proposed rates or fares for the service, and rules and regulations governing same. (b) Proposed time schedule and route. (c) Description of equipment to be operated", etc.

During the 90-day experimental period applicant will be expected to keep an accurate record of the results of operation and to render monthly reports thereof to the Commission. Thus by the end of the experimental period actual experience will be available for consideration in connection with the transportation problem created by the Exposition. Shortly before the expiration of such period, or earlier if warranted, a further hearing will be had in this matter.

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 applicant, a passenger stage corporation as defined in section 2-1/4 of the Public Utilities Act, for a period of 90 days from the date of commencement of operation, of an automotive service for the transportation of passengers between points outside of the so-called "Exhibit 'E' territory" referred to in the above opinion, on the one hand, and Treasure Island, on the other hand, and

IT IS ORDERED that a certificate of public convenience and necessity therefor is hereby granted to Pacific Greyhound Lines for a period of 90 days from the commencement of operation, as a temporary extension and enlargement of its existing rights, subject to the following conditions:

- (1) The authorization granted shall not be construed to revoke or modify any existing restrictions on applicant's operative rights.
- (2) Applicant shall file written acceptance of the certificate herein granted within a period of not to exceed fifteen (15) days from the date hereof.

- (3) Prior to the commencement of the service herein authorized, applicant 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 satisfactory to the Railroad Commission.
- (4) Applicant shall file in duplicate and make effective within a period not to exceed twenty (20) days from the effective date of this order, and on not less than one day's notice to the Railroad Commission and the public, time schedules covering the service herein authorized, and in a form satisfactory to the Railroad Commission.
- (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 State of California.

Dated, San Francisco, California, this 11th day of April, 1938.

Walter H. Brown
James A. Curren
Stuart K. Nelson
H. B. ...
Walter K. Kelly
Commissioners