

Decision No. 32186

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
PACIFIC GREYHOUND LINES for a certifi-
cate of public convenience and necessity
to operate automotive stage service for
the transportation of passengers, bag-
gage and express between Tanforan and
Tanforan Road via Sneath Lane, and be-
tween West Daly City and Sneath Lane
Crossing, via Junipero Serra Boulevard.

ORIGINAL

Application No. 23358

H. C. LUCAS and H. D. RICHARDS for Pacific
Greyhound Lines, applicant.

I. R. DAINS for Market Street Railway,
interested party.

J. J. FAHEY, Mayor of Daly City, interested
party.

BY THE COMMISSION:

O P I N I O N

By this application, as originally filed, the Pacific
Greyhound Lines, a corporation, requested authority to establish
and operate an automotive service as a common carrier of passengers,
baggage and express between Tanforan and Tanforan Road via Sneath
Lane, and between West Daly City and Sneath Lane Crossing via
Junipero Serra Boulevard. ⁽¹⁾

(1) Sneath Lane is a county road in San Mateo County running east and
west between El Camino Real and Skyline Boulevard. Its eastern
terminus at Tanforan Race Track is known as "Tanforan" and its
western terminus at Skyline Boulevard is known as "Tanforan Road."
The length of the road is about two miles. Junipero Serra Boule-
vard is now undergoing construction and will run in a north and
south direction parallel to and between El Camino Real and Skyline
Boulevard, beginning at West Daly City as its northern terminus
and ending at Sneath Lane Crossing as its southern terminus.
Sneath Lane Crossing is a point on Sneath Lane about midway
between El Camino Real and Skyline Boulevard. The length of
Junipero Serra Boulevard, when completed, will be about three
miles.

A public hearing thereon was held before Examiner Broz in San Francisco on April 30, 1940, at which time the matter was submitted and is now ready for decision.

At the hearing, applicant's counsel moved to amend the application by striking therefrom that portion of the request which sought authority to operate over Junipero Serra Boulevard between West Daly City and Sneath Lane Crossing since that Boulevard is still undergoing construction and will not be completed until 1941. The motion was granted and the application, as amended, now seeks authority to operate only between Tanforan and Tanforan Road via Sneath Lane.

No one appeared at the hearing in protest to the granting of the application, as amended.

Applicant's superintendent of transportation testified that a W.P.A. project known as "Golden Gate National Cemetery" is undergoing construction at Sneath Lane Crossing and applicant is presently transporting about 100 W.P.A. workers daily, from and to the project, under contract with the Works Progress Administration. (2) He stated that between 40 to 50 additional civilian workers also employed on the project are ineligible to receive transportation service under this contract and are compelled to use their own automobiles or Army trucks which are furnished by the United States Army at irregular intervals. If the certificate here sought is

(2) U. S. Treasury Department Contract No. ER-T03pa - 19001, Inv. 8728, February 5, 1940. Under this contract, the applicant agreed to furnish round-trip transportation between San Francisco and the project for 25 cents per passenger. The published tariff fare between San Francisco and Tanforan is 20 cents one way and 40 cents round trip, per passenger. The reduced transportation fares are furnished under the provisions of Section 17 (4) of the Public Utilities Act.

granted, he said, both the W.P.A. workers and the civilian workers would avail themselves of the proposed service.

The W. P. A. project director in charge of the "Golden Gate National Cemetery" project testified that the cemetery, when completed, will be located on land bounded by El Camino Real, Sneath Lane and Junipero Serra Boulevard; that construction work was begun thereon in January, 1940, and will continue for about a year. The United States Army, he said, has plans for a new project in the same vicinity which will require two or more years of additional construction work under the Works Progress Administration. This witness asserted that civilian workers who rely upon Army trucks for their transportation have reported that service to be inadequate and irregular because the Army is constantly detaching the trucks for maneuvers and emergency service elsewhere. When Army trucks are not available, those workers who do not drive their own cars must walk a distance of about one mile from El Camino Real to the project, as there is no for-hire common carrier service available to them.

The applicant testified further that it proposes to operate a 7:00 A.M. schedule to the project, and a 4:00 P.M. schedule from the project, in connection with its existing franchise from San Francisco southward via El Camino Real or Skyline Boulevard. ⁽³⁾ Under the present contract it operates between four and five busses to haul the W.P.A. workers, and if the certificate here sought

(3) By Decision No. 23244, in Application No. 16989 and decisions supplementary thereto, applicant was authorized to operate between San Francisco and Tanforan via El Camino Real and between San Francisco and Tanforan Road via Skyline Boulevard. The application requests that the certificate here sought be deemed an extension and enlargement of applicant's existing rights and be consolidated therewith, subject to the conditions and restrictions therein imposed.

is granted, it proposes to add two more busses to accommodate the civilian workers. The tariff of passenger fares to be published will offer a one-way fare of 15 cents and a round-trip fare of 25 cents per passenger, available only to the workers on the W.P.A. project and only upon presentation of W.P.A. identification cards. Service will be rendered five days per week and no free baggage allowance or stopover privileges will be permitted. The passengers may carry their hand baggage, tools and similar equipment.

The application seeks authority also to transport baggage and express, and the applicant asserted that its present franchise from San Francisco contains such authority and operating difficulties might ensue if the same authority is not permitted in connection with the proposed service. No evidence was offered, however, to show that public convenience and necessity require the transportation of baggage or express shipments for the W.P.A. workers or for the public between San Francisco and Sneath Lane Crossing.

The evidence indicates that there is a public need for passenger transportation service between Tanforan and Tanforan Road and that there is no existing certificated service between those points. The testimony shows that approximately one hundred and fifty persons would use applicant's proposed service daily, for a period of one year, and possibly for as long as three years, between San Francisco and the point known as "Sneath Lane Crossing" on Sneath Lane. It is affirmatively shown that applicant offers adequate facilities, fares and schedules to fulfill the demand for passenger service between the points involved, to transport W.P.A. workers and civilian workers now employed at Sneath Lane Crossing.

Based upon a full consideration of this record, we are of the opinion that there is a public need for the establishment

and operation of passenger stages between Tanforan and Tanforan Road via Sneath Lane and recommend that a certificate therefor be granted. So far as the record shows, there appears to be no need for baggage or express service between the points named and the application in that respect should be denied.

Pacific Greyhound Lines is 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.

O R D E R

A public hearing having been had upon the above-entitled application requesting a certificate to operate between San Francisco and Sneath Lane Crossing, and the Commission now being fully informed therein,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the establishment and operation by Pacific Greyhound Lines, a corporation, of an automotive service for the transportation of passengers, as a passenger stage corporation, as such term is defined in Section 27 of the Public Utilities Act, between Tanforan and Tanforan Road via Sneath Lane, as an extension and enlargement of applicant's existing operative rights heretofore granted by Decision No. 23244,

as amended, in Application No. 16989, and may be consolidated therewith, subject to the following restrictions:

1. Service shall be provided only for W.P.A. employees and workers engaged on Works Progress Administration projects, and only upon presentation by them of W.P.A. identification cards.
2. No shipments of baggage or express may be transported, except that passengers may carry their hand baggage.

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

1. The authority herein granted shall lapse and be void if applicant shall not have complied with all the conditions within the periods of time fixed herein, unless, for good cause shown, the time shall be extended by further order of the Commission.
2. Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed thirty (30) days from the effective date hereof.
3. Applicant shall commence the service herein authorized within a period of not to exceed thirty (30) 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 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.
4. Applicant shall file, in triplicate, and make effective within a period of not to exceed thirty (30) days after the effective date of this order, on not less than five (5) days' 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.
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.

IT IS HEREBY FURTHER ORDERED that the application in all other respects be and the same is hereby denied.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this _____ day of June, 1940.

Ray L. Riley
Frank W. ...
Ray ...
A. Baker
Justus J. Coe
COMMISSIONERS