

ORIGINAL

Decision No. 20437

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of VALLEJO BUS COMPANY, a corporation, for an order authorizing change of routing heretofore authorized and granted pursuant to Decision No. 6611.) Supplemental Application No. 4834

In the Matter of the Application of VALLEJO BUS COMPANY, a corporation, for an order authorizing change of routes heretofore authorized pursuant to Decision No. 28733.) Supplemental Application No. 20437

In the Matter of the Application of A. G. SMITH, for certificate of public convenience and necessity to operate passenger, property and baggage between terminals in Vallejo Township, County of Solano, indicated on Route Schedules as common carriers.) Application No. 23847

PETER TUM SUDEN, for Applicant Vallejo Bus Company.

EVERITT L. MOSSMAN and DOUGLAS BROOKMAN for Applicant A. G. Smith.

THOMAS J. HORAN, for Passalacqua's Stage Line, Interested Party.

H. J. HOFFMAN, for San Francisco and Napa Valley Railroad, Interested Party.

HUGH FULLERTON, for Manning Transportation Company, Interested Party.

ROLLAND POPE, for City of Vallejo, Interested Party.

BY THE COMMISSION:

O P I N I O N

By supplemental Application No. 4834, filed on November 1940, Vallejo Bus Company seeks an order of this Commission

defining and delineating a specific route of operation for its certificated passenger stage service now being operated between Vallejo and Bay Terrace. Subsequently, on December 30, 1940, and January 7, 1941, Vallejo Bus Company filed its supplemental application No. 20437 and amendment thereto wherein authority was sought to define, delineate and extend its service and routes for its certificated passenger stage service now being operated between Vallejo and Vallejo Annex, between Vallejo and Emerald Terrace, and between Vallejo and South Vallejo. On January 17, 1941, a further supplement to Application No. 20437 was filed by Vallejo Bus Company requesting the Commission for an in lieu certificate authorizing the consolidation and unification of all of its presently held operative rights as heretofore referred to.

By Application No. 23847, as amended, filed on December 4, 1940, A. G. Smith, an individual, seeks an order from this Commission authorizing the establishment and operation of an automotive service as a common carrier of passengers and their baggage in and about the city of Vallejo and environs over and along six specific routes.

These applications were publicly heard before Examiner McGettigan at Vallejo on January 8, February 13 and 18 and March 4, 1941. Upon stipulation of the interested parties, the matters were heard on a common record. These matters were taken under submission upon the filing of concurrent briefs and they are now ready for decision.

Applicants, respectively, protested the granting of each others applications and appearances as interested parties were entered by Passalacqua's Stage Line, Manning Transportation Company, San Francisco and Napa Valley Railroad and the City of Vallejo.

The applicants here before us each seek authority to serve virtually the same territory; Vallejo Bus Company by extending, enlarging and rerouting an existing service which already serves the major part of the area involved, and A. G. Smith as a new operator desirous of entering the field.

The Township of Vallejo, through which all of the transportation services, both existing and proposed, will operate, consists of the City of Vallejo with a population of some 20,000 people and various rapidly growing and developing suburban areas immediately adjacent to its limits in which it is estimated that there is a population in excess of 15,000 people. This entire area is materially affected, from both a business and development standpoint, by the various activities occurring at the United States Mare Island Navy Yard which is located immediately west of and separated by a narrow channel from the city of Vallejo. During the past year, due to the National Defense Program, Mare Island, as an important construction and repair depot for naval vessels, has been subject to a phenomenal growth. The record shows that ordinarily some 4,000 men are employed in the various shops at Mare Island. This personnel, however, has recently increased to 15,000 men and this number will soon be further increased to 20,000.

This sudden growth, occurring in the over-all space of one year and particularly concentrated within the last six or eight months, has placed a tremendous burden, not only on

(1) The Smith proposal embraces a somewhat greater area with respect to actual territory covered but not as to population. As to available traffic, both applicants are depending upon a common territory.

(2) Traffic flows between the city and the Island via a causeway and a ferry.

transportation facilities, but upon all functions, both civic and private, charged with the housing, transportation and general care of the many newcomers who have settled in and about Vallejo. All of the various agencies so involved have been taxed to the limit of and beyond their normal capacities in an endeavor to provide adequate facilities to handle the influx of workers and their families. Most of the recent development has taken place outside of the corporate limits of the city of Vallejo so that at the present time almost as many people reside outside the city limits as within.

Another phase of the transportation problem has been the traffic congestion created by the great increase in population which, it is contended, will be alleviated with the establishment of an adequate common carrier automotive service which will encourage the use of such facilities on the part of residents in lieu of private car operation. Concurrently with the growth of this traffic problem, the matter of housing has also developed, resulting in the construction by the United States Government of several housing projects on the outskirts of Vallejo which, when finally completed, will provide housing facilities for over 1600 families. Stemming from developments such as these and created directly thereby, arose problems of street construction and reconstruction which interrupted and delayed transit services as well as necessitating reroutings both permanent and temporary.

For these reasons and their complementary demands for day and night transportation, increased schedules and more equipment, the applicants here involved have filed and prosecuted their respective plans thereto in the form of applications for operating authority as heretofore described.

Before embarking upon a discussion of the merits of the individual applicants and their respective proposals of service, it appears that, based upon this record, there exists a definite public need for an improved and expedited automotive common carrier passenger service within the general area under discussion here and particularly including service to and from Mare Island for workmen as well as navy personnel.

Vallejo Bus Company, hereinafter referred to as Vallejo Company, at the present time is the only automotive common carrier of passengers operating locally in and about Vallejo and environs with the exception of Passalacqua's Stage Line operating between Benicia and Vallejo which will be discussed later.

Vallejo Company is the successor in interest to Agnes Irene Geer, administratrix of the estate of H. W. Lowell, one of the original owners of the passenger stage service which was originally established in 1919 by Lowell in partnership with H. N. Richards and V. C. Gorst.

In 1919 the co-partnership service was certificated only between Vallejo proper and two nearby suburban developments known as Bay Terrace and Vallejo Annex located to the northwest and southeast of the city, respectively. Subsequently, in April of 1920, an additional and separate certificate was obtained by the co-partnership authorizing a passenger stage service between Vallejo and Morrow Cove but this service was discontinued in October of the same year pursuant to authority of the Commission.

In 1927 Lowell acquired the interest of Gorst and Richards in the respective certificates and thereafter continued operating thereunder until his death. The operative rights were thereafter carried on by Agnes Irene Geer, as administratrix of

his estate. In 1936 the administratrix of the estate obtained another certificate which authorized a passenger service between Vallejo and Emerald Terrace (located to the northeast of the city) and intermediate points.

The record shows that each of these certificates ^{was} ~~were~~ granted as separate and distinct operative rights and no authority was ever sought or granted authorizing the operation of these operative rights as a unified system. Furthermore, with the exception of the right between Vallejo and Emerald Terrace, no specific routes were set forth in the decisions establishing the operative rights involved.

In August of 1936 Vallejo Company applied for and was authorized to acquire the operative rights heretofore referred to and subsequently, in September of the same year, was further authorized to issue stock.

In 1938 Vallejo Company was authorized to reroute its service between Vallejo and Vallejo Annex but no attempt was made to establish definite routings as to the other operative rights held nor were these operative rights consolidated. Admittedly, however, it has been the company's practice to operate as a single, unified system rather than by the separate units described.

Proposal of Vallejo Bus Company

Vallejo Company's proposal, in detail, provides for

- (1) An extension of its existing Bay Terrace service, a subdivision located to the northwest of the city, east of Daniels Street and south along Sacramento Street north of Farragut Street and thence in an easterly direction into the government housing projects now being built, operating a loop service in either direction. The first of these housing projects is

located to the northeast of the present Bay Terrace terminus of applicant at "B" and Daniels Streets. The second housing unit is located west of a proposed extension of Sacramento Street and applicant alleges that the government proposes to construct streets in this area connecting both Sacramento Street on the east and Daniels Street on the west. Vallejo Company proposes to operate over these streets as soon as constructed and authority therefor obtained from the Commission.

- (2) A division of its existing services into the Emerald Terrace and Vista de Vallejo areas northeast of the city into two routes is proposed; the first serving the Napa Road and Nebraska Street area including the Vallejo High and Junior High School and operating by way of Nebraska and Amador Streets, and extending the eastern terminus of the Emerald Terrace operation to Fairmont Avenue and the new Fairmont Gardens addition; the second by extending its present operations along Tennessee Street from Napa Road beyond Tuolumne Street towards State Highway No. 40 forming a loop with and returning via Ohio and Tuolumne Streets to Tennessee Street to provide service into what is known as the Hanns Tract.
- (3) An improvement in its Vallejo Annex (located southeast of the city) service by extending into a new area lying east of State Highway No. 40, forming a loop with Benicia Road, Woodrow Avenue and Maple Street and providing thereby a service into Highway Homes Addition.
- (4) Service to South Vallejo is proposed to be operated east via Georgia Street, south via Alameda Street over 5th Avenue to Cherry Street and thence northwesterly to form a loop with Fourth Street, returning via Fourth Street to Bennett Street, thence returning via Fifth Street to the center of the city.
- (5) Superimposed on the present 10-cent cash, or 3 tokens for 25 cents system fare structure, is a 5-cent fare zone, with no transfer privileges, within the city limits commencing at the intersection of Solano and Alameda Streets, north over Alameda to Georgia; west over Georgia to Marin, north on Marin to Tennessee and east on Tennessee to the Napa Road.

Inauguration of the various extensions and reroutings will add approximately seven route miles to applicant's present bus system. In a general way it is proposed to provide daily scheduled service on both fifteen and thirty minute headways between 6:30 A.M. and 6:30 P.M. with evening service to be provided

on a forty-minute to and hourly basis between 6:30 P.M. and mid-
night approximately. ⁽³⁾ This proposal of Vallejo Company does not
encompass any service to or from Mare Island either directly via
the causeway or indirectly via connection with the Mare Island
Ferry.

Vallejo Company, at the present time, is operating seven
⁽⁴⁾ buses with seating capacities ranging from 15 to 22 passengers
and has purchased from the Pacific Gas and Electric Company, for
delivery in April of 1941, 4 additional buses (1932 model) each
with seating accommodations for 20 passengers.

Proposal of A. G. Smith

Applicant Smith proposes to establish and operate an
automotive common carrier passenger stage service over and along
six specific routes all originating and terminating at Branci-
forte and Georgia Streets in the city of Vallejo. ⁽⁵⁾ Route No. 1
serves South Vallejo; Route No. 2 serves out the Benicia Road to
Carquinez Cemetery, located due east, serving Highway Homes Addi-
tion; Route No. 3 serves Homestead Acres and Vallejo Annex; Route
No. 4 serves the Hanns Park Subdivision; Route No. 5 serves Emer-
ald Terrace and Vista de Vallejo; and Route No. 6 serves Bay
Terrace.

(3) See Exhibit "B" attached to Application No. 20437.

(4) One 1928, two 1929, two 1936 and two 1940.

(5) This terminal adjoins the terminal of the Mare Island Ferry
and is designed to afford a connecting service for employees
on the island going to and from their work by ferry. In this
respect the Smith proposal is superior to that of Vallejo Comp-
any which does not provide a service to this terminal.

It is proposed to provide service daily, except Sundays and holidays, on a half-hour headway between 6:00 A.M. and 2:00 A.M., with Sunday and holiday service on an hourly basis. A basic fare of 10 cents is proposed with the option of purchasing tokens at the rate of three for 25 cents. Transfer privileges will be afforded at points designated in applicant's Exhibit "A" attached to the application.

The equipment proposed to be used in this service consists of fourteen 1941 De Soto sedans of 7-passenger capacity, twelve of which (two to each route) will be in regular service with two in reserve.

Applicant estimated that the services of 28 drivers would be required in maintaining the service proposed. Applicant originally contemplated conducting an operation whereby each driver would operate his car independently on a commission basis and would pay for gas and oil used during its operating period. This sum would be deducted from the gross revenue of the car at the end of each day's operation. The earnings over and above the amount required to pay for gas and oil would be shared equally by applicant Smith and the driver. This is essentially the system now being used by this applicant in operating two "jitney buses" between Vallejo and Mare Island, the operation of which, so the record shows, represents the sum total of his experience in the transportation field. Subsequently, applicant Smith stated that he would establish, in lieu of such a method of driver compensation, a minimum guarantee per driver of \$5.00 per day.

Summary of evidence

(6)

Public witness testimony here adduced, with few

(6) In addition to the testimony of some 26 public witnesses, applicant Smith introduced 25 petitions containing approximately 455 signatures supporting the establishment of a "jitney service over regular routes as requested in Application No.23847."

exceptions, indicated that they were principally interested in obtaining adequate service rather than in choosing which of two applicant carriers was to render such a service.

The principal complaints voiced were with respect to failure of Vallejo Company to provide night service on its various routes. Also, objections both as to routes traversed and convenience of schedules were made. Chief concern in this regard was to obtain routings of the various buses more commensurate with the growth and enlargement of the various subdivisions served and Vallejo Company was criticized for diverting certain late afternoon and early morning schedules to Mare Island without adequately providing for the transportation of its regular passengers.

Concerning the service of Passalacqua's Stage Line between Benicia and Vallejo, the record shows that this company is principally engaged in the transportation of through passengers between Benicia and Vallejo and is neither proposing to nor operating a purely local service such as here involved. This company, therefore, does not appear to be affected by the outcome of the applications here under discussion.

With reference to the record dealing with the Vallejo Bus Company's proposal, it is apparent that this applicant, or its predecessors, has for approximately 20 years been rendering a public passenger stage service in and about Vallejo. It further appears that said Vallejo Bus Company, in rendering this service, has done so in a manner generally commensurate with, except for approximately eight months last past, the demands made upon it and in consideration of the actual support given by the traveling public. Furthermore, for the last several years, save one (1940), it has not been able to realize a profit on its operation. However,

based upon this record, it also appears that Vallejo Company has not kept abreast with recent developments in its territory, particularly as regards maintenance of schedules and changes and expansions thereof. While Vallejo Company may not be said to have been dilatory in expanding its operation as to areas served when consideration is duly given to the period of phenomenal growth and rapid changes experienced in the territory here involved, it must be here pointed out that as to the primary and important problem of providing transportation service to and from Mare Island Navy Yard, either via the causeway or by connection with the Mare Island Ferry, this carrier has not, in this proceeding, proposed a plan of operation which includes such a service.

With respect to the showing made by A. G. Smith, the other applicant here before us, we find an individual proposing to expand a two-car "jitney bus" service, over which he exercises little actual operating control, into a certificated common carrier system on the same basis of operation but involving a fleet of 14 cars and 28 drivers providing a 20 hour service a day on half-hourly schedules.

This applicant's plan of operation includes routes converging at a point accessible to Mare Island workers using the Mare Island Ferry to and from their work. He does not, however, provide for any service via the causeway connecting the Island with the mainland. Obviously, the comparatively few taxicabs or sedans proposed to be operated by this applicant cannot, with their limited capacities, even partially satisfy the peak service demand entailed in the transportation of large numbers of workers who would doubtlessly avail themselves of such service at various times of the day and night.

Applicant Smith's showing as to the probable operating results that would obtain under his proposed plan is based upon his present two-car jitney operation with no fixed routes or service and where the drivers' wages are dependent upon the earnings. This has not been shown to be comparable to an operation where the management is entirely responsible for a common carrier service operating over fixed routes and with regular schedules. The service as proposed fails, on this record, in so far as the public interest is concerned, to stand the test of financial stability to insure an enduring service and the further fact that the vehicles proposed to be used are of neither type nor capacity to adequately perform the proposed common carrier service.

While applicant Smith had the support of the various public witnesses called in his behalf together with the verbal approval at least of the more than four hundred petitioners of record, it appears that this support, to a considerable extent at least, was predicated upon the promises of Smith to afford these people an automotive common carrier service commensurate with what they considered to be their needs. This testimony did not indicate that these people were committed to Smith alone nor did it mean that the type of service and equipment offered by him represented the only operating medium in which they were interested. Rather, the testimony was a conclusive representation as to the need for an adequate common carrier service and a demand on the part of the public for the establishment of a service capable of satisfying this need and not either a blanket endorsement or condemnation of a particular operator.

Findings Upon This Record

(1) That there is an urgent need for an improved public transportation service in and in the vicinity of Vallejo. This improved service should include reasonable and adequate transportation in and between the following areas:

The city of Vallejo, the developed and developing areas adjacent to the city of Vallejo in the county of Solano, the South Vallejo district, and the Mare Island Navy Yard.

(2) The public interest will best be served through a coordination and unified transportation system under one management.

(3) The Vallejo Bus Company should be afforded an opportunity to establish the service proposed in its supplemental Applications Nos. 4834 and 20437 and should be further given an opportunity to also provide an adequate service for this entire area, conditioned upon this applicant using all reasonable diligence to accomplish such a plan in the near future.

(4) Applicant Vallejo Bus Company should be afforded thirty (30) days to file with the Commission a proposed routing plan and schedule of operations to reasonably meet the public requirements in the Vallejo area as outlined in Finding No. 1.

(5) The Commission's engineers should be instructed to work with the representatives of the Commandant of the Navy Yard, the city of Vallejo and the Vallejo Bus Company, looking toward the development of a plan of public transportation to reasonably serve the needs of the Vallejo area.

(6) The Application of A. G. Smith should be denied without prejudice.

(7) Should applicant Vallejo Bus Company fail to provide a satisfactory plan, the Commission will give consideration to and will entertain a request for the reopening of this entire transportation matter for the purpose of further consideration, and the following order will so provide.

O R D E R

Public hearing having been had in the above-entitled proceedings, evidence having been received, the matter having been duly submitted, and it having been found as a fact that public convenience and necessity so require,

IT IS ORDERED that a certificate of public convenience and necessity de novo be and it is hereby granted to Vallejo Bus Company on a temporary basis, for a period of ninety (90) days from the effective date hereof, for the establishment and operation of an automotive service for the common carrier transportation of passengers as a passenger stage corporation, as such is defined in section 2 $\frac{1}{2}$ of the Public Utilities Act, between the city of Vallejo and Vallejo Annex, Emerald Terrace, Bay Terrace, Vista de Vallejo, Fairmont Gardens, Hanns Tract, Highway Homes Addition and South Vallejo and intermediate points.

IT IS FURTHER ORDERED that in the operation of said passenger stage corporation service, Vallejo Bus Company shall comply with and observe the following service regulations:

1. File a written acceptance of the certificate herein granted within a period of not to exceed thirty (30) days from the date hereof.

2. Subject to the authority of this Commission to change or modify such at any time by further order, conduct said passenger stage operation over and along the following described routes:

Commencing at the loop formed by Virginia, Sonoma, Georgia and Marin Streets, the same being occasioned by the interdiction of left-hand turns on Georgia Street, operating the Bay Terrace service northerly on Marin Street to Illinois Street, thence westerly over Illinois Street, Farragut Avenue to the Black Point Cut Off, also called Wilson Avenue, over Benson Street to B Street, over B Street to Daniels Street and over Daniels Street extended when projected into the newly built housing project of the United States Government, and continuing on through the same to Sacramento Street Extended, thence southerly along Sacramento Street Extended to Illinois Street, thence easterly on Illinois Street to Marin, returning southerly on Marin Street to the loop, continuing easterly on Georgia Street into what is known as the Annex territory until it intersects with the American Canyon Road or State Highway, south on the State Highway to Woodrow Avenue, east on Woodrow Avenue to Maple Street, northerly on Maple Street to Benicia Road, west on Benicia Road to Central Avenue, northwesterly on Central Avenue to Georgia Street, returning westerly on Georgia Street to Marin Street;

Operating what is known as the Bay Terrace and Vista de Vallejo route in conjunction with South Vallejo, commencing at the Georgia Street loop at Marin Street, north on Marin Street to Tennessee, east on Tennessee to Napa Road, north on Napa Road to Nebraska Street, formerly Fleming, east on Nebraska Street to Amador, north on Amador to Camino Alta, east on Camino Alta to Tuolumne, north-easterly over Tuolumne to Fairmont, forming the loop in Emerald Terrace, south on Fairmont to Fleming, formerly County Road 140, westerly on Fleming to Tuolumne, south on Tuolumne to Nebraska, westerly on Nebraska to Napa Road, south on Napa Road to Tennessee, west on Tennessee to Marin, south on Marin to the Virginia and Sonoma loop to Georgia, east on Georgia to Alameda, south on Alameda to Solano, south-easterly from Solano over Fifth Street to Cherry, southwesterly on Cherry to Fourth Street, northwest-^xerly on Fourth to Bennet and over Bennet to Fifth Street, north on Fifth to Alameda, north on Alameda to Georgia to the terminal loop at Marin Street;

A supplemental service known as the Tennessee Street Extension operating from the Georgia and Marin Street loop, north on Marin to Tennessee, east on Tennessee to the State Highway, south on the State Highway to Ohio Street, west on Ohio Street to Tuolumne, north on Tuolumne to Tennessee Street, west on Tennessee to Marin and southerly on Marin to the Georgia Street loop; all operations to be in either direction.

3. File, in triplicate, and concurrently make effective on not less than five (5) 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, rules and regulations which in volume and effect shall be identical with the proposed rates, rules and regulations shown in the exhibits attached to the applications herein, in so far as they conform to the certificate herein granted, or rates, rules and regulations satisfactory to the Railroad Commission.

4. File, in triplicate, and make effective 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 this Commission.

IT IS FURTHER ORDERED that applicant shall, within thirty (30) days from the effective date hereof, file with this Commission for its approval a proposed routing plan and schedule of operations which in the judgment of the Commission will provide reasonable and adequate public transportation in, and in the vicinity of, the city of Vallejo.

IT IS FURTHER ORDERED that Application No. 23847 be and it hereby is denied without prejudice.

The effective date of this order shall be ten (10) days from the date hereof.

Dated at San Francisco, California, this 6th day of May, 1941.

[Signature]
Ray & Riley

Frank R. Havens

COMMISSIONERS