

Decision No. 34238

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
PACIFIC GREYHOUND LINES, a corporation,)
for a restatement and clarification of certain) Application
operative rights between Oakland and Stockton,) No. 24155
California, for removal of certain restric-)
tions, and for an order of consolidation.)

ORIGINAL

H. C. LUCAS and H. D. RICHARDS, by H. D. RICHARDS,
for applicant.

HARRY A. ENCELL, for Gibson Lines.

DONAHUE, RICHARDS AND HAMLIN, by THOS. K. MCCARTHY,
for East Bay Transit Company and Key System.

BY THE COMMISSION:

In the above-numbered application, filed April 23, 1941,
as amended May 15, 1941, Pacific Greyhound Lines requests, (a)
a restatement and clarification of certain of its operative rights
between Oakland and Stockton, (b) a removal of certain restric-
tions (c) and an order of consolidation.

A public hearing was held in this matter before Examiner
Hunter in Concord on May 16, 1941, at which time the matter was
taken under submission.

Applicant operates service in the territory involved
under the following operative rights:

1. Between Martinez and Stockton via Port Chicago,
Brentwood, and Holt (Dec. No. 23244, Appl. No.
16989, as amended, Dec. No. 24280, Appl. No.
16989, Dec. No. 26137, Appl. No. 18976, and Dec.
No. 28796, Appl. No. 20241).
2. Between Borden Junction and Oakland, via Byron,
Concord, Walnut Creek, and Lafayette (Dec. No.
29781, Appl. No. 20513).
3. Between Pleasant Hill Road (Acalanes Junction)
and Martinez, via Pleasant Hill Road (Dec. No.
30683, Appl. No. 20241).

4. Between Berkeley and Walnut Creek, via Lafayette (Dec. No. 33823, Appl. No. 23927).
5. Between Franklin Canyon Junction and Martinez, via Franklin Canyon Road (Dec. No. 23942, Appl. No. 14912).
6. Between Martinez and Benicia, via Martinez-Benicia Ferry (Dec. No. 24263, Appl. No. 17789).

In addition to the foregoing operative rights the Commission, by Decision No. 34014, in Application No. 23930, authorized the Sacramento Northern Railway to sell and Pacific Greyhound Lines to purchase the following operative rights which were not consolidated under said decision with existing operative rights of Pacific Greyhound Lines:

Between San Francisco and Pittsburg, via Lafayette, Concord, and Willow Pass Junction, or via Clyde, Port Chicago, and Willow Pass Junction.

The above operative rights are subject to certain restrictions, for example, the transportation of passengers from Pittsburg to San Francisco is limited to the route via Martinez. In this application authority is sought to remove this and other minor restrictions and thereby afford the public a more complete service.

Public witnesses testified in support of this application. It was their contention that if and when passenger rail service is discontinued by the Sacramento Northern Railway between San Francisco and Pittsburg, as applied for in Application No. 24127, there will be an urgent public need for an expansion of the applicant's service which can be effected by the consolidation of applicant's operative rights and a removal of certain of the restrictions applied for herein.

A stipulation was entered in the record between the applicant and East Bay Transit Company whereby it was agreed that

applicant will not transport local passengers in the Oakland-San Francisco area.

The proposed schedules of service are set forth in Exhibit "B" attached to the application, from which it appears that between the hours of 6:40 A.M. and 9:00 P.M., there will be ten daily services between San Francisco and Pittsburg, and nine services between San Francisco, Walnut Creek and Concord, serving intermediate points en route.

Attached to the application as Exhibit "C" are proposed passenger fare tariffs which set forth one way, round trip and commutation fares. The one/^{way}and round trip fares are on approximately the same level as those now in effect on the Sacramento Northern Railway. With respect to the commutation fares, however, those proposed by applicant are on a somewhat higher level than now obtain on the Sacramento Northern Railway. The commute fare is built up by adding the carrier's charges to the bridge toll (San Francisco-Oakland Bay Bridge) which amounts to \$2.60 per month. This is the initial filing of commutation fares by applicant in this district.

No protest was made to the granting of the application as prayed for, and a review of the record leads to the conclusion and the Commission finds that public convenience and necessity require that the application should be granted. The following order will so provide.

O R D E R

A public hearing having been held in the above entitled application, testimony received and the matter submitted, and the Commission having found as a fact that public convenience and

necessity so require,

IT IS ORDERED that a certificate of public convenience and necessity be and it hereby is granted to the Pacific Greyhound Lines, a corporation, to operate as a passenger stage corporation, as that term is defined in Section 2½ of the Public Utilities Act, for the transportation of passengers, baggage and express between the points hereinafter designated, and intermediate points, as a consolidation of, and as an extension and enlargement of existing operative rights, and in lieu of the following existing operative rights, subject however, to the limitations and conditions hereinafter specified.

1. Between Martinez and Stockton, via Port Chicago, Brentwood and Holt, heretofore authorized by Decision No. 23244, in Application No. 16989, as amended; Decision No. 24280, in Application No. 16989; Decision No. 26137, in Application No. 18976, and Decision No. 28796 in Application No. 20241.
2. Between Borden Junction and Oakland, via Byron, Concord, Walnut Creek and Lafayette, authorized by Decision No. 29781 in Application No. 20513.
3. Between Pleasant Hill Road (Acalanes Junction) and Martinez, via Pleasant Hill Road, authorized by Decision No. 30683 in Application No. 20241.
4. Between Berkeley and Walnut Creek, via Lafayette, authorized by Decision No. 33823 in Application No. 23927.
5. Between Franklin Canyon Junction and Martinez, via Franklin Canyon Road, authorized by Decision No. 23942 in Application No. 14912.
6. Between Martinez and Benicia, via Martinez-Benicia Ferry authorized by Decision No. 24263 in Application No. 17789.
7. Between San Francisco and Pittsburg, via Lafayette, Concord, and Willow Pass Junction, or via Clyde, Port Chicago and Willow Pass Junction, authorized by Decision No. 34014 in Application No. 23930.

IT IS HEREBY FURTHER ORDERED that the operative rights defined in the preceding ordering paragraph, and authorized to be consolidated, be and they hereby are made subject to the following

conditions and restrictions:

1. The order of consolidation shall not permit the sale of tickets nor the transportation of passengers, baggage or express as follows:

(a) Between Sacramento on the one hand and Port Chicago and Antioch and intermediate points on the other hand via Martinez.

(b) No local passengers to or from San Francisco shall be transported in the territory between 20th and Broadway, and 38th and Broadway, not including 20th Street, and the territory between 38th Street and Grove Street, not including 38th and Grove Street, to 38th Street and Broadway and via Broadway to Temescal Junction on schedules originating or terminating at Walnut Creek, to and from San Francisco, or originating or terminating at intermediate points between Walnut Creek and Temescal Junction to and from San Francisco.

(c) No passengers shall be transported locally between Oakland and Temescal Junction and intermediate points.

(d) No passengers shall be transported locally between Stockton and Brentwood or Byron, and intermediate points.

(e) No passengers shall be transported locally between Temescal Junction and Berkeley and intermediate points.

(f) No local passengers shall be transported over the 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 Railroad Company and between the California Toll Bridge Authority and Key System.

(g) No shipment that weighs in excess of one hundred (100) pounds shall be accepted for transportation, and all shipments shall be transported on passenger vehicles, subject however, to the exceptions:

That property may be transported for or through the agency of Railway Express Agency, Incorporated.

That milk and cream and empty containers therefor may be transported to or from a rail junction point in connection with rail transportation thereof.

2. 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.
3. Applicant shall file and make effective within a period of not to exceed thirty (30) days after the effective date of this order, on not less than ten (10) days' notice to the Railroad Commission and the public, time schedules covering the service herein authorized, in accordance with Exhibit "B" attached to the application, and in a form satisfactory to the Commission.
4. Applicant shall file and make effective within a period of not to exceed thirty (30) days after the effective date of this order, on not less than ten (10) days' notice to the Railroad Commission and the public, appropriate tariffs of passenger fares, rules and regulations, in accordance with Exhibit "C" attached to the application, and in a form satisfactory to the 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 in-lieu certificate herein granted shall revoke and cancel all existing operative authority heretofore granted to the applicant for the performance of service as a passenger stage corporation from, to and between the points designated in the decisions set forth in the first ordering paragraph hereof, and that Application No. 24155, in all other respects be and the same is hereby denied.

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

Dated at San Francisco California, this 27th day of May, 1941.

[Handwritten Signature]

Justice J. Cullen
Francis D. Havenner
[Handwritten Signature]