

Decision No. 34269

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
RAY WITHERS and ANDREW BYRD, a co-)
partnership, doing business under the)
firm name and style of SAN MATEO)
TRANSIT, for a certificate of public)
convenience and necessity enlarging and)
extending its rights to operate a motor)
bus service as a common carrier of)
passengers in and between the Cities)
of Burlingame and San Mateo, California)

ORIGINAL

Application No. 23615

DOUGLAS BROCKMAN and REGINALD L. VAUGHAN,
for Applicants.

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

IVORES R. DAINS and WILLIAM M. ABBOTT, for
Market Street Railway, Protestant.

BY THE COMMISSION:

O P I N I O N

Ray Withers and Andrew Byrd, a co-partnership, are providing a local passenger stage service between Burlingame and San Mateo over several routes. They propose herein to abandon service over portions of two of those routes and to establish service over other routes hereinafter more definitely set forth.

Five days of public hearing was had therein, at the conclusion of which the matter was submitted and is now ready for decision.

Applicants are now providing service as authorized by the Commission's Decision No. 29854 and Decision No. 32001 as set

(1)
forth in the margin. Applicants herein propose to establish service over the following additional routes, the first of which is within Burlingame and the others within San Mateo.

- (1) Along El Camino Real between Broadway Avenue and Burlingame Avenue together with a loop along Carmelita Avenue northeast from El Camino Real to Capuchino Avenue; thence along Capuchino Avenue northwest to Broadway Avenue, all within the City of Burlingame.

(1) The route authorized by Decision No. 29854 is as follows:

"Commencing at the intersection of Hobart Avenue and Edinburgh Street, San Mateo; thence northwesterly along Edinburgh Street to West Third and Third Avenues; thence northeasterly along Third Avenue to Main Street and S.P. Depot; thence northwesterly along Main Street to Second Avenue; thence southwest along Second Avenue to 'B' Street; thence northwesterly along 'B' Street to Baldwin Avenue; thence southwesterly along Baldwin Avenue to El Camino Real (U.S. Highway 101); thence northwesterly along El Camino Real to Park Road; thence northwesterly along Park Road to Burlingame Avenue; thence southwesterly along Burlingame Avenue to Occidental Avenue; thence southerly along Occidental Avenue to its intersection with Clark Drive; with a loop from Park Road at Howard Avenue; thence along Howard Avenue to Highland Avenue, to Burlingame Avenue to Park Road."

The routes operated pursuant to authority of the Commission's Decision No. 32001 are as follows:

"Commencing at the intersection of Hillside Drive and Alvarado Street in North Burlingame; thence along Hillside Drive, El Camino Real, Broadway, California and San Mateo Drives, Baldwin Avenue, North 'B' Street, Second Avenue, Main Street, to Third Avenue (Southern Pacific Depot, San Mateo); thence along Third Avenue, South 'B' Street, Twelfth Avenue, El Camino Real (U.S. Highway 101), Twenty-third Avenue, Florin Avenue, Twenty-fifth Avenue, El Camino Real, Thirty-ninth Avenue, terminating at the San Mateo Community Hospital near the intersection of Thirty-ninth Avenue and Edison Street.

"Commencing at the intersection of California Drive and Howard Avenue, in the City of Burlingame; thence along Howard Avenue, Dwight Road, Peninsular Avenue, Bayshore Highway, Bayswater Avenue and North Idaho Street, terminating at its intersection with Peninsular Avenue.

"Commencing at the intersection of Third Avenue and Main Street (Southern Pacific Depot, San Mateo); thence along Third Avenue to South Humboldt Street to its intersection with Tenth Avenue."

- (2) Along North Delaware Street between Third Avenue in the City of San Mateo and Peninsular Avenue, being the boundary line between Burlingame and San Mateo, with the right to operate across Peninsular Avenue at the junction of North Delaware Street in San Mateo and Dwight Road in Burlingame.
- (3) Along San Mateo Drive between Baldwin Avenue and Third Avenue, all within the City of San Mateo.
- (4) Along Twenty-eighth Avenue southwest from El Camino Real to Hacienda Avenue; thence northeast along Hacienda Avenue to Del Mar Way; thence west along Del Mar Way to Isabelle Avenue; thence northwest along Isabelle Avenue to Twenty-third Avenue; thence northeast along Twenty-third Avenue to Hacienda Avenue, all within the City of San Mateo, together with the option that the southbound bus from San Mateo may proceed directly along El Camino Real to Twenty-eighth Avenue, provided there are no passengers on the bus who desire to get off along Twenty-third Avenue, Isabelle Avenue, Del Mar Way, Hacienda Avenue and Twenty-eighth Avenue.

Applicants also propose to temporarily suspend service for a period of one year over the following routes within San Mateo:

- (1) Along Peninsular Avenue from Dwight Road east to Bayshore Highway, including a loop northeast along Bayshore Highway from Peninsular Avenue to Bayswater Avenue; thence southwest along Bayswater Avenue to North Idaho Street; thence southeast along North Idaho Street to Peninsular Avenue.
- (2) Along Hacienda Avenue southeast from Twenty-third Avenue to Twenty-fifth Avenue; thence northeast along Twenty-fifth Avenue to El Camino Real.

The fares proposed to be charged will be an application of the zone fares now in effect in the territory served by this carrier, which range from 5 cents to 18 cents, depending upon the number of zones involved, as set forth in the tariff, Exhibit No. "B" attached to the application herein.

Market Street Railway Company and Pacific Greyhound Lines opposed the granting of the application except the rerouting along Twenty-eighth Avenue, Hacienda Avenue, Del Mar Way and Twenty-third Avenue.

The proposed new routings along El Camino Real between Broadway and Burlingame Avenue, and along North Delaware Street between Peninsular Avenue and Third Avenue, San Mateo, will become a part of the route of an operation between the intersection of Broadway and El Camino Real, Burlingame, and the Southern Pacific Depot at San Mateo, via the main shopping district and Southern Pacific Depot at Burlingame. The business district at San Mateo is adjacent to the San Mateo terminus of this route. Service to the new San Mateo Junior College on North Delaware Street will also be provided by this operation. Transportation between points on the proposed lines and points on other lines now operated by applicants would be obtained by transfer at connecting points. A thirty-minute headway over this route is planned between about 8:00 A.M. and 5:00 P.M. daily except Sundays and holidays. The local zone fare to be charged on El Camino Real and on North Delaware Street is 5 cents.

The proposed route along San Mateo Drive between Baldwin Avenue and Third Avenue is designed to provide a more direct service to and from the main business district of San Mateo for traffic moving over the Hillside Drive, California-San Mateo Drive route.

The proposed extension over Twenty-third Avenue, Isabelle Avenue and Twenty-eighth Avenue in San Mateo is, in effect, a rerouting of the present service over Hacienda Avenue and Twenty-fifth Avenue to provide service for a rapidly developing residential district. This would result in elimination of service along Hacienda Avenue for a distance of about three blocks and along Twenty-sixth Street for a similar distance. Passengers in that area would be required to walk a distance not greater than approximately three city blocks. There was no opposition to this plan.

The plan to suspend service along Peninsular Avenue between North Delaware Street and Bayshore Avenue, a distance of seven blocks, and the loop along Bay Shore, Bayswater and North Humboldt Street, was not opposed.

Approximately fifty-five witnesses testified in support of the application and stipulations were entered into that about fourteen others who were present at the hearing would testify in the same manner if called. Among those who testified were local officials of the communities involved, representatives of the local Chambers of Commerce, Parent Teacher Associations, and other groups.

Evidence was adduced that the proposed new routings along El Camino Real and North Delaware Street would provide an improved and more direct service, without transfer, to meet the needs of many persons living along, or near El Camino Real, who have occasion to travel to the chief business areas of Burlingame, or San Mateo, or to make train connections at the Burlingame Southern Pacific Depot. It would also provide a direct service for students attending the new San Mateo Junior College on North Delaware Street. It likewise would provide a more convenient and direct service for those persons living in the North Delaware Street district who desire to travel to the San Mateo business area and for those who are employed in residences in various parts of either Burlingame or San Mateo. It was shown, as pointed out by the representatives of local civic groups, city officials and others, that the proposal would result in a more comprehensive and co-ordinated service to provide an adequate local transportation system needed by these rapidly developing cities.

Pacific Greyhound Lines provides a local service at a fare of 10 cents between Burlingame and San Mateo, along El Camino

Real, Burlingame Avenue, California - San Mateo Drive. A number of witnesses testifying in support of this application expressed a dissatisfaction with the local service of that carrier. Some of the dissatisfaction was directed at the fare charged and others complained that at times the stages failed to stop for them. They all indicated a definite preference for applicants' proposal not only on the basis of the lower proposed fare but, also, on the basis of a more adequate general service between many more points in the communities. While it appears that Greyhound provides a service between points on El Camino and the business area of Burlingame and San Mateo, it does not serve points along North Delaware Street as proposed by applicants and to that extent cannot provide the same service. No carrier at the present is serving along North Delaware Street.

By stipulation of the parties, the testimony of Mr. L. V. Newton, Vice-President of Market Street Railway, in charge of operations, was made a part of this record by reference. This testimony was given in the hearing on Application No. 22209 of the same applicants herein. In that application authority was sought which would, in part, parallel the rail line of this protestant along California and San Mateo Drives between Broadway, Burlingame and Third Avenue, San Mateo. Mr. Newton therein described the service provided and the fares charged by his company, and expressed the opinion that establishment and operation of the proposed stage service at a fare less than that charged by his company might so affect its income as to cause a curtailment or abandonment of its service in the territory involved. By the terms of the Commission's order

of its Decision No. 32001, dated May 16, 1939, Application No. 22209, the applicants were granted a certificate, among other things, to operate along California - San Mateo Drives, at a fare level somewhat above that charged by the rail line. This protestant did not offer any evidence in this proceeding from which a determination can be made as to the effect, if any, which applicants' present operations have had upon the traffic of the rail line, nor what effect the proposal herein might have.

It does not appear that the proposed new routings along El Camino Real and along North Delaware Street will affect Market Street Railway's operation, at least to any material extent. These routes although parallel to the rail line are removed therefrom a minimum distance of approximately four city blocks, except in one minor instance in San Mateo.

Viewing this record in the light of the showing made, it is quite clear that there is a very definite need for the granting of the authority requested which will permit the applicants to establish and operate a comprehensive and adequate transportation system for the communities involved. This record shows that the service they have been providing has within its limited extent been very satisfactory to its users. Rather than suspend the operation along Peninsular Avenue, it should be abandoned until such time that it can be shown that there is a definite need for its re-establishment.

It appears the application should be granted to conform

with the foregoing conclusions and that an order be issued in the form of a new certificate to include not only the new right to be granted herein, but also, all the presently held operative rights of applicants, except the proposed abandonments, not in addition to, but in lieu of those rights.

O R D E R

A public hearing having been had in the above-entitled proceeding, evidence having been adduced, the matter duly submitted, and the Commission now being fully advised therein and finding that public convenience and necessity so require;

IT IS ORDERED that a certificate of public convenience and necessity is hereby granted to Ray Withers and Andrew Byrd, a co-partnership, authorizing the establishment and operation of service as a passenger stage corporation, as defined in section 2 $\frac{1}{2}$ of the Public Utilities Act, between points in Burlingame, Hillsborough and San Mateo, and all intermediate points, not in addition to but in lieu of the operative rights heretofore granted by Decision No. 29854 (Ap. 20970) and Decision No. 32001 (Ap. 22209).

IT IS FURTHER ORDERED that in the operation of a passenger stage service pursuant to the foregoing certificate, applicants shall comply with, and observe, the following service regulations:

1. Applicants shall file a written acceptance of the certificate herein granted within a period of thirty (30) days from the effective date hereof.

2. Applicants shall comply with the provisions of General Order No. 79 and Part IV of General Order No. 93-A by filing tariffs and time schedules in conformity therewith, in triplicate, within sixty (60) days from the effective date hereof and upon not less than ten (10) days' notice to the Commission and the public.
3. Subject to the authority of this Commission at any time by further order to change or modify them, applicants shall conduct the herein certificated passenger stage operations over and along the following described routes:

Commencing at the intersection of Hillside Drive and Alvarado Street in North Burlingame, thence along Hillside Drive, El Camino Real, Broadway, California and San Mateo Drives, to Third Avenue, thence along Third Avenue, South "B" Street, Twelfth Avenue, El Camino Real, Thirty-ninth Avenue, terminating at the San Mateo Community Hospital near the intersection of Thirty-ninth Avenue and Edison Street. Also, as part of this route, diverting from El Camino Real at Twenty-third Avenue (San Mateo) along this Avenue, Isabelle Avenue, Del Mar Way, Hacienda Avenue and Twenty-eighth Avenue to El Camino Real and continuing along the foregoing described route.

Commencing at the intersection of Hobart Avenue and Edinburgh Street, San Mateo, thence northwesterly along Edinburgh Street to West Third and Third Avenues, thence northeasterly along Third Avenue to Main Street and Southern Pacific Depot; thence northwesterly along Main Street to Second Avenue; thence southwest along Second Avenue to "B" Street; thence northwesterly along "B" Street to Baldwin Avenue; thence southwesterly along Baldwin Avenue to El Camino Real (U.S. Highway 101); thence northwesterly along El Camino Real to Park Road; thence northwesterly along Park Road to Burlingame Avenue; thence southwesterly along Burlingame Avenue to Occidental Avenue; thence southerly along Occidental Avenue to its intersection with Clark Drive; with a loop from Park Road at Howard Avenue, thence along Howard Avenue to Highland Avenue, to Burlingame Avenue to Park Road.

Commencing at the intersection of California Drive and Howard Avenue, in the city of Burlingame, thence along Howard Avenue, Dwight Road and North Delaware Street, terminating at its intersection with Third Avenue (San Mateo).

Commencing at the intersection of Third Avenue and Main Street (Southern Pacific Depot, San Mateo), thence along Third Avenue to South Humboldt Street to its intersection with Tenth Avenue.

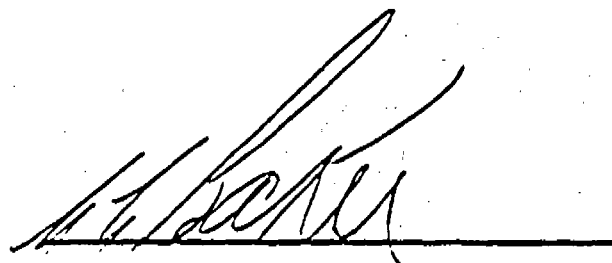
Along El Camino Real (Burlingame) between Burlingame Avenue and Broadway with a loop over Carmelita Avenue and Capuchino Avenue between El Camino Real and Broadway.

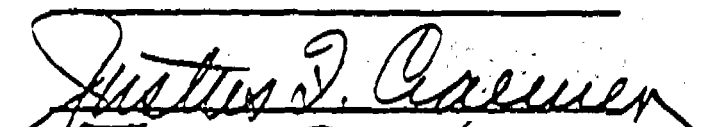


Vehicles may be turned at the termini of any route or the termini of any operation, either in the intersection of the streets or by operating around the blocks contiguous to such intersections in either direction, and to carry passengers as the traffic regulations of the municipalities may require.

IT IS FURTHER ORDERED that the operative rights heretofore granted by Decision No. 29854 (Ap. 20970) and Decision No. 32001 (Ap. 22209) are hereby revoked and annulled.

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.






COMMISSIONERS