

ORIGINAL

Decision No. 34619

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the joint application of PACIFIC GREYHOUND LINES, a corporation, to sell, and K. K. ATKINSON, dba MARTINEZ-BENICIA BUS LINE, to purchase, certain passenger stage operative rights for the transportation of passengers, baggage and express between Martinez and Benicia, and application of K. K. ATKINSON for a certificate of public convenience and necessity between Benicia and Benicia Arsenal Barracks; and between Benicia and Benicia Arsenal.

Application No. 24447

BY THE COMMISSION:

O P I N I O N

By a joint application filed on September 13, 1941, the Pacific Greyhound Lines, a corporation, and K. K. Atkinson (doing business as Martinez-Benicia Bus Line) seek the Commission's approval of a sale by the former, and a purchase by and transfer to the latter, of an operative right, as a passenger stage corporation, for the transportation of passengers, baggage and express between Martinez and Benicia. In addition, K. K. Atkinson seeks authority to extend the service of the Martinez-Benicia Bus Line to transport passengers, baggage and express between Benicia, on the one hand, and Benicia Arsenal and Benicia Arsenal Barracks, on the other hand, and to enter into joint rates with the Pacific Greyhound Lines for the transportation of persons, baggage and express between points on the Pacific Greyhound Lines, on the one hand, and points on the Martinez-Benicia Bus Line, on the other hand.

(1) By Decision No. 23244, in Application No. 16989, and Decision No. 24263 in Application No. 17789, the Pacific Greyhound Lines were authorized to transport passengers, baggage and express between Martinez and Benicia. A map attached to the application as Exhibit "B" shows the geographical extent of the operative right sought to be transferred herein.

K. K. Atkinson, according to the application, is engaged in the automobile business in Walnut Creek and Lafayette; is an experienced bus operator, having conducted school bus operation for the Orinda, Lafayette and Acalanes School Districts, and is financially able, ready and willing to perform the service proposed herein.

The proposed sale and transfer of the Martinez-Benicia bus operation to applicant Atkinson is based upon the representation that passenger service between these points is primarily local in character. The amount of passenger traffic handled is light and the operation, it is said, can be more efficiently conducted as an individual service by a local operator, rather than as a branch line service by a large system operator.

In support of the proposal to extend the existing service at Benicia, it is alleged that the Army is presently constructing extensive barracks at the Benicia Arsenal (2.5 miles north of Benicia) where a number of men will be stationed; also, that a large number of civilian workers and army personnel are respectively employed and stationed at Benicia Arsenal and there is assertedly no public transportation now available to either the Arsenal or to the new Arsenal Barracks.

The Martinez-Benicia Bus Line proposes to operate two 17-passenger buses and such additional equipment as the traffic may require. It offers to perform service with greater frequency than is now performed between existing points, and to extend the additional schedules of service to the new points sought to be served. A copy of applicant's proposed time schedule is attached to the application as "Exhibit C." Briefly described, the service contemplates eleven schedules of service daily, including Sundays and holidays, in each

direction between Martinez and Benicia Arsenal Barracks, with one additional schedule daily, except Sundays and holidays, and one additional schedule on Saturdays, between the same points.

The route over which the proposed service would be conducted begins at Ferry and Ward Streets in Martinez, with stops at the Greyhound and Southern Pacific depots in Martinez, and subsequent stops at the Martinez and Benicia Ferry slips, and in the city of Benicia at 5th and "H" Streets, 1st and "H" Streets, Southern Pacific depot, 5th and "M" Streets, thence to Benicia Arsenal and ultimately to Benicia Arsenal Barracks, for a total distance of 4.4 miles. The return route would make the same stops in the reverse order.

Adult passenger fares for one-way and round-trip movements proposed by the applicant and set forth in "Exhibit D" attached to the application, are as follows:

<u>And</u>	<u>Between</u>	<u>Martinez</u>	<u>Martinez</u>	<u>Benicia</u>	<u>Benicia</u>	<u>Benicia</u>
		<u>Ferry</u>	<u>Ferry</u>	<u>Ferry</u>	<u>Ferry</u>	<u>Arsenal</u>
Martinez Ferry	O.W.	\$0.10	-			
	R.T.	.20	-			
Benicia Ferry	O.W.	.10	\$0.10	-		
	R.T.	.20	.20	-		
Benicia	O.W.	.10	.10	\$0.10	-	
	R.T.	.20	.20	.20	-	
Benicia Arsenal	O.W.	.10	.10	.10	\$0.10	-
	R.T.	.20	.20	.20	.20	-
Benicia Barracks	O.W.	.20	.20	.10	.10	\$0.10
	R.T.	.40	.40	.20	.20	.20

O.W. - One way
R.T. - Round trip

Children under five years of age when accompanied by an adult passenger will be carried free. Children between the age of five years and twelve years occupying seats, will be charged one-half the adult fare.

(2)
The proposed minimum fare will be ten cents. A proposed baggage tariff is attached to the application as "Exhibit E" and a proposed express tariff as "Exhibit F". The latter provides for handling shipments up to 100 pounds at charges grading upward from 10 cents to 60 cents, per shipment.

Applicant Atkinson desires authority to enter into joint fares and joint express rates with the Pacific Greyhound Lines to enable him to handle interline passengers and interline express shipments between points on the Martinez-Benicia Bus Line and points on the Pacific Greyhound Lines. In conclusion, he urges the Commission to order a consolidation of the new operative right sought herein with the operative right to be acquired from the Pacific Greyhound Lines.

The Commanding Officer of the Benicia Arsenal has advised the Commission by letter that the proposed new service and passenger fares would be eminently satisfactory to the Arsenal and urged the Commission to give favorable consideration to applicant's proposal. The Martinez Chamber of Commerce and the City of Martinez, by letter and by formal resolution, urge that expedited action be taken by the Commission to approve the proposed transfer and authorize the new service which is said to be essential and desirable to the communities involved.

The Commission has received no protest to the granting of

(2) In addition to regular one-way and round-trip fares, applicant proposes to charge an individual monthly commutation fare between Martinez and Benicia Barracks of \$7.80 good for fifty-four (54) rides.

the authority here sought, nor does it appear that there are any other public carriers of passengers competitively engaged in operation in the affected territory. This does not appear to be a matter in which a public hearing is necessary.

The Martinez-Benicia Bus Line's proposed schedules will afford the public a more frequent service than is now being conducted between Martinez and Benicia and the proposed fares appear to be reasonably related to the service and are fairly comparable to bus fares for trips of similar distances by carriers in other districts. The proposed extension of service to the Arsenal and to the Arsenal Barracks from the city of Benicia is necessary by virtue of national defense work now being conducted at the Arsenal and to accommodate military personnel living at the Barracks adjacent thereto. Joint passenger fares and joint express rates between points on the applicant's line and points on the Greyhound Lines, to the extent that they will be lower than combination fares and rates, will be in the public interest. The Commission is of the opinion and finds that the request for the proposed transfer of the operative right is in the public interest and that the proposal to extend service and the prayer for joint rate authority are required by public convenience and necessity. The application will be granted.

O R D E R

Upon a consideration of the above-entitled application and based upon the Commission's finding in the preceding opinion that public convenience and necessity so require,

IT IS ORDERED that the Pacific Greyhound Lines be, and they

are hereby authorized to sell and transfer to K. K. Atkinson, doing business as Martinez-Benicia Bus Line, and the latter is hereby authorized to purchase and acquire from Pacific Greyhound Lines, an operative right as a passenger stage corporation to engage in the transportation of passengers, baggage and express between Martinez and Benicia and intermediate points.

IT IS FURTHER ORDERED that a certificate of public convenience and necessity be, and it is hereby granted to K. K. Atkinson, doing business as Martinez-Benicia Bus Line, authorizing him to engage in the transportation of passengers, baggage and express between Benicia, on the one hand, and Benicia Arsenal and Benicia Arsenal Barracks, on the other hand, as a passenger stage corporation, as that term is defined in Section 2 $\frac{1}{2}$ of the Public Utilities Act, and that the foregoing operative right be, and it is hereby consolidated and merged with the operative right acquired by K. K. Atkinson from Pacific Greyhound Lines pursuant to the preceding ordering paragraph herein.

IT IS FURTHER ORDERED that K. K. Atkinson, doing business as Martinez-Benicia Bus Line, shall comply with the following service regulations:

1. File a written acceptance of the certificate herein granted within a period of thirty (30) days from the effective date of this order.
2. File within sixty (60) days from the effective date of this order and upon not less than five (5) days' notice to the Commission and the public, appropriate tariffs and time schedules consistent with the copies of tariffs and time schedules set forth in exhibits attached to the application, and filed in a manner satisfactory to the Commission.
3. Commence the service authorized herein within sixty (60) days from the effective date of this order.
4. Comply with and observe General Order No. 93-a of the Commission in the operation of the service authorized herein.

5. Subject to the right of the Commission to change said routes at any future time, the services herein authorized shall be conducted over and along the following routes:

a. Between Benicia Arsenal Barracks and Benicia via California Highway No. 74.

b. Within the city of Benicia:

Via 5th Street from the Benicia Ferry to "H" Street, to 1st Street, to "L" Street, to 4th Street, to "M" Street, to 5th Street, thence via State Highway No. 74 to city limits.

Also, between the intersection of "H" and 1st Streets and the Southern Pacific depot via 1st Street.

Also, between the intersection of 5th and "H" Streets and Benicia Arsenal, via 5th Street and "H" Street.

c. Between Benicia and Martinez via Martinez-Benicia Ferry.

d. Between Martinez Ferry and Martinez via Municipal Wharf and its approaches to Ferry Street and Ward Street.

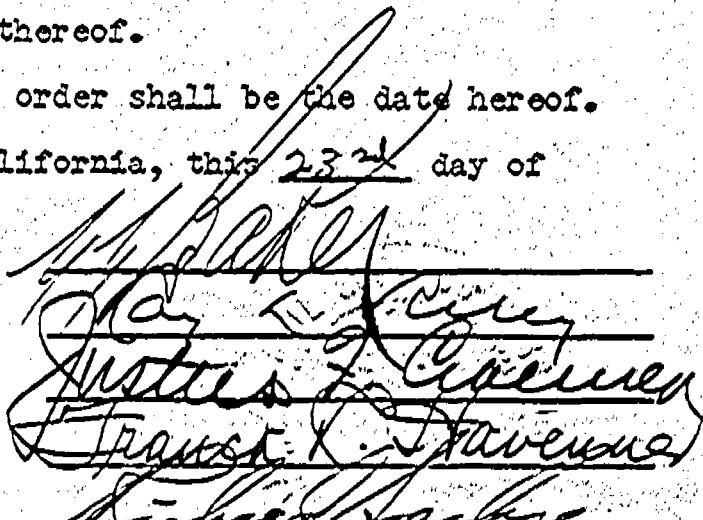
e. In operating over and along the foregoing routes, motor vehicles may be turned at termini, stations or intermediate points, either in street intersections, or by operating around a block contiguous to an intersection in either direction as required by local traffic regulations. Any combination of the above routes may be used.

K. K. Atkinson, doing business as Martinez-Benicia Bus Line is hereby placed upon notice that the certificate of public convenience and necessity herein granted is subject to the condition that neither he nor his successors or assigns may ever claim before this Commission or any court or other public body, a value for the authority hereby granted, in excess of the actual cost thereof.

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

Dated at San Francisco, California, this 23rd day of

September, 1941.



COMMISSIONERS