

Decision No. 40054

ORIGINAL

BEFORE THE PUBLIC UTILITIES 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 to operate)
a motor bus service as a common car-)
rier of passengers: One, within and)
between San Carlos and Belmont, Cali-)
fornia; and Two, between points and)
places in San Carlos and Belmont, on)
the one hand, and points and places)
in San Mateo, California, on the other)
hand, as an extension of existing)
operations.)

Application No. 26573

BEROL & HANDLER by EDWARD M. BEROL, for applicants.
DOUGLAS BROOKMAN, for Pacific Greyhound Lines, protestant
in part.

O P I N I O N

By the above entitled application, as amended, Ray Withers and Andrew Byrd doing business as San Mateo Transit request a certificate authorizing establishment of a passenger stage service between San Carlos, Belmont and San Mateo and intermediate points as an extension and enlargement of their present passenger stage operative rights between San Mateo, Burlingame and Hillsborough. A public hearing was had before Examiner Paul on September 12, October 10 and 18, 1946, when the matter was submitted on concurrent briefs which have been received and considered with the evidence of record.

The operation proposed by applicants would provide a service between the residential section of Belmont west of U. S. Highway No. 101 and the north-rly portion of the residential section of San Carlos west of such highway, and between such

residential sections, on the one hand, and the business district of San Mateo, on the other hand. It would also provide a service between such residential areas and the business districts of Belmont and San Carlos and a service for commuters to and from the Southern Pacific depots in these communities. (1)

Applicants plan to operate seven round trip schedules between Belmont and San Carlos and eleven round trip schedules between the Belmont business center and the Belmont residential area. Three of these schedules would be operated to and from applicants' present San Mateo terminal at Third Avenue and Main Street. Service would be provided between approximately 7 a.m. and 7 p.m. daily except Sundays and holidays. Of the schedules serving Belmont, two in the morning and four in the afternoon are arranged to serve the principal commuter trains of Southern Pacific at Belmont station. Of those serving San Carlos, two in the morning and two in the afternoon would serve some of the Southern Pacific commuter trains at the San Carlos station. Other schedules are arranged to provide a convenient service between San Carlos and Belmont, on the one hand, and San Mateo, on the other hand, for those desiring to shop, transact business or avail themselves of the recreational and other facilities of San Mateo. Applicants plan to use one unit of equipment in providing this service under the proposed arrangement of schedules.

(1) The route to be used between Belmont and San Carlos would begin at El Camino Real on Ralston Avenue in Belmont, thence over Ralston Avenue, Canyon Road, Villa Avenue and Alameda de los Pulgas and San Carlos Avenue terminating at El Camino Real in San Carlos. The route between Belmont business center and the Belmont residential area would begin at El Camino Real, thence over Ralston Avenue, Canyon Road, Avon, Fairway, Arbor, Alameda de los Pulgas, Notre Dame and Mezes. The route between Belmont and San Mateo would be over El Camino Real (U. S. Highway No. 101).

The proposed local fare and fare between Belmont and San Carlos would be 10 cents. Between Belmont and San Carlos, on the one hand, and applicants' San Mateo terminal at Third Avenue and Delaware Street, on the other hand, the proposed fare is 15 cents. Transfers for through transportation between any point on applicants' lines north of Third Avenue in San Mateo and points for which authority is sought to serve would be issued upon the payment of an additional fare of 5 cents.

Approximately 30 public witnesses testified in support of applicants' request. These included housewives residing in Belmont and San Carlos, the Mayor of Belmont, the Commandant of St. Joseph's Military Academy at Belmont, a representative of Notre Dame College at Belmont and a representative of the American Legion Auxiliary at Belmont. From this testimony it was shown that the principal residential area of Belmont has no public transportation other than taxi cabs. Many of the witnesses use taxi cabs, their private automobiles or walk between their homes and the business section of Belmont. Those desiring to travel to San Mateo to transact business in many cases use a taxi cab between their homes and the Pacific Greyhound station at Belmont where transfer is made. Typical of this testimony was that of the Commandant of St. Joseph's Military Academy, who stated that direct service between the vicinity of the school and San Mateo would be a definite convenience to the school since many of the students boarding there have occasion to travel to San Mateo for dental and medical attention. He opposed any arrangement requiring a transfer at Belmont as it would be an inconvenience because the school authorities would be required to supervise the reloading of the students at Belmont.

The only protest to the granting of the application was that of Pacific Greyhound Lines. It objected to applicants' proposal to render through service between Belmont and San Carlos, on the one hand, and San Mateo, on the other hand, and also objected to applicants picking up or discharging any passengers on El Camino Real between 39th Avenue in San Mateo and Belmont station. It took the position that it was providing ample service along El Camino Real and offered to enter into a joint fare arrangement with applicants by which passengers would be transferred between the two carriers in Belmont at the intersection of Ralston Avenue and El Camino Real. Applicants declined to accept protestant's proposal.

This record clearly shows that the residential area of Belmont is being rapidly developed and the residents thereof are in need of public transportation service such as proposed by applicants. The testimony of practically all the witnesses emphasized the need for through service between Belmont and San Mateo without the necessity of a transfer at Belmont as proposed by protestant. Such transfer in many cases would require the crossing of El Camino Real in the face of the hazards of the rapidly moving traffic. There was no showing of public need for any additional service along El Camino Real which is presently served by Pacific Greyhound Lines.

Applicants propose to serve only a part of the northerly portion of San Carlos. The route mileage between the proposed San Carlos terminal and the junction with the Belmont route along Canyon Road appears to be about 2.6 miles. About one mile of the northerly end of this route is through an undeveloped and sparsely settled territory, a portion of it having no population. R. F. Martin operates a passenger stage service between San Carlos and Redwood City serving a part of San Carlos Avenue and the south-rly portion of San Carlos. Applicants request that a local restriction be imposed on their proposed route in San Carlos along San Carlos Avenue where service is now provided by Martin. According to the record Martin had agreed not to protest the application if such restriction were requested. Under applicants' entire plan of operation, which includes the use of only one unit of equipment, two morning commuter trains at San Carlos would be served. Under such plan another commuter train leaving San Carlos at 7:47 a.m. and arriving at San Francisco at 8:20 a.m. would not be served. The only evidence adduced with respect to local service in San Carlos and service to and from San Carlos was that produced from the testimony of a few witnesses who would use the proposed service occasionally. A thorough examination of the evidence leads to the conclusion that the record does not justify a finding that there is a public need for applicants' proposed operation between Belmont and San Carlos.

After full consideration of all the evidence of record in this proceeding we find that public convenience and necessity require the establishment and operation of passenger stage service as proposed by applicants between Belmont and San Mateo and intermediate points subject to a local restriction along El Camino

Real and the denial of the application to operate between Belmont and San Carlos.

O R D E R

An application therefor having been filed, a public hearing held, evidence adduced, the Commission being fully informed therein and it having been found that public convenience and necessity so require,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is hereby granted to Ray Withers and Andrew Byrd authorizing the establishment and operation of service as a passenger stage corporation, as defined in Section 2½ of the Public Utilities Act, for the transportation of passengers between Belmont and San Mateo and intermediate points as an extension and enlargement of the operative right granted by Decision No. 32001, subject to the following restriction:

No passengers may be transported having either point of origin or point of destination along El Camino Real intermediate to its junctions with 39th Avenue (San Mateo) and Ralston Avenue (Belmont).

(2) That in providing service pursuant to the certificate herein granted, applicants shall comply with and observe the following service regulations:

- a. Applicants shall file a written acceptance of the certificate herein granted within a period of not to exceed 30 days from the effective date hereof.
- b. Within 60 days from the effective date hereof and on not less than 5 days' notice to the Commission and the public, applicants shall establish the service herein authorized and comply with the provisions of General Order No. 79 and Part IV of General Order No. 93-A, by filing in triplicate and concurrently making effective, appropriate tariffs and time tables.

c. Subject to the authority of this Commission to change or modify them by further order, applicants shall conduct operations pursuant to the certificate herein granted over and along the following routes:

Beginning at the junction of Alameda de los Pulgas and Villa Avenue thence along Alameda de los Pulgas (Belmont) or Villa Avenue, Canyon Road, Ralston Avenue, El Camino Real to its junction with 39th Avenue, San Mateo.

Beginning at the intersection of Belmont Canyon Road (Belmont) and Avon, thence along Avon, Fairway, Arbor, Alameda de los Pulgas, Notre Dame and Mezes to the intersection of Mezes and Alameda de los Pulgas.

Applicants may turn their motor vehicles at termini or intermediate points either in the intersection of the street, or by operating around a block, in either direction, contiguous to such intersection.

(3) That in all other respects Application No. 26573 is hereby denied.

The effective date of this order shall be 20 days from the date hereof.

Dated at San Francisco, California, this 11th day of March, 1947.

Harold K. Kull

Justus J. Cramer

Wm. H. Powell

A. J. ...

...

COMMISSIONERS