

ORIGINAL

Decision No. 40157

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
RUSSELL L. BENINGER and FRANK BENINGER, )  
co-partners, for a certificate of public )  
convenience and necessity to operate a )  
passenger stage service, as a common )  
carrier, between Richmond and San )  
Francisco as an extension and enlarge- )  
ment of its existing service. )

Application No. 27228

- AARON H. GLICKMAN, for applicants.
- DONAHUE, RICHARDS & HAMLIN, by FRANK S. RICHARDS and JAMES E. GALLAGHER, for Key System, protestant.
- DOUGLAS BROOKMAN, for Pacific Greyhound Lines, protestant.
- JOHN I. PIERCE, Assistant City Attorney for the City of Richmond, interested party.
- FRANK B. DURKEE, for California Toll Bridge Authority, interested party.

O P I N I O N

Russell L. Beninger and Frank Beninger, co-partners, doing business as El Sobrante-Richmond Bus Service, by the above entitled amended application, request a certificate authorizing passenger stage service for the transportation of passengers between El Portal, Rollingwood and El Sobrante, on the one hand, and San Francisco, on the other hand, as an extension and enlargement of applicants' existing operations between El Sobrante, Rollingwood

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(1) The following route would be used in providing this service: Commencing at the intersection of County Road No. 20 and San Pablo Avenue (Highway No. 40) in the unincorporated community of San Pablo; thence via San Pablo Avenue, East Shore Boulevard, and San Francisco-Oakland Bay Bridge to San Francisco; thence via Essex Street, Folsom Street, Second Street, Mission Street and First Street to the East Bay Terminal, returning via First Street, Howard Street, Second Street, Folsom Street and Essex Street to the San Francisco-Oakland Bay Bridge; thence via East Shore Boulevard and San Pablo Avenue to the point of beginning.

and Richmond.

A public hearing was had before Examiner Paul at Richmond and San Francisco on September 19 and 20, and November 12, 1946, and the matter was submitted subject to the filing of briefs which have been considered with the evidence in this proceeding.

Applicants presently provide a passenger stage service between El Sobrante, Rollingwood, El Portal and Richmond which is subject to a local restriction in Richmond. No authority is sought to pick up or discharge passengers originating at or destined to points intermediate to the intersection of Rheem Avenue and San Pablo Avenue, in the community of San Pablo, and San Francisco, nor to provide any local service within San Francisco.

(2) (3)  
The proposed fares and equipment which would be used are shown in the margin.

Applicants plan to establish 14 daily round trip schedules Mondays through Saturdays except holidays. Eight round trips would be operated on Sundays and holidays. The first and last schedules from El Sobrante would leave at 5:30 a.m. and 11:30 p.m., respectively. The first and last schedules from San Francisco

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- (2) The fares for the proposed service are as follows:
    - Adult fare, one way . . . . . 40¢
    - Children between 5 and 12 years of age. . . . . 20¢
    - Children under 5 years of age, free, when accompanied by a fare paying passenger
    - Non-transferable monthly commutation tickets, good for the holder only, valid for a round trip for each working day of the month excluding Sundays . . . \$15.00

- (3) The equipment which would be used in the proposed service is as follows:
 

Make	Dodge	Ford	Brockway	Ford	Ford
Type	Metro	Metro	Metro	Metro	Metro
Year	1939	1941	1942	1942	1942
Seating Capacity	37	35	51	29	29

would leave at 6:30 a.m. and 12:30 a.m. The elapsed time between termini is 50 minutes. Ten of these schedules would operate on a one-hour headway and four on a two-hour headway.

El Sobrante is a community situated about 10 miles north-easterly of Richmond off U. S. Highway No. 40. Rollingwood and El Portal are residential areas lying about midway between El Sobrante and Richmond and north of the unincorporated community of San Pablo. El Portal lies easterly of and is adjacent to U. S. Highway No. 40 and is adjoined by the Rollingwood district on the east.

In support of the authority sought, Russell L. Beninger testified that applicants had been requested by improvement clubs, numerous residents of the Rollingwood and El Sobrante districts and others to establish their proposed service. He asserted that he distributed questionnaires and made inquiries and a survey in connection with the proposed plan of operation. He concluded that the residents of El Sobrante, Rollingwood, El Portal and the district along San Pablo Avenue between its junctions with 23rd Street and Rheem Avenue were in need of a through transportation service to and from San Francisco.

Applicants have 5 units of equipment, described in the margin. They use two of these units in their present operation between El Sobrante and Richmond and plan to use one unit in other operations which would leave available two units to provide the service proposed herein.

Beninger estimated that the cost of the proposed operation would be 15 cents per bus mile. This figure was derived from the estimated cost of applicants' present operations. He stated that

no detailed statements had been prepared to show the basis of such cost but that it did include drivers' wages, gasoline, oil, tires, repairs, depreciation and other charges but did not include bridge tolls or local taxes. It was his opinion that their total daily cost of operation would be approximately \$140 and he anticipated a gross revenue of between \$160 and \$175 a day. Applicants have made no arrangement for terminal facilities at San Francisco where loading and unloading would be done at the curb on First Street between Mission and Howard Streets at the San Francisco terminal of the Bay Bridge. He asserted that they planned to erect approximately 15 shelters at pick up points along the route of operation. Beninger stated that many new homes are in the process of construction in the communities involved and gave varying estimates of the populations of such districts. He stated that if the operation should not be profitable from its inception the income from their present operations is sufficient to offset losses although it could not be continued very long on such a basis.

Some 28 public witnesses testified in support of applicants' proposal. Practically all of these witnesses reside in El Sobrante, Rollingwood or El Portal and the majority of them are employed or are seeking employment in San Francisco. They uniformly expressed dissatisfaction with the present public transportation service between those points and San Francisco which requires one or more transfers and the payment of two fares. The principal complaint was directed toward their inability to board the facilities of Pacific Greyhound Lines and Key System without delay at 23rd Street and San Pablo Avenue (San Pablo) or 23rd Street and McDonald Avenue (Richmond). Witnesses stated that they are frequently passed up

by Pacific Greyhound Lines' equipment at 23rd Street and San Pablo Avenue and when able to board such equipment that they are required to stand. The secretary of a local improvement club emphasized that her community is in need of an adequate, reliable, through, rapid transit system without transfers between that community and San Francisco. Other witnesses pointed out that they are often late for work because of delays caused by their inability to board facilities of the two carriers operating between San Francisco and Richmond. Others stated that on the return trip from San Francisco they are required to wait in line a considerable time in order to obtain transportation by Key System to Richmond. Some testified that the present local service of the applicants between El Sobrante, Rollingwood and El Portal is too infrequent to serve their needs.

Pacific Greyhound Lines and Key System opposed the granting of the application. A witness for Pacific Greyhound Lines stated that it has 67 southbound and 70 northbound schedules daily which provide service between San Francisco and 23rd Street and McDonald Avenue (Richmond) and 23rd Street and San Pablo Avenue (San Pablo). The first southbound schedule leaves Richmond at 4:40 a.m. and the last at 2:40 a.m. The first northbound schedule leaves San Francisco at 5:30 a.m. and the last at 1:30 a.m. A witness for Key System stated that it operates 129 schedules between Richmond and San Francisco via the "L" Line, and 36 schedules via the "J" Line. These schedules operate to and from the Key System terminal in Richmond at 23rd Street and McDonald Avenue where connections are made with a local line operating between that terminal and 23rd Street and San Pablo Avenue (San Pablo).

Protestants take the position that the applicants should arrange their schedules to make connections with the transbay

schedules of protestants either at 23rd Street and San Pablo Avenue or 23rd Street and McDonald Avenue. They further contend that applicants' investigations regarding prospective revenues have been haphazard and cursory; that they were not certain as to the number of passengers carried on their present operations; that they had made no detailed analysis of their probable expenses and probable revenues under the proposed operations; and that their financial condition is such that they are unable to establish and successfully conduct the proposed operation. Protestants further point out that the Beningers would not be able to furnish any additional service during the rush hours of peak load traffic under their proposed operation on a one-hour headway with only two units of equipment.

This record shows that the chief complaints of public witnesses were their inability to make good connections to and from San Francisco, the crowding of Key System and Pacific Greyhound Line buses at San Pablo and Richmond and the crowding of Key System buses at San Francisco during peak load traffic. The first objection could be largely overcome if applicants rearranged their hourly schedules to connect more closely with the more than 300 daily schedules operated by protestants to and from San Francisco. Beningers' proposal to institute an hourly service with two units of equipment does not offer a solution to the over-crowded condition of protestants' buses. They have not shown that they are financially able or properly equipped to provide the service which they propose to establish. Applicants have failed to show they have any plans to acquire the additional modern type equipment necessary to furnish additional service during the rush hours of peak load traffic.

It is incumbent upon, and the Commission expects, Pacific Greyhound Lines and Key System to provide sufficient facilities to meet the needs of the public in the future insofar as they are able to do so through the use of additional modern equipment, so as to avoid overcrowding, standing in buses, the failure of buses to stop due to inability to carry additional passengers and consequent long waiting period before arrival of the next bus. To this end the staff will be instructed to keep the Commission informed in this matter as a basis for such future action as appears appropriate.

Upon full consideration of all the facts of record we are of the opinion and find that public convenience and necessity do not require applicants' proposed service.

**O R D E R**

A public hearing having been held in this proceeding, the matter submitted and it having been found that public convenience and necessity do not require the proposed operations of Russell L. Beninger and Frank Beninger,

IT IS ORDERED that Application No. 27228, as amended, is hereby denied.

Dated at San Francisco, California, this 15th day of April, 1947.

Harold H. Hill  
Justice F. Callahan  
Frank H. Knull  
B. F. Johnson  
Russell W. Fother  
COMMISSIONERS