

ORIGINAL

Decision No. 50748

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of Application of)	
PACIFIC GREYHOUND LINES for authority)	
to operate buses in excess of thirty-	
five feet in length and in excess of)	Application No. 35104
ninety-six inches in width in urban)	
and suburban service.)	

Douglas Brookman and Earl Bagby, for applicant.
Warren Marsden, for the Department of Public Works, protestant.
E. L. DiGrazia, for the Traffic Bureau of
 San Francisco Police Department, interested
 party.
C. W. Overhouse, for the Commission staff.

O P I N I O N

In the above entitled proceeding, as amended, Pacific Greyhound Lines requests the Commission to authorize it to operate motor coaches in excess of 96 inches but not exceeding 104 inches in width, and in excess of 35 feet but not exceeding 40 feet in length over certain of its routes terminating at San Francisco. Such equipment will be referred to as over-size equipment or buses.

A public hearing thereon was held before Commissioner Kenneth Potter and Examiner Leo C. Paul in San Francisco on August 16, 1954 when the matter was submitted subject to the filing of briefs which have been received.

Applicant requests the Commission to authorize minor modifications of Route 9 of General Condition M of Decision No. 47907 which authorized the operation of over-size equipment between San Francisco and Belmont. The modifications of this route are within the City of San Mateo and will not affect the over-all length of the route involved. No one opposed this request.

Applicant also requests the Commission to delete the description of Route 13 of General Condition M of Decision No. 47907

which is a short route within San Mateo used for the operation of over-size equipment because a similar request is pending in another application before the Commission (Application No. 35050).

Applicant is authorized to operate over-size equipment between San Francisco and De Witt (Hamilton Field) a distance of 25.0 miles between its bus terminals on this route. It desires to extend the operation of this equipment from De Witt to Novato, a route distance of 4.2 miles. If extended the total route distance between bus terminals would be 29.2 miles, however, only 22.4 miles will be outside the City of San Francisco. Applicant is also authorized to operate over-size equipment between San Francisco and Pedro, a distance of 17.3 miles between the bus terminals on this route. It seeks authority to extend the operation of this equipment from Pedro to Half Moon Bay, a route distance of 10.1 miles. If so authorized the total route distance between bus terminals on this route would be 27.4 miles.

The superintendent of transportation and the regional manager for applicant testified with respect to the type of equipment applicant would use, the type of service provided and the character of the territories involved. It was shown that applicant presently operates four southbound schedules daily in the early morning from Novato to San Francisco terminating at the Ferry Building. During the evening hours three northbound schedules are operated from the Ferry Building in San Francisco to Novato. The witnesses characterized this service as being of a commuter-type, the schedules referred to serving approximately 100 regular commuters daily. These passengers purchase regular commutation books on either a five or seven-day basis. They reside in the Novato area and are employed or are engaged in business at San Francisco. Applicant operates two northbound schedules each

morning from Half Moon Bay to Pedro and two early evening schedules southbound from Pedro to Half Moon Bay. These schedules are arranged to connect at Pedro with other schedules handling commuter traffic between San Francisco 7th Street Depot and Half Moon Bay. The evidence shows that on the average applicant serves approximately 35 passengers in this service.

These passengers purchase multiple ride commutation tickets at a reduced rate which are good for seven days. They reside in the Pedro-Half Moon Bay area and daily travel to and from San Francisco where they have employment in various capacities. According to the record applicant is now using equipment varying in capacity from 30 to 41 and 45 passengers. The equipment proposed to be used seats 50 passengers. The services proposed are between the business district of San Francisco and outlying residential areas. It is characterized by peak-load conditions at certain times of the day and on certain days. These conditions make it necessary, according to the record, to operate added sections during such peaks of traffic. In some instances where the traffic is heavy the equipment must be loaded beyond its seating capacity or passengers are compelled to use later schedules. The use of the over-size equipment with greater seating capacity would tend to alleviate this condition. The equipment proposed to be used, according to the record, is 37 feet nine inches in length and has an over-all body width of 100-3/8 inches and of 101 inches over the rear tires. Applicant contends that the use of this larger capacity equipment will result in a more economic and efficient operation.

The regional manager of applicant testified that there has been a substantial increase in the population of the unincorporated community of Novato amounting to approximately 50 per cent in the last four years. He stated that the present population is estimated to be

approximately 6,600. An investigation made by him disclosed that there are more than 300 residential units either under construction or in the planning stage in certain planned subdivisions in one area at Novato. Another area has tentative plans for more than 1,000 units, none of which is presently under construction. There has been an extensive residential development at the community of Ignacio which is approximately midway between Hamilton Field (De Witt) and Novato. The witness expressed the opinion that most of the residents of Novato employed outside that community are employed in San Francisco. He had also made an investigation of the territory between Pedro and Half Moon Bay. He said there has been a very rapid residential development in the Pedro area where fifteen hundred residences have been completed and approximately 2,500 additional units are under construction.

The Department of Public Works called two witnesses who testified with respect to the residential development of the areas between De Witt and Novato, on the one hand, and the area between Pedro and Half Moon Bay, on the other hand. One of the witnesses was in charge of the rural inventory section of the Division of Highways and has engaged in making highway surveys. The other witness, among other things, was in charge of establishing speed zones on the highways of the State. Their testimony was directed to the area between De Witt and Novato and the area between Pedro and Half Moon Bay. They each expressed the opinion, based upon their observations, that the territory between De Witt and Novato showed very little development aside from the considerable residential development at Ignacio and some residential construction at Novato located some distance from the

main highway. It was the impression of one of the witnesses that the development along California Highway 1 in the area from Moss Beach and El Granada to Half Moon Bay was rather sparse, although there was a considerable scattering of homes in some portions of the area. The other witness pointed out that between Pedro and Half Moon Bay there was insufficient residential development along the highway to require the establishment of 25 miles per hour speed zones as provided for in Sections 89 and 90 of the Vehicle Code. It was his opinion that the area is largely agricultural with inconsequential residential construction within the last five years. The latter witness also said there was neither a business nor a residential district between De Witt and Novato which would require a restricted speed limit zone although there is a substantial residential development at Ignacio some distance from the highway.

Applicant and the Department of Public Works (hereinafter referred to as Department) expressed opposing views as to the meaning of "urban and suburban service" as used in the applicable provision of the Vehicle Code. (Sections 694 (a) (g) and 697.1). They were also in disagreement as to the application of the 25 mile and 50 mile route limitations of Section 694 (g) of the code.

The Department recommends that applicant's request be denied. (Exhibit No. 1). This recommendation was based on the Department's contention, which it earnestly urged, that the areas between De Witt and Novato, and between Pedro and Half Moon Bay, are strictly rural in character and not urban or suburban type areas as contemplated by said Section 694 (g). The applicable provisions of the Vehicle Code read as follows:

"694. (Limitations on Width) (a) The total outside width of any vehicle or the load thereon shall not exceed 96 inches, except as otherwise provided in this section.

(g) Motor coaches or buses operated under the jurisdiction of the Public Utilities Commission in urban or suburban service may have a maximum outside width not exceeding 104 inches, when approved by order of the Public Utilities Commission for use on routes designated by it. Motor coaches or buses operated by common carriers of passengers for hire in urban or suburban service and not under the jurisdiction of the Public Utilities Commission may have a maximum outside width not exceeding 104 inches. Urban and suburban service referred to in this chapter means a service performed in urban or suburban areas, or between municipalities in close proximity; provided, however, the one-way route mileage of such service shall not be more than 50 miles; and, provided further, designated motor coach routes over state highways outside limits of incorporated cities where the one-way route mileage is over 25 miles, but does not exceed 50 miles, shall be approved by the Department of Public Works."

"697.1. Length of Passenger Buses in Urban or Suburban Service. As an exception to the length limitations set forth in Section 697, a passenger bus may exceed thirty-five feet in length but shall not exceed a length of forty feet when operated in urban or suburban service under the conditions and subject to the limitations described in paragraph (g) of Section 694 and when the Public Utilities Commission by order has approved the use of buses in excess of thirty-five feet in length on routes designated by it."

The Department further urges on the basis of authorities cited that in the absence of a clear cut legislative definition of the term "suburban" as used in the phrase "urban and suburban service" it would be extremely unreasonable to conclude that the unincorporated communities of Novato and Half Moon Bay and the intervening territory along the proposed route extensions are "suburban" to San Francisco.

Applicant argues the legislative history of the statutes involved indicates a legislative intent to liberalize the conditions under which over-size buses might be operated. The question of whether the operation is in "suburban service" would no longer necessarily be determined by highway widths, similarity to street car service, the number of stops each mile, nor exclusive operations between

"Municipalities in close proximity". The test as to whether a service is in fact "suburban" would no longer depend upon those factors but whether the service is transportation of groups of persons whose employment or business activities are within a metropolitan area but reside without the limits of such area within daily commuting distance. Such areas today are commonly termed "suburban areas". Otherwise, argues applicant, why did the legislature expressly provide in 1951 that thereafter "suburban service" means a "service performed in urban or suburban areas".

In our opinion the evidence clearly shows that the residential growth and development of the area from De Witt for a distance of 4.2 miles to and including Novato has been substantial and shows no signs of abatement. After full consideration of all the evidence of record and the argument of the parties, we find that the proposal of applicant to extend operations of over-size buses from De Witt to Novato is a suburban service within the meaning of that term as defined in Section 649 (g) of Vehicle Code. We further find on the record that public convenience and necessity require the establishment of that service and it will be authorized.

With respect to the region extending 10.1 miles from Pedro to Half Moon Bay the record discloses a different situation than that found to exist in the Novato area. The record shows a considerable residential development at Pedro and places northerly thereof presently served by applicant with over-size buses. However, the territory along the route southerly to Half Moon Bay is through hilly terrain with no evidence of any residential development except at Half Moon Bay and nearby points. The demands for a commutation service to and from Half Moon Bay according to the record is rather limited and is served by

local schedules connecting at Pedro. From the evidence of record at this time we cannot find the proposal of applicant to extend operations of over-size buses from Pedro to Half Moon Bay to be a suburban service within the meaning of that term as defined in Section 649 (g) of the Vehicle Code. The request, therefore, must be denied.

This brings us to a consideration of the minor question of the application of the route distances of 25 and 50 miles as provided for in Section 694 (g) of the Vehicle Code as hereinabove set forth. This question relates to one sentence and its two provisos which reads:

"Urban and suburban service referred to in this chapter means a service performed in urban or suburban areas, or between municipalities in close proximity; provided, however, the one-way route mileage of such service shall not be more than 50 miles; and, provided further, designated motor coach routes over state highways outside limits of incorporated cities where the one-way route mileage is over 25 miles, but does not exceed 50 miles, shall be approved by the Department of Public Works."

It is clear that the first proviso places an absolute length of 50 miles upon any one route which may be used for the operation of over-size equipment. The second proviso clearly considers only those routes or parts of routes over State Highways lying outside incorporated cities. It provides for dual jurisdiction by this Commission and the Department of Public Works over such routes where the one-way route mileage is over 25 miles but does not exceed fifty miles. Thus we find that applicant's proposed extended route from De Witt to Novato would have a one-way route mileage of 22.4 miles from the corporate limits of the City of San Francisco as contended by applicant.

The Department's apprehension that such meaning applied to the statute would permit development of routes of more than ninety

miles in length as illustrated in its brief is entirely unjustified in our opinion for the reason stated above that we understand the statute places an absolute limit of 50 miles length of any route for over-size buses.

O R D E R

An application therefor having been filed, a public hearing having been held thereon and it having been found that public convenience and necessity so require,

IT IS ORDERED:

1. That Pacific Greyhound Lines is hereby authorized to operate motor coaches not to exceed 40 feet in length and not to exceed 104 inches in width over the numbered 21 route appearing in First Revised Page 99 of Appendix A attached hereto.

2. That route numbered 9 appearing on Original Page 97 of Decision No. 47907 is hereby amended as set forth in Appendix A hereof and route numbered 13 appearing on Original Page 97 of Appendix A of said Decision No. 47907 is hereby deleted herefrom.

3. That Appendix A of Decision No. 47907, Application No. 31883 is hereby amended by incorporating therein First Revised Page 97 and First Revised Page 99 attached hereto.

4. In all other respects Application No. 35104 is hereby denied.

The effective date shall be twenty days after the date hereof.

Dated at San Bernardino, California, this 4th day of November, 1954.

W. E. Mitchell
President

Arthur J. Cassin

Thomas H. Fitts

Deane Duggins

Ray L. H. Green
Commissioners

8. Between San Diego and Del Mar Race Track:

From San Diego, over U.S. Highway 101 to Del Mar, thence over unnumbered highway to Del Mar Race Track. Length of route: 20.2 miles.

*9. Between San Francisco and Belmont:

From San Francisco, over By-Pass U.S. Highway 101 to East San Mateo, thence over city streets of the City of San Mateo to U.S. Highway 101, thence over U.S. Highway 101 to Belmont. Length of route: 24.0 miles.

10. Between San Francisco and San Mateo:

From San Francisco, over U.S. Highway 101 to junction Fourth Avenue, San Mateo. Length of route: 20.6 miles.

11. Between Freeway Junction (north of South San Francisco) and Airport Overpass:

From Freeway Junction (north of South San Francisco), over former U.S. Highway 101 via South San Francisco and San Francisco Municipal Airport to junction By-Pass U.S. Highway 101 (Airport Overpass). Length of route: 5.7 miles.

12. Between East Broadway and San Mateo:

From junction of Broadway and By-Pass U.S. Highway 101 (East Broadway), over Broadway to California Drive to San Mateo Drive to junction Fourth Avenue (San Mateo). Length of route: 3.0 miles.

*13. Intentionally left blank.

14. Between South San Francisco and Orange Avenue Junction.

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*Changed by Decision No. 50748. Application No. 35104.

Correction No. 79.

*21. Between Novato and San Francisco:

From Novato, over U.S. Highway 101 to San Francisco, including necessary deviation therefrom to serve San Rafael. Length of route: 29.2 miles.

22. Between Waldo Junction and Fort Baker Junction:

From Waldo Junction, over unnumbered highway via Sausalito to Fort Baker Junction. Length of route: 4.5 miles.

23. Between Mill Valley and Manzanita:

From Mill Valley, over Blithedale Avenue to Alto, thence over unnumbered highway via Tamalpais High School to junction California Highway 1 (Tamalpais Valley Junction), thence over California Highway 1 to junction U. S. Highway 101 (Manzanita). Length of route: 3.1 miles.

24. Between Mill Valley and Tamalpais High School:

From Mill Valley, over Miller Avenue to Tamalpais High School. Length of route: 3.5 miles.

*25. Intentionally left blank.

*26. Intentionally left blank.

27. Between Alto and Tiburon Wye:

From Alto, over unnumbered highway to junction U.S. Highway 101 (Tiburon Wye). Length of route: 0.9 mile.

Issued by Public Utilities Commission of the State of California.

*Changed by Decision No. 50748. Application No. 35104.

Correction No. 80.