

Decision No. 54170**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of PACIFIC GREYHOUND LINES)
 for authority to conduct special)
 passenger transportation service) Application No. 38297
 between San Francisco and Golden Gate)
 Fields.)

Douglas Brookman and Earl Bagby, for
 applicant.
Donahue, Richards, Rowell & Gallagher
 by George Thomas, for Key System Transit
 Lines; Edward M. Berol, for The Gray
 Line, Inc., protestants.
Warren P. Marsden, for California Toll Bridge
 Authority, Department of Public Works,
 interested parties.

O P I N I O N

Pacific Greyhound Lines herein requests a modification of its passenger stage operative authority to enable it to place into operation a direct passenger stage service between San Francisco and Golden Gate Fields at Albany during the racing season and on racing days only. A public hearing thereon was held at San Francisco on August 20 and 27, 1956, before Examiner Leo C. Paul. The matter was submitted on the latter date subject to the filing of a memorandum by one of the parties not later than September 4, 1956, which has been received.

The service proposed by applicant would be a so-called "Special" transportation service between applicant's depot at Seventh and Mission Streets, San Francisco, and a zone near the grandstand at Golden Gate Fields used for loading and unloading passengers arriving or departing in buses. Applicant would use its present interurban type equipment. The round-trip fare proposed would be \$1.36. It is stated that the federal tax on this fare would be 14 cents, making the total charge \$1.50. The distance between

San Francisco and Golden Gate Fields was said to be 13 miles. A witness in describing applicant's operations testified that service is presently provided between San Francisco and Golden Gate Fields on schedules that are operating between San Francisco and points beyond the City of Richmond. Passengers using this service are required to disembark from applicant's buses at the intersection of Gilman Avenue and U. S. Highway 40, which is about one-half mile from the Golden Gate Fields grandstand. The evidence shows that the race track management provides a shuttle bus service for these passengers to and from the grandstand at no charge. Applicant's fare on its regular service between San Francisco and the intersection of Gilman Avenue and U. S. Highway 40 was shown to be 55 cents one way and \$1.00 for the round trip with no tax. It was pointed out by the witness that applicant is presently conducting certain so-called "special" services on racing days between Golden Gate Fields and points outside the area extending from San Francisco to Richmond. The witness also described applicant's service between San Francisco and the race tracks at Tanforan and Bay Meadows, as well as its service to and from certain race tracks in Southern California. It does not provide service to or from the race tracks at Santa Anita or Hollywood Park.

Two officials of the Golden Gate Fields testified on behalf of applicant. While their testimony indicated that applicant's proposed service to and from the area of the clubhouse is desirable, their testimony was inconclusive as to a public need for such service.

Their testimony shows that one unpaved and three paved lots are maintained for parking private automobiles which can accommodate more than 13,000 cars. On only one occasion, were the regular lots filled with most of the space in the overflow lot unused. As a rule, according to the testimony, approximately 80 per cent

of the reserved seats are sold. There has never been a complete sell-out although the general admission seats are usually filled.

The Gray Line, Inc., protestant, took the position that if applicant were authorized to provide the service proposed, protestant would lose approximately one half of its present traffic between San Francisco and Golden Gate Fields. This it could ill afford as the service provided by it to and from the Fields is at that season of the year when its regular sightseeing operations are not at full peak and it thus is afforded an opportunity to produce needed additional revenues to keep its equipment in operation and provide more continuous work for its employees. This protestant also pointed out as a further point in its opposition that it would be unable to maintain its present round-trip charge of \$1.75 in the face of applicant's proposal of a lesser charge of \$1.50. Protestant Gray Line further pointed out that at no time since it has been serving the race track involved has it been required to use anything approaching its entire available equipment. The evidence further indicates that the shuttle buses used by the track management, as hereinabove referred to, are rented from protestant Gray Line.

A witness for protestant Key System described the service which it provides to and from the Fields. One service provided by this protestant is a shuttle service between the intersection of University and Shattuck Avenues, on the one hand, and the race track on the other hand. This is a connecting service between schedules serving at University and Shattuck Avenues and the race track. The fare charged on this service of protestant is 20 cents cash or one token. Protestant also operates its "L" line between San Francisco and Richmond which serves the point at the intersection of Gilman Avenue and U. S. Highway 40, where connection is made with the shuttle bus service maintained by the track management between the track's

grandstand and Gilman Avenue at U. S. Highway 40. The one-way fare is 60 cents. Key System is giving consideration to diverting certain schedules of this line into the bus loading area at the race track over Gilman Avenue at a proposed one-way charge of 70 cents, including tax.

At the conclusion of the hearing counsel for applicant stated that applicant does not request a certificate of public convenience and necessity pursuant to the provisions of Sections 1031 to 1037, inclusive, of the Public Utilities Code in order to extend its operations into Golden Gate Fields, but is merely seeking a modification of its present operative rights pursuant to the provisions of the Code as set forth in Sections 701, 730 and 761. This would not involve the exercise of the Commission's jurisdiction under Sections 1031 to 1037 of the Code. The position of applicant was vigorously opposed in the reply memorandum of protestant Gray Line. We see no need to discuss applicant's contention as it is clear that its proposal is to extend its service along Gilman Avenue from its intersection with U. S. Highway 40 at Albany, and the bus loading area at the grandstand of Golden Gate Fields. Such an operation is that of a "passenger stage corporation" as defined in Section 226 of the Public Utilities Code and requires certification as set forth in Section 1031 of that Code.

A careful review of the evidence of record in this proceeding shows that at this time there is ample common carrier service to and from Golden Gate Fields, on the one hand, and San Francisco, on the other hand. This service is provided by carriers of long experience which are well equipped to care for the needs of the public requiring such transportation. It was shown that about 20 to 25 per cent of the people attending Golden Gate Fields use public transportation. The remainder use private means of travelling to and from the Fields.

We further find that applicant has not shown that public convenience and necessity require the establishment of service to and from Golden Gate Fields as proposed. Therefore, the application must be denied.

ORDER

An application therefor having been filed, a public hearing having been held thereon, and it having been found that public convenience and necessity do not require the establishment of the operation as proposed,

IT IS ORDERED that the above-entitled application is hereby denied.

The effective date of this order shall be twenty days after the date hereof.

Dated at Los Angeles, California, this 4th day of DECEMBER, 1956.

Robert E. Mitchell President
Robert L. ...
...
R. ...
C. ... Commissioners