

ORIGINALDecision No. 54821

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 BENINGER TRANSPORTATION SERVICE, INC.,)
 a California corporation, for author-) Application No. 38495
 ity to reroute certain of its passenger)
 stage routes and to abandon certain)
 service within the County of Contra)
 Costa.)

In the Matter of the Application of)
 KEY SYSTEM TRANSIT LINES, a corpo-)
 ration, for authority to reroute a) Application No. 38633
 portion of its No. 68 passenger stage)
 line in the County of Contra Costa,)
 State of California.)

Marquam C. George, for Beninger Transportation
 Service, Inc., applicant and protestant.
Donahue, Richards, Rowell and Gallagher, by
George E. Thomas, for Key System Transit Lines,
 applicant and interested party.
Clarence J. Heinig, for East Richmond Heights
 Improvement Club, interested party.
Charles W. Overhouse, for the Commission staff.

O P I N I O N

In Application No. 38495 Beninger Transportation Service, Inc., hereinafter referred to as Beninger, is requesting authority to abandon portions of, and to reroute other portions of, its passenger stage operations in the Cities of Richmond, San Pablo, and El Cerrito and in unincorporated areas of Contra Costa County. Beninger is also requesting the increase of certain of its existing rates. In Application No. 38633, Key System Transit Lines, hereinafter referred to as Key, is requesting authority to reroute a portion of its No. 68 passenger stage line operating in the Cities of Richmond and El Cerrito.

A public hearing was held on both applications at San Francisco before Examiner William L. Cole on December 20, 1956, at which time the matters were submitted. Inasmuch as the areas involved in the two applications overlap in part, the applications were consolidated and heard on a common record.

Key's Present Route, Requested Changes and Justification Therefor

Key's present certificated route for its No. 68 line operates in the City of Richmond along Roosevelt Avenue to San Pablo Avenue, San Pablo to MacDonald, MacDonald to Wilson, Wilson to Barrett and then easterly along Barrett Avenue in the Cities of Richmond and El Cerrito. At the intersection of Barrett and Tulare Avenues in the City of El Cerrito, buses operating on this line reverse their direction and return to San Pablo Avenue over the same route. Key is requesting authority to alter this route in two respects. The first proposed change would authorize buses to return from the intersection of Tulare and Barrett Avenues to San Pablo Avenue via Tulare Avenue, Edward Street, Alta Punta, and MacDonald Avenue rather than returning via Barrett Avenue. The granting of this request would have the effect of forming a large loop at the easterly end of this route. The proposed change, however, would not result in extending this line any farther in an easterly direction. As justification for this requested change, Key alleges that the rerouting will provide a better service to the area in that due to the proposed loop operation, the service will be more widely distributed.

The second requested change involves a minor rerouting of about two blocks necessitated by construction of a new freeway through the City of Richmond. This rerouting would authorize buses to turn south on 44th Street at Roosevelt Avenue and then east on Barrett Avenue to San Pablo Avenue.

Beninger's Present Routes, Requested Changes and Justification Therefor

Beninger's present operating rights to serve as a passenger stage corporation were acquired and modified by various decisions of the Commission.^{1/} For the most part these operating rights result from the issuance of three separate certificates of public convenience and necessity.

The first such certificate authorizes service generally between the central portion of the City of Richmond and the Red Rock Fisheries at Point San Pablo with the restriction that only passengers having points of origin and destination at the fisheries shall be served. The second certificate generally authorizes service from the southern portion of the City of San Pablo along San Pablo Avenue to its intersection with MacDonald Avenue in the City of Richmond. This certificate contains the restriction generally that passengers cannot be transported south or west of San Pablo Avenue. The third certificate authorizes service generally from portions of unincorporated territory in Contra Costa County known as the El Sobrante and Rollingwood areas to the central business district of the City of Richmond and continuing on to the Richmond shipyards. This service is restricted in that no local passengers can be transported south or west of San Pablo Avenue.

By its application, Beninger is requesting authority to abandon its operations to Point San Pablo and also its operation

^{1/} Decision 35426, Application 24984, June 2, 1942.
Decision 35973, Application 25285, November 23, 1942.
Decision 36508, Application 24984, July 27, 1943.
Decision 38594, Application 27158, January 15, 1946.
Decision 40686, Application 28672, September 10, 1947.
Decision 42015, Application 29460, September 3, 1948.
Decision 43823, Application 30052, February 14, 1950.
Decision 45194, Application 31952, December 27, 1950.
Decision 48892, Application 34176, February 28, 1953.
Decision 49685, Application 34329, February 16, 1954.

along San Pablo Avenue. As justification for its request, Beninger's representative testified that the fisheries at Point San Pablo have been closed and therefore, no service to that point is needed. With respect to Beninger's operations along San Pablo Avenue, it was testified that these operations were conducted for several years without any revenue whatsoever being received due to the lack of passenger patronage.

Beninger is also requesting that its operating rights between the El Sobrante and Rollingwood areas and Richmond be altered to eliminate that leg of the route traveling to the Richmond shipyards and to extend the northeasterly end of that operation so as to include not only the unincorporated areas of El Sobrante and Rollingwood but also the unincorporated areas of De Anza Vista, Fairmede and East Richmond Heights and a portion of the City of El Cerrito. As justification for the abandonment of that portion of this operation extending to the Richmond shipyards, it was testified that the shipyards have discontinued operating and for this reason there has been little if any passenger patronage over this portion of the route. As justification for the extension of service into the new areas, it was testified that the population in those areas has been increasing to such an extent that it will support passenger stage operations. Beninger's representative testified that it has received numerous requests for service in those areas.

Just prior to the time of the hearing, Beninger amended its application to provide that in the event Key's application is granted, Beninger requests that its present El Sobrante-Rollingwood route be extended to include only the De Anza Vista area but not the Fairmede and East Richmond Heights areas. Beninger's reasons for this alternative request allegedly stem from the fact that both Key's

and Beninger's proposed routes are identical from the intersection of Tulare and Barrett Avenues to San Pablo Avenue. Beninger states that if Key's request for authority to operate along this route is granted, sufficient traffic would be diverted from Beninger so as to jeopardize the economic feasibility of Beninger extending into the Fairmede and East Richmond Heights areas. It should be noted in this regard that Key's proposed change would not extend its service into either of these areas.

A representative of the East Richmond Heights Improvement Club appeared at the hearing and stated that there was a definite need for bus service into its area.

Beninger, in both its original and amended application, acquiesces in the placing of a restriction in its proposed certificate whereby no local service shall be performed by Beninger for the transportation of passengers having both point of origin and point of destination between points south or west of San Pablo Avenue.

Proposed Methods of Operation

Key's representative testified that the buses operating over its Number 68 line at the present time operate on a 30 minute headway. It was testified that this frequency of service would not be altered if Key's application is granted. Key's representative also testified that it will not be necessary to use additional equipment if its application is granted.

With respect to Beninger's proposed method of operation, it was testified that Beninger will use two buses to be operated in opposite directions over the proposed route with a bus leaving Richmond every 30 minutes and a bus leaving the El Sobrante area every 30 minutes. Beninger will keep a third bus for standby purposes. Beninger proposes to operate from 6:45 a.m. to 6:15 p.m. daily except Sundays and holidays.

Rates

In its application, Beninger is asking for authority to increase certain of its present fares.

At the present time, Beninger has a 20 cent adult one-way fare from the El Sobrante area to Richmond, a 15 cent local fare in the El Sobrante area for adults, a 15 cent children's fare between the El Sobrante area and Richmond, and a 20-ride school commutation fare of \$1.50. At the present time, children under six ride free of charge.

In its application, Beninger proposes the following fares:

- (a) One way fare, 20 cents. ✓
- (b) Children under five, no charge when accompanied by an adult, with the limitation that no more than two children under five will be allowed to ride free of charge with any one adult.
- (c) School tickets to be provided on the basis of 20 rides for \$2.00, providing that the students are under the age of eighteen and are attending a grammar or high school.

It should be pointed out that under Beninger's proposed fares, the 15 cent children's fare is being abolished. There will only be the one twenty cent fare other than the school commutation tickets. Likewise, it should be pointed out with respect to these proposed fares that when there are more than two children under five riding with one adult, a regular fare must be paid for each additional child.

As justification for the rate increase, it was testified that Beninger, at the present time, is not receiving an adequate return. It was testified that during the period from January 1, 1956 to September 30, 1956, Beninger realized a net profit of \$279.19. It was further testified that the increased fares will result in an increase in revenue of approximately \$6.50 per day.

Key, in its application, is not requesting any changes in its fare structure.

Findings and Conclusions

Based upon the evidence introduced, it is the Commission's conclusion, and it so finds, that public convenience and necessity

require that a passenger stage service be established in the Fairmede, De Anza Vista, and East Richmond Heights areas of Contra Costa County. Beninger will be granted a certificate of public convenience and necessity accordingly subject to the restriction that it shall not serve passengers having both point of origin and point of destination between points south or west of San Pablo Avenue.

The Commission also finds that public convenience and necessity require establishment of a passenger stage service between the intersection of Tulare and Barrett Avenues in the City of El Cerrito and San Pablo Avenue, via Tulare Avenue, Edward Street, Alta Punta and MacDonald Avenue. However, it is the Commission's conclusion, and it so finds, that the demand for service in this area is not sufficient to require the services of two passenger stage corporations. Inasmuch as this route constitutes an integral part of Beninger's proposed service into the Fairmede, East Richmond Heights and De Anza Vista areas, Beninger will be granted a certificate of public convenience and necessity to operate over this route. Key's request for a similar certificate will be denied.

The Commission also finds that it will not be adverse to the public interest to authorize the abandonment of Beninger's operation to Point San Pablo, its operation along San Pablo Avenue, and that portion of its operation extending to the Richmond shipyards. The Commission further finds that it is not adverse to the public interest to authorize Key's proposed rerouting of its No. 68 line necessitated by construction of the new freeway through the City of Richmond.

Further, the Commission is of the opinion, and it so finds, that Beninger's proposed fare increases are justified and should be granted.

O R D E R

A public hearing having been held in the above-entitled matters and the Commission being fully informed therein, now therefore,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is hereby granted to Beninger Transportation Service, Inc. authorizing the establishment and operation of service as a passenger stage corporation, as that term is defined in Section 226 of the Public Utilities Code, for the transportation of passengers between the termini and all points intermediate thereto and over the routes as described and specified in Appendix A which is attached hereto, and, by reference, made a part hereof, subject to the provisions, restrictions, limitations, and specifications contained therein. Service under this certificate may be conducted as a single, consolidated and unified operation.

(2) That all of the passenger stage operating rights held by Beninger Transportation Service, Inc. other than those granted in paragraph (1) of this order are hereby revoked.

(3) That Beninger Transportation Service, Inc. is authorized to establish, on not less than five days' notice to the Commission and to the public, the following passenger fares:

- (a) One way fare, 20 cents.
- (b) Twenty-ride school commutation tickets, \$2.00. School commutation tickets shall be used only by students, under eighteen years of age, who are attending a grammar or high school.
- (c) Children under five years of age, no charge when accompanied by an adult. No more than two children under five years of age shall be allowed to ride free with any one adult.

(4) Key System Transit Lines' request for a certificate of public convenience and necessity to operate between the intersection of Tulare and Barrett Avenues in the City of El Cerrito to San Pablo Avenue, via Tulare Avenue, Edward Street, Alta Punta and MacDonald Avenue, is hereby denied.

(5) That a certificate of public convenience and necessity is hereby granted to Key System Transit Lines authorizing the establishment and operation of service as a passenger stage corporation, as that term is defined in Section 226 of the Public Utilities Code, for the transportation of passengers between the termini and all points intermediate thereto and over the routes as described and specified in Appendix B which is attached hereto, and, by reference, made a part hereof subject to the provisions, restrictions, limitations and specifications contained therein. That the operating rights over the route set forth in Appendix may be consolidated with any and all other operating rights held by Key System Transit Lines. That the certificate of public convenience and necessity heretofore granted by this Commission authorizing Key System Transit Lines to operate along Roosevelt Avenue from 44th Street to San Pablo Avenue and along Wilson Avenue from Roosevelt Avenue to Barrett Avenue in the City of Richmond is hereby revoked.

(6) That in providing service pursuant to the certificates granted in this order, Beninger Transportation Service, Inc. and Key System Transit Lines shall comply with and observe the following service regulations:

- (a) A written acceptance of the certificates heretofore granted in this order shall be filed within a period of not to exceed thirty days after the effective date hereof.

(b) Within sixty days after the effective date hereof and on not less than five days' notice to the Commission and the public, Beninger Transportation Service, Inc. and Key System Transit Lines shall establish the service respectively authorized to each by this order and they shall file in triplicate and concurrently make effective appropriate tariffs and timetables.

(7) That public notice of discontinuance and change of service as authorized in paragraphs (1) and (2) of this order shall be posted in operating equipment of Beninger Transportation Service, Inc. for not less than ten consecutive days next preceding such discontinuance or change. That public notice of discontinuance and change of service as authorized in paragraph (5) of this order shall be posted in all equipment of Key System Transit Lines operating on its No. 68 line for not less than ten consecutive days next preceding such discontinuance or change. Proof of such postings shall be furnished the Commission within not less than five days thereafter.

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

Dated at San Francisco, California, this 9th day of April, 1957.

John E. Mitchell
President
Paul Winterer
Walter D. ...
W. H. ...
L. J. Fox
Commissioners

Beninger Transportation Service, Inc. by the certificate of public convenience and necessity granted in the decision as hereinafter numbered in Application No. 38495, is authorized to transport passengers between points in the Cities of San Pablo, Richmond and El Cerrito and the County of Contra Costa, all as hereinafter stated.

Motor vehicles may be turned at termini or intermediate points, in either direction, at intersections or by operating around a block contiguous to such intersections, or in accord with local traffic regulations.

When route descriptions are given in one direction, they apply to operations in either direction, unless otherwise indicated.

Subject to the authority of this Commission to change or modify such at any time, Beninger Transportation Service, Inc. shall conduct such passenger stage operations between the following points and over and along the following described route:

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Decision No. 54821, Application No. 38495.

Beginning at the intersection of MacDonald Avenue and 12th Street, in the City of Richmond, along 12th Street, Bissel Avenue, 11th Street, MacDonald Avenue, 23rd Street, San Pablo Avenue, Broadway, Fremont Road, Castro Street, Road No. 20, Fordham Drive, Brook Way, Glenlock, Rollingwood Drive, Fordham Drive, Moyers Road, Alta Mira Drive, Groom Drive, Moyers Road, Road No. 24, La Paloma Road, Manor Road, Appian Way, Santa Rita Road, May Road, San Pablo Dam Road, Key Boulevard, Shasta Avenue, Yuba Avenue, McBryde Avenue, Arlington Boulevard, Olive, Hazel Avenue, Carquinez, Barrett Avenue, Tulare, Edwards, Alta Punta, MacDonald Avenue to 12th Street.

A. Restriction

No local service shall be performed by Beninger Transportation Service, Inc. for the transportation of passengers having both point of origin and point of destination between points south or west of San Pablo Avenue.

End of Appendix A

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Appendix B

Key System Transit Lines

Key System Transit Lines by the certificate of public convenience and necessity granted in the decision as hereinafter numbered in Application No. 38633 is authorized to transport passengers between the following points in the City of Richmond and over and along the following described route:

Between the intersection of Roosevelt Avenue and 44th Street and the intersection of Barrett and San Pablo Avenues via 44th Street and Barrett Avenue.

End of Appendix B

Issued by California Public Utilities Commission.

Decision No. 54821, Application No. 38633.