

Decision No. 5540**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 PACIFIC GREYHOUND LINES for authority)
 to change the present summer-season)
 regular route between Dunnigan and)
 Vacaville to an all-year alternate)
 route.)

Application No. 39052

William W. Schwarzer, for applicant.

Carl E. Rodegerdt's, for the City of Winters, and
John T. Rogers, for Yolo County Board of
 Supervisors, protestants.

Charles W. Overhouse, for the Commission staff.

O P I N I O N

In Greyhound Corporation's above-entitled original application, authority is sought from the Commission to change the present summer season regular route, Route No. 1.03 as described in Appendix A to Decision No. 47907, between Dunnigan and Vacaville to an all-year alternate route. Inasmuch as authority to operate over an alternate route is at the option of the company and does not authorize service to or from any intermediate point thereon ^{1/} and since it is proposed that service be conducted throughout the year, it is requested that Special Restrictions S-1.01 and S-1.02 as described on Second Revised Page 9 of said Appendix A be cancelled. The city of Winters is presently a "flag stop" on the summer season route and service to it would be abandoned by these proposals.

Public hearing was held in Winters on June 25, 1957 by Examiner James F. Mastoris at which time the applicant offered into evidence a document entitled "Statement by Cloyd Kimball Witness on Behalf of the Greyhound Corporation." It was received into evidence

^{1/} See General Authorization C, Appendix A to Decision No. 47907, page 92.

pursuant to the provisions of Rule 59 of this Commission's Rules of Procedure and the examiner stated that because of the nature of the authority requested therein it would be treated as an amendment to the application under Rule 8 of the above rules. This document provides that:

"The Greyhound Corporation.....is willing at this time to revise the proposal as shown on Exhibit 1 by deleting from the route description of Route 1.03 the words 'to be operated as an alternate route,' provided that said Exhibit 1 is also revised so that a special restriction is provided as follows:

'S-1.01 - No service may be rendered to or from points intermediate to the junction of U. S. Highway 99W and California Highway 21 southeast of Dunnigan and the junction of California Highway 21 and U. S. Highway 40 northeast of Vacaville over California Highway 21, except that service may be rendered to and from Winters until such time as California Highway 21, as relocated, shall bypass Winters, at which time service will be rendered to and from a point on said relocated highway approximately one-half mile east of Winters to be designated as Winters Junction.'"

The balance of the document in effect asks the Commission to authorize the applicant to operate, without further formal application, over relocated California Highway 21 when such relocation occurs. The last sentence reads:

"The above provision for service to Winters until such relocated highway is opened for travel, with service thereafter to be rendered to Winters Junction, is proposed pursuant to this intent."

Upon examination of this document and from the testimony on the record it appears that Greyhound is clearly seeking authorization in the alternative; the document rather than "amending" the original application is inconsistent with the authority originally sought. It completely changes the original proposal. At the hearing Greyhound's

counsel declared that the authority originally requested should be granted based upon the evidence produced but if such application is not granted then authority is sought to conduct operations as set forth in the "Amendment to the Application."

The effect of the original application is to abandon service to Winters by making California Highway 21 an all-year alternate route. The effect of the alternative application in part is to make said highway an all-year regular route thereby servicing Winters as a time point year around on applicant's schedule without the limitations of the aforementioned special restrictions S-1.01 and S-1.02.

The record discloses that applicant's present regular all-year route between Dunnigan and Vacaville is via Woodland and South Woodland Junction, a distance of 45.8 miles. The distance between Dunnigan and Vacaville over California Highway 21 is only 37.8 miles. This amounts to a mileage savings per schedule operated of 8 miles, and comparative savings in travel time for applicant's passengers. Operations over the proposed alternate route have heretofore been limited to the summer season for the reason that during the winter this highway and its bridges have not been maintained in proper condition to permit heavy vehicle use. It now appears that the present route of this highway is to be maintained in suitable condition for safe and unrestricted all-year operation until such time as the relocated and reconstructed highway shall be completed and opened for travel.

Greyhound offered evidence at the hearing that present operations do not economically justify service to the city of Winters. Oral testimony was received that year-around service to Winters and neighboring points was commenced in October, 1946. However, this service produced revenue of less than 5¢ a mile and as a result it was discontinued in December 1950; at that time service was commenced

on the present summer-season basis. Winters also had been served with another local bus service, operating between Winters and Sacramento, during this period. However, in March 1957, operations were discontinued because of alleged insufficient revenue. Further testimony was produced to show that Greyhound conducted a Winters passenger traffic survey for a representative period covering the week of May 25 to May 31, 1957 and that results indicated, based on five daily schedules passing through Winters, that only one passenger disembarked at Winters; no passengers boarded the applicant's buses at this point. The applicant's witness further stated that no service has been requested by the City of Winters since abandonment of the prior service in 1950 until recently when the aforementioned local bus service discontinued operations. Additional evidence was presented to the effect that 95% of the revenue produced from this route over Highway 21 comes from passengers traveling interstate and the primary purpose of using this highway is to transport said passengers with as little delay as possible to and from northern California and interstate points. It was also alleged there were certain psychological disadvantages in transporting interstate passengers through small cities without picking up or discharging passengers in said cities.

Eight individuals representing business, agricultural and service organizations of the city and environs testified in opposition to the application as originally filed. They do not dispute the fact that the use of California Highway 21 would result in the saving of time and mileage as alleged but they claim that using this highway as an alternate route with the resultant abandonment of service to the city is not justified. Evidence was presented by these protestants to the effect that the applicant's past experience in servicing this area has been deceptive because of the presence of the aforementioned

competing carrier operating locally during the 1946-1950 period and because of the fact that most of the townspeople never knew Greyhound's service was available. Many witnesses testified that although the applicant's timetable (Exhibit No. 2 received into evidence) lists Winters as a "flag stop" they had no knowledge of this fact. Store-owners bordering the highway claim that there have been many requests for Greyhound's service in the past but persons inquiring have been notified that service was unavailable. There were no notices, or other information, in the city that the service was available; many attempts to "flag" applicant's buses passing through the city were unsuccessful. Witnesses stated that the applicant's employees in Oakland and San Francisco notified them that Winters was not being served. Others testified that they could not purchase tickets to Winters. Still others declared that they could not disembark at this point when travelling on the applicant's buses.

Protestants further claim that the city (population 1670) and surrounding territory can support present and future service. The demand for service, it is alleged, would be greater now that the inhabitants of the city realize that service is available. Witnesses testified that there are many elderly persons living in the city ^{2/} who do not possess private automobiles and who desire to travel by public transportation to and from the San Francisco Bay Area. Further the influx of migratory fruit workers into the area has increased in the last few years; about 90% of such persons need public transportation to and from this point. It was stated that if the application as amended were granted one person owning a store on the highway would be willing to sell tickets for the applicant and act as a "Commission Agency." Another witness, representing the city, stated

^{2/} Old age pension payments in Winters are highest per population in Yolo County.

that the city will establish a bus loading platform on the highway if service is granted. All witnesses stated there would be no objection to walking a distance of half a mile to Highway 21 when it is re-located.

After reviewing the record in this matter, it is our conclusion that public convenience and necessity require that the application "as amended" be granted. The original application, as filed, will be denied. We are satisfied that the present and potential demand for Greyhound's service in the Winters area justifies the operation contemplated in the amendment. It is felt that authorizing the applicant to operate on California Highway 21 as an all-year regular route rather than as an alternate route will satisfy the needs of the carrier and the public.

We believe, however, that applicant's request to operate over California Highway 21 at Winters when such highway is relocated and reconstructed is prematurely made. The record discloses that although the relocation has been approved by the State of California the date of actual construction and relocation is indefinite and uncertain. No date of relocation is known at this time; it may be any time within the next one to three years. In view of these circumstances, despite the conditional nature of the aforesaid amendment, we feel that the applicant should file its formal application shortly before the relocated highway is completed.

This application was originally filed by "Pacific Greyhound Lines." Subsequent to the filing "Greyhound Corporation" filed a petition requesting that it be substituted as the party applicant inasmuch as it has been authorized to acquire the existing operative rights of "Pacific Greyhound Lines." The Commission hereby grants this petition and "The Greyhound Corporation" is so substituted.

O R D E R

Application having been made and the Commission being fully advised,

IT IS ORDERED:

(1) That Appendix A of Decision No. 47907 is hereby amended by incorporating Third Revised Page 9 in revision of Second Revised Page 9 and by incorporating Original Page 9A.

(2) That the authority herein granted is an extension and enlargement of, and consolidation with and subject to all the limitations and restrictions set forth in the certificate granted by Decision No. 47907.

(3) That in providing service pursuant to the authority herein granted Greyhound Corporation shall comply with and observe the following service regulations:

- (a) Within sixty days after the effective date hereof, and on not less than five days' notice to the Commission and to the public, Greyhound Corporation shall establish the service herein authorized and file in triplicate, and concurrently make effective, tariffs and time schedules satisfactory to the Commission.
- (b) Within thirty days after the effective date hereof Greyhound Corporation shall file with the Commission appropriate map or maps consistent with the authority granted by this order.

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

Dated at San Francisco, California, this 13th day of August, 1957.

[Signature]
 President
[Signature]
[Signature]
[Signature]

Commissioners

Commissioner Ray E. Untereiner, being necessarily absent, did not participate in the disposition of this proceeding.

SECTION - INTERCITY ROUTES AND SPECIAL RESTRICTIONS

ROUTE GROUP 1

- 1.01 - Between the Oregon-California State Line north of Yreka, and South Woodland Junction:

From the point where U. S. Highway 99 intersects the Oregon-California State Line, over U. S. Highway 99 to Red Bluff, thence over U. S. Highway 99W to junction U. S. Highway 40 (South Woodland Junction), serving Southern Pacific rail stations at Hornbrook and Wilt.

- 1.02 - Between the Oregon-California State Line north of Dorris and Weed:

From the point where U. S. Highway 97 intersects the Oregon-California State Line, over U. S. Highway 97 to junction U. S. Highway 99 (Weed).

- *1.03 - Between the junction of U. S. Highway 99W and California Highway 21 southeast of Dunnigan, and the junction of California Highway 21 and U. S. Highway 40 northeast of Vacaville:

From the junction of U. S. Highway 99W and California Highway 21, over California Highway 21 to junction U. S. Highway 40.

- 1.04 - Intentionally left blank.

- 1.05 - Between Yreka and Grenada Junction:

From Yreka, over unnumbered highway via Montague and Grenada to junction U. S. Highway 99 (Grenada Junction).

Issued by California Public Utilities Commission

*Changed by Decision No. 55401, Application No. 39052.

Correction No. 183.

SPECIAL RESTRICTIONS

- *S-1.01 - No service may be rendered to or from points intermediate to the junction of U. S. Highway 99W and California Highway 21 southeast of Dunnigan and the junction of California Highway 21 and U. S. Highway 40 northeast of Vacaville over California Highway 21, except that service may be rendered to and from the city of Winters.
- *S-1.02 - Intentionally left blank.
- S-1.03 - No express may be transported between Yreka and Grenada Junction over the route via Montague and Grenada.

Issued by California Public Utilities Commission

*Changed by Decision No. 55401, Application No. 39052.

Correction No. 184