

ORIGINALDecision No. 56264

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of)
 Sequoia Stages, a corporation, doing)
 business under the name and style of)
 EASTSHORE LINES, for a certificate of)
 public convenience and necessity to) Application No. 39410
 operate a passenger stage service)
 between Orinda, and Lafayette, Contra)
 Costa County and Berkeley, Alameda)
 County.)

Warren K. Miller for Eastshore Lines, applicant.
McCutchen, Thomas, Matthew, Griffiths & Greene by
William W. Schwarzer, co-applicant in consolidated
 hearing.
E. Sam Davis for Key System Transit Lines, interested
 party.
Charles W. Overhouse for the Commission staff.

O P I N I O N

Sequoia Stages, doing business as Eastshore Lines, seeks authority from the Commission to extend its passenger stage operations into certain areas and cities in Contra Costa and Alameda Counties presently served by The Greyhound Corporation. This application was consolidated with The Greyhound Corporation's Application No. 39428 for the purpose of hearing. However, separate decisions will be issued as to each application.

The applicant is currently operating a passenger stage service for the transportation of passengers between Orinda via Moraga to Lafayette, Contra Costa County, and requests, by this proposal, authorization to extend this service to Berkeley, Alameda County, and intermediate points over a route which is currently operated by The Greyhound Corporation. It wishes to operate schedules at the same times as those presently operated by The

Greyhound Corporation and proposes to adopt the fares presently published by Greyhound. The Greyhound Corporation simultaneously filed Application No. 39428 to abandon its service between Temescal Junction and Berkeley, thus in effect discontinuing service from Lafayette and Orinda into Berkeley.

A consolidated public hearing was held in Oakland on November 26, 1957, at which time evidence was presented and both matters were duly submitted. Certain commuters on Greyhound's Berkeley run appeared as interested parties and cross-examined witnesses; no person or group offered evidence in opposition to the application.

Evidence at said hearing disclosed, among other things, that Eastshore Lines and The Greyhound Corporation have agreed, if the applications are granted, to provide transfer privileges at Lafayette so that passengers traveling on The Greyhound Corporation's buses may transfer without extra cost to the applicant's buses for Berkeley service in the morning and passengers on Eastshore Lines' buses may transfer to The Greyhound Corporation's coaches at Lafayette in the evening. Both companies plan to establish and publish a joint tariff upon the granting of these applications. Moreover, both carriers will arrange their schedules so that passengers may make timely connections to and from Martinez, Concord, Walnut Creek and Danville at Lafayette.

Based upon the evidence and the record, we find that:

(1) Eastshore Lines is in sound financial condition and appears financially capable of maintaining the service proposed. ^{1/}

^{1/} See Balance Sheet and Statement of Earnings, late-filed Exhibit No. 1.

(2) The motor vehicle equipment, consisting of 15 buses with the average age from three to eight years and capacity from 37 to 53 passengers, is adequate and suitable for the proposed operation. Driver experience and safety precautions are satisfactory.

(3) There is a definite need for service in this area and we find that Eastshore Lines is able and willing to provide such service. Traffic over this route is insufficient to warrant operation by two companies. In view of the foregoing evidence regarding transfer privileges without additional cost to the patrons and schedules designed to make connections without delay with The Greyhound Corporation and in light of the above findings, the Commission is of the opinion that the traveling public in Contra Costa County will not be adversely affected by the granting of this application. The service proposed to be rendered by the applicant will be comparable to Greyhound's. We find, therefore, that public convenience and necessity require that Eastshore Lines be granted a certificate to operate in the area and over the route requested.

Contemporaneously with the granting of this application, Greyhound will be authorized to abandon service from Temescal Junction to Berkeley. Therefore, as a result of the granting of these applications, Eastshore Lines will now provide the service to Berkeley heretofore operated by The Greyhound Corporation. Greyhound will now provide through service between Martinez and Oakland.

Although Eastshore Lines has not requested in its application a redescription of its operative rights, the Commission finds that it would be appropriate at this time to restate all of the applicant's operative rights by this decision. This restatement of the operative rights, with all the revisions thereto, will consist of a new certificate and an appendix in loose-leaf form and shall

constitute the entire and exclusive evidence of applicant's operative authority. Based upon a finding and order of the Commission, amendments to the certificate can be accomplished by the issuance of substitute sheets to Appendix A.

In consonance with the foregoing, a certificate will be granted to applicant in the order of this decision, categorically setting forth all the points and routes of operations together with all of the rights and limitations applicable thereto. The presently existing certificate of public convenience and necessity or other passenger stage operative rights held by the applicant will be revoked and annulled.

O R D E R

A public hearing having been held in the above-entitled matter and the Commission being fully informed therein, now therefore,
IT IS ORDERED:

(1) That in the place and stead of its existing operative authority, a certificate of public convenience and necessity is hereby granted to Sequoia Stages, doing business as Eastshore 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 points and over the routes as described and specified in Appendix A, which is attached hereto and by this reference made a part hereof, subject to the provisions, restrictions, limitations and conditions applicable thereto. Service under this certificate shall be conducted as a single, consolidated and unified operation.

(2) That in providing service pursuant to the certificate herein granted, Eastshore Lines shall comply with and observe the following service and tariff regulations:

- (a) Within thirty days after the effective date hereof, Eastshore Lines shall file a written acceptance of the certificate herein granted. By accepting the certificate of public convenience and necessity herein granted, Eastshore Lines is placed on notice that it will be required, among other things, to file annual reports of its operations and to comply with and observe the safety rules and other regulations of the Commission's General Order No. 98. Failure to file such reports in such form and at such time as the Commission may direct, or to comply with and observe the provisions of General Order No. 98, may result in a cancellation of the operating authority granted by this decision.
- (b) Within sixty days after the effective date hereof, and on not less than five days' notice to the Commission and the public, Eastshore Lines shall establish the service herein authorized and file in triplicate and concurrently make effective tariffs and time schedules satisfactory to the Commission.
- (c) Within sixty days after the effective date hereof, and on not less than five days' notice to the Commission and the public, Eastshore Lines shall establish and publish a joint-honoring tariff with The Greyhound Corporation with respect to and in connection with Eastshore Lines' Route No. 1 and The Greyhound Corporation's Route Group No. 11, which rates of said tariff shall be in form and substance satisfactory to the Commission.

Para. (a) deleted ✓

(3) That all the presently existing operative rights held by Eastshore Lines under Decision No. 54298 are hereby revoked and annulled.

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

Dated at San Francisco, California, this 18th day of February, 1958.

(Paul E. Mackay)
President
Paul J. [unclear]
[unclear]
R. Hardy
E. L. Fox
Commissioners

Route No. 1

Commencing at The Greyhound Corporation Depot, Lafayette, thence via Mt. Diablo Blvd., Broadway Tunnel, Broadway, Tunnel Road, Ashby Avenue, Telegraph Avenue, Durant, Fulton and Addison to terminal at Addison and Shattuck. Return via Shattuck, Durant to Telegraph and same route to point of beginning.

- (1) No local service shall be rendered between Berkeley and Temescal Junction.
- (2) No local service shall be rendered between Lafayette and Temescal Junction.

Issued by California Public Utilities Commission.

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Route No. 2

Commencing at The Greyhound Corporation's Lafayette Depot, thence via Moraga Road, Glenside Road, St. Mary's Road, Moraga Highway to the terminal at Orinda. Return via same route to point of commencement.

Issued by California Public Utilities Commission.

Decision No. 56264, Application No. 39410.