

**ORIGINAL**

Decision No. 71353

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

POLLOCK PINES CHAMBER OF COMMERCE,  
a corporation,

Complainant,

vs.

GREYHOUND LINES, INC. (Western  
Greyhound Lines Division),

Defendant.

Case No. 8358  
(Filed March 4, 1966;  
Amended April 28, 1966)

Lynn S. Carman, for complainant.

William T. Meinhold, for defendant.

O P I N I O N

This complaint was heard June 1, 1966, before Examiner Thompson at Sacramento and was submitted on briefs. Briefs were received July 20, 1966 and the matter is ready for decision.

The subject matter of the complaint is the point at which defendant receives and discharges passengers at Pollock Pines on and along its authorized route on U.S. Highway 50. Complainant requests the Commission to order defendant to cease and desist from using said point for the purpose of receiving and discharging passengers and to resume stopping in Pollock Pines either at its former bus stop or at some other suitable place.

Two grounds for complaint are alleged:

1. That the defendant stops its buses on a freeway ramp which is part of a freeway, constituting a public offense and prohibited by Sections 332 and 22520 of the Vehicle Code.

2. The stopping point at Pollock Pines is not a proper stopping point and is unreasonable, unsafe, inadequate, insufficient, not efficient and contrary to the safety, health, comfort and convenience of the Pollock Pines public and the patrons of defendant.

Defendant denies that its stop at Pollock Pines is on a freeway and that it is unsafe, unreasonable or in any way unlawful, and as an affirmative defense alleges that it has been authorized to receive and discharge passengers at said point.

U.S. Highway 50 was recently made a freeway in the area of Pollock Pines. It crosses Sly Park Road on an elevated structure so that the grades are separated. The crossing has what is commonly called a diamond-shaped interchange with the freeway on- and off-ramps intersecting Sly Park Road. At that point the freeway goes in an east-west direction and in discussing the evidence we shall refer to the ramps as the westbound on-ramp or the westbound off-ramp which are on the northern side of the freeway, and the eastbound on-ramp and the eastbound off-ramp which are on the southern side of the freeway. The entire interchange is on property owned by the State of California, acquired by it for the purpose of constructing U.S. Highway 50 and its appurtenances, including the interchange. All of the said property, except Sly Park Road itself, is enclosed by a chain link fence. The freeway was opened for travel by the public at a date in July or August 1965. From that date to on or about April 20, 1966, defendant stopped its buses to receive and discharge passengers at the off-ramps of the interchange. From the latter date it has made its stops at the on-ramps.

The on-ramps are paved with asphaltic concrete. The exact width of the ramps is not of record; however, the exhibits disclose that they will accommodate two vehicles side-by-side, or what might be called two lanes. There are no sidewalks or shoulders on the ramps and, the freeway being elevated, the terrain alongside the ramps falls away abruptly. The bus stops on the asphaltic paving of the on-ramps immediately beyond Sly Park Road so as to clear the intersection. There are no sidewalks at the points, nor are there any signs or notices that said points are bus stops.

By Decision No. 68202, dated November 10, 1964, in Application No. 46992, the Commission granted defendant a certificate of public convenience and necessity to conduct passenger stage operations between the Nevada-California State Line east of Lakeside and Sacramento via U.S. Highway 50. This decision, in effect, authorized defendant to reroute passenger stage service over the relocated segment (freeway) of U.S. Highway 50 between Union Hill Junction and East Camino Junction. A portion of that decision is recited in the margin.<sup>1/</sup>

The assistant regional manager of defendant testified that in the performance of his assigned duties, in March or April 1964 he went to the district office of the Division of Highways at Marysville and conversed with Mr. Geddes, who, the witness stated

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<sup>1/</sup> "Applicant also proposes to change the point of receipt and discharge of passengers from and to Pollock Pines, now located on present U.S. Highway 50, to the interchange on the new U.S. Highway 50 freeway. The Division of Highways has advised that passengers can be received and discharged at the diamond-shaped interchange without hazard to either passengers or the automotive traffic on the highway. This new point will be known as 'Pollock Pines Junction'."

he was informed and believed, was the traffic engineer for District 3 of the Division of Highways. The witness stated that at that time he informed Mr. Geddes that defendant desired authorization to use the off-ramps at the proposed interchange at Pollock Pines to receive and discharge passengers. He stated that Mr. Geddes told him that the Division of Highways had no objection, provided the buses cleared the intersection and followed the same pattern established in connection with other freeway interchanges. He stated that he then returned to his office in Sacramento and notified his superior in San Francisco of the conversation he had with Mr. Geddes.

The assistant regional manager also testified concerning the bus stops at locations on Interstate Highway 80. There are only a few diamond-shaped interchanges on that freeway. The other interchanges are of more elaborate design, with cloverleaves or bus turnouts. The one with the closest resemblance to the interchange involved herein is at Rocklin. The structures are similar in design; however, on the on-ramps at Rocklin there are sidewalks and bus-stop signs as well as bus pads. The witness described the bus pad as a strip of concrete approximately 9 feet wide by 40 feet long imbedded in the asphaltic concrete roadway. The signs, sidewalks and bus pads were installed by the Division of Highways.

With respect to the first ground of the complaint, complainant argues that the on-ramps are part of the freeway and defendant argues that they are not. It is not necessary for us to make a determination of that issue because the complaint will be disposed of on other grounds. We point out, however, that the full control of the use of the freeway is vested in the Department of

Public Works. If it wishes to permit vehicles to stop at any point on the highways subject to its jurisdiction it may do so and, as a corollary, if it wishes to prohibit vehicles from stopping it may do so and enforce its rules in the courts.

With respect to the second ground of the complaint, in 1963 the Legislature removed the safety of the operation of passenger stages from regulation by the Commission (Section 768 of the Public Utilities Code) and conferred such jurisdiction in the Department of the California Highway Patrol (Section 34,500 of the Vehicle Code). If the stopping point involved is unsafe for other vehicular traffic as a part of the operation of defendant, the Department of the California Highway Patrol is the agency having jurisdiction over that problem.

The Commission does have jurisdiction over the reasonableness, adequacy and sufficiency of facilities and services provided the public by passenger stage corporations. It has heretofore exercised its jurisdiction in such matters in connection with service by defendant over freeway routes (Greyhound Corp., et al, 57 Cal. P.U.C. 628; Greyhound Lines, Inc., 63 Cal. P.U.C. 742). Greyhound Corp., et al, was an investigation on the Commission's own motion into the adequacy of service of Greyhound and American Buslines, Inc. to points on and near U.S. Highway 40 between Roseville and the California-Nevada line as a result of rerouting and realignment of said highway as Interstate Highway 80, for the purpose of determining whether respondents should be ordered to detour from the freeway in order to furnish adequate service to any of such points. The decision therein recites the problems and limitations in connection with service provided along freeway routes and sets forth a plan

developed in cooperation with the Commission staff, the staff of the Division of Highways and the passenger stage corporations involved. The plan called for bus stops to be located on access roads (ramps) connecting the freeway to crossroads which serve towns and centers of population located along or off of the freeway. The plan contemplated that the Division of Highways would pave the bus stops and sidewalks leading to them but, because of the laws, seats or shelters for passengers could not be installed by that agency. Lighting was to be provided if the crossing on the freeway is lighted. If not, no illumination of the bus stop would be provided. Shelters can be built after permission has been obtained from the Highway Commission as long as the cost of construction is not paid by the Division of Highways. Public telephones would be permitted at the bus stops, providing their design is acceptable and the installation is not charged to the State of California.

In Greyhound Corp., et al, the Commission approved the aforementioned plan as providing reasonable, adequate and sufficient service and facilities at points located along and off of U.S. Highway 40. In making such determination the Commission considered the problems and limitations involved, together with the fact that the slight local public inconvenience must be outweighed by the substantial inconvenience to the general public if the through passengers are delayed by numerous off-freeway stops.

In Greyhound Lines, Inc., the Commission approved the general plan with respect to bus stops on the access roads (ramps) at the interchanges at Soda Springs and Donner Park.

The traffic conditions, or patronage, at Pollock Pines do not appear to be substantially dissimilar to those at points ✓

along and off of Interstate Highway 80. It is noted that defendant's timetable (Exhibit 11) shows Pollock Pines Junction as a highway stop with two schedules eastbound and two schedules westbound daily, and that points along Interstate Highway 80 between Auburn and Truckee are served with six eastbound schedules and five westbound schedules daily. All of the points are in the Sierra Nevada mountains located along freeways. Facilities for the receipt and discharge of passengers at freeway turnout bus stops found to be reasonable, adequate and sufficient for service to said points on Interstate Highway 80 would also appear to be reasonable, adequate and sufficient for Pollock Pines Junction.

The evidence herein discloses that the bus stops at the on-ramps at Pollock Pines Junction are not in accordance with the plan approved by the Commission in connection with freeway stops on Interstate Highway 80. There are no platforms on which the passengers may stand off of the roadbed while awaiting a bus, there are no sidewalks from the point of loading or unloading leading to a point off of the access road over which a passenger may walk to or from a private automobile, and there are no signs or other indications such as a bus pad which will indicate the point at which defendant will receive or discharge passengers.

We do not mean to imply that the facilities described in the "plan" set forth in Greyhound Corp., et al, are the minimum facilities to be provided at any bus stop or that said facilities would be reasonable, adequate or sufficient for all bus stops. The above discussion is included to refute any contention by defendant that the facilities at Pollock Pines Junction are similar to those found by the Commission to be reasonable, adequate and sufficient

for service to communities similar to Pollock Pines located along Interstate Highway 80.

With respect to the defendant's contention that it was authorized by the Commission to provide service at the interchange, the certificate of public convenience and necessity granted by Decision No. 68202 authorized defendant to conduct passenger stage operations over the freeway that was then being constructed. It inferentially authorized applicant to discontinue service to certain points such as Sportsman's Hall and to serve Pollock Pines at the interchange at Pollock Pines Junction. As in other certificates granted to defendant, the decision did not specify the exact point at which defendant should stop to receive or discharge passengers. The location of bus stops requires negotiation between the carrier and the State and local authorities, and in some instances with the owners of private property. It is the duty of the carrier to furnish and maintain such adequate, efficient, just, and reasonable service and facilities as are necessary to promote the safety, health, comfort and convenience of its patrons, employees, and the public (Section 451, Public Utilities Code).

We find that the facilities presently provided at Pollock Pines Junction and used by defendant to receive and discharge passengers are unreasonable, inadequate and insufficient in the following particulars:

1. There is only a very narrow strip of unpaved ground between the roadway and a steep embankment on which the passenger may alight from the bus or stand while waiting for the arrival of a bus.



2. In order for a passenger to walk from a point at which a private automobile may stop, to the point where he may embark onto the bus he must either walk a relatively long distance on the roadway of the ramp itself or walk a relatively long distance along the edge of a steep embankment over a very narrow strip of bare ground.

3. There is no sign or indication of where the bus will stop to receive or discharge passengers.

We conclude that defendant should be ordered to cease and desist from furnishing unreasonable, inadequate and insufficient facilities in connection with its service to Pollock Pines Junction.

Defendant does not have the power to install and maintain reasonable, adequate and sufficient facilities at the present bus stops. Full control of the ramps is vested in the Department of Public Works, Division of Highways. Defendant can request that agency to provide the facilities and the latter may grant the request, but it is realized that if the request were to be granted it would be some time before the facilities could be installed. The realities of the situation indicate that defendant will have to find new bus stops at which to receive and discharge passengers until such time, if ever, reasonable, adequate and sufficient facilities are installed on the ramps. Whether or not there are places at or adjacent to Pollock Pines Junction at which defendant can furnish and maintain reasonable, adequate and sufficient facilities to receive and discharge passengers is not clear from this record. Complainant suggested points in the vicinity of a proposed Safeway Store and at the Tot-um Shopping Center; however, there may be others that may be more suitable to the operations of defendant and more convenient for the through passengers. Defendant

should be permitted, in the first instance, to determine the choice of location or locations at which it can furnish reasonable, adequate and sufficient facilities. The acquisition of such location or locations will necessarily involve negotiations by defendant with local public authorities and possibly with owners of private property. In the circumstances we conclude that defendant should be allowed thirty days after the effective date of the order herein within which to provide reasonable, adequate and sufficient facilities for receiving and discharging passengers at Pollock Pines.

O R D E R

IT IS ORDERED that:

1. Greyhound Lines, Inc. shall, on or before thirty days after the effective date of this order, cease and desist and thereafter abstain from utilizing unreasonable, inadequate and insufficient facilities for the receipt and discharge of passengers at Pollock Pines Junction; and shall furnish and maintain reasonable, adequate, efficient, just and reasonable service, instrumentalities, equipment and facilities for the receipt and discharge of passengers at Pollock Pines Junction or at a location or locations in the immediate vicinity thereof.

2. Defendant shall, on or before the fortieth day after the effective date of this order, file in this proceeding a full description of the location or locations, and the facilities thereon, to be used by it to receive and discharge passengers at Pollock Pines Junction.

3. Tariff publications or timetable filings required as a result of compliance with the order herein may be made effective on not less than one day's notice to the Commission and to the public.

The Secretary shall cause a copy of this order to be served upon defendant and the effective date of this order shall be twenty days after the completion of such service.

Dated at San Francisco, California, this 4th day of OCTOBER, 1966.

*Carl E. Mitchell*  
President

*George T. Dwyer*

*Fredrick B. Holdoff*

*Rogers*

*William L. Brown*  
Commissioners