

GLF

ORIGINAL

Decision No. 72514

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

COUNTY OF MONO,

Complainant,

vs.

GREYHOUND LINES, INC.,

Defendant.

Case No. 8400

(Filed April 28, 1966)

N. Edward Denton, for County of Mono; W. E. Van Nattan,
for Mammoth Lakes Chamber of Commerce; Robert G.
Hochenedel, for Mammoth Lakes Lions Club,
complainants.

A. G. Mahan, for Mono County, protestant.
McCutchen, Doyle, Brown, Trautman & Enersen, by
Craig McAtee, for Greyhound Lines, Inc.,
defendant.

O P I N I O N

The complaint alleges that Greyhound Bus Lines, hereinafter called Greyhound, should discontinue dropping off and picking up Mammoth Lakes passengers at the present bus stop located at the junction of Highway 395 and State Route 203 (the Mammoth Lakes turnoff), and extend its service an additional three miles along Route 203 to the community of Mammoth. The complaint further alleges that the complete lack of facilities where the passengers now wait, plus the severe winters in the area, make the present service inadequate, dangerous, and inconvenient. The complaint further alleges that Greyhound has refused to extend its service, and complainants therefore request an order requiring Greyhound to provide service into the community of Mammoth.

The answer and motion to dismiss of the defendant was filed on May 27, 1966. Defendant replied that its regular route

service is limited to points on Highway 395; that it cannot extend along Highway 203 without authority, and the Commission cannot order the defendant to provide this service unless the defendant applies to have its certificated area extended; also if service were extended as requested in the complaint it would be contrary to public convenience and necessity; the through passengers on all schedules would be inconvenienced for the occasional person getting on or off at Mammoth.

Public hearing was held in Mammoth Lakes, California, on September 28, 1966, before Examiner Fraser. Both parties presented evidence and the matter was submitted.

Mammoth Lakes is served on Western Greyhound Lines' Los Angeles to Reno Inland Route via Mojave and Bishop. The route is described in Table 652 of Greyhound Schedule No. 6 (Exhibit 3). There are two daily schedules northbound out of Los Angeles and two daily schedules southbound out of Reno. Schedules 1312 and 1314 are out of Los Angeles. The former leaves at 8:45 a.m. and is due in Reno at 9:40 p.m. Mammoth Junction is a flag stop on all four schedules. The bus does not stop unless a passenger gets off or someone flags down the bus. The 1312 schedule (northbound) is due at Rock Creek (about 16 miles south of Mammoth Junction) at 5:26 p.m. and at Crestview (8 miles north of Mammoth Junction) at 5:56 p.m. Mammoth has no arrival or departure time listed since it is not a regular stop. Northbound schedule 1314 leaves Los Angeles daily at 6:30 p.m. and is due in Reno at 6:30 a.m. the following morning. It leaves Rock Creek at 2:10 a.m. and Crestview at 2:40 a.m. Schedule 1312 out of Los Angeles should arrive at Mammoth Junction about 5:45 p.m. and Schedule 1314 about 2:30 a.m.

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Schedule 1311 (southbound) leaves Reno, Nevada, at 8:35 a.m. and is due in Los Angeles at 9:20 p.m. Schedule 1313 leaves Reno at 11:30 p.m. and is due in Los Angeles at 11:30 a.m. on the following morning. Schedule No. 1311 is due in Crestview at 12:33 p.m. and in Rock Creek at 1:02 p.m.; it should pass Mammoth Junction about 12:50 p.m. Schedule No. 1313 passes Crestview at 3:15 a.m. in the morning and Rock Creek at 3:40 a.m.; it should go by Mammoth Junction about 3:30 a.m.

The bus stop was observed on September 29, 1966. It is on the east side of Highway 395 about thirty feet off the pavement. It has an interior floor space of four feet by eight and a door and window on the side facing the highway. There are no interior or exterior benches or furniture. The floor was covered with dirt and paper at least an inch deep. Someone had started a fire in one corner and blackened the floor and several feet of wall. Charred paper cluttered the floor. A bullet had passed through the back wall and cracked the front window on the way out. Several wires protruded from high up on the south wall where a telephone had been removed. Approximately one-half mile south of the bus stop and on the same side of the highway is a Mono County sheriff's substation. It is a permanent facility with a large parking lot and is manned on a twenty-four hour basis, seven days a week. It has a reception room with a public telephone and the deputy on duty is in radio contact with the sheriff, the California Highway Patrol and the United States Forest Service.

Thirteen witnesses testified for the complainants. Eight represented local lodges and ski resorts. The other five included the chairman of the Mono County Board of Supervisors and representatives from the Mono County Sheriff's office, the

California Highway Patrol, United States Forest Service, and the local telephone company. It was established by testimony that the Mammoth Lakes area has severe winters and that during the winter season buses are usually from one hour early to three hours late in arriving at Mammoth Junction. The uncertain arrival time requires those who pick up or deliver passengers to wait long periods at the bus stop until the bus arrives. It was revealed that most of those arriving by bus come from Los Angeles. It was further revealed that the station at Bishop (about forty miles south of Mammoth Lakes) is closed at night. This eliminates the possibility of telephoning the Bishop office for information on the late bus as to when it is likely to arrive at Mammoth Junction. The same situation exists north of Mammoth Lakes. There are no stations or agencies open after dark. If a bus is delayed there is no way to notify those waiting further along on the route. Several local people testified that they prefer the Greyhound package service but cannot use it; if the consignee is not waiting at the bus stop when the package arrives, it is carried to the next Greyhound station with storage facilities; on several occasions it has been carried to the end of the line; sometimes a consignee cannot be sure which bus will carry his package and he may have to meet two or more buses; if the buses come into Mammoth, packages could be left at the tavern in care of the restaurant, or with the desk clerk if the restaurant is closed; this would eliminate the necessity for the presence of the consignee. Several witnesses testified that they had to advise visitors not to come by bus if it could be avoided. This has resulted in people not coming at all, since no other public transportation is available. The resort owners testified

that adequate facilities would improve their business and prompt more people to come by bus. They stated the shack at the bus stop is inadequate protection in bad weather and has no public phone. The deputy sheriff and an officer of the California Highway Patrol each testified that they have picked up stranded passengers at the bus stop and transported them into the community of Mammoth. These people usually just rode up without notifying anyone and were not expected. Complainant's witnesses stated that if the facilities are not improved it is conceivable that a passenger could freeze to death in the winter before being picked up. The three and one-half miles from the bus stop to Mammoth is too far to walk in the winter for anyone but a trained athlete properly equipped with skis or snowshoes. Several witnesses testified that temperatures in the winter frequently drop to 20° below zero and wind or snow storms make foot travel hazardous.

It was established by testimony that the community built the bus stop and provided a paved turnout leading off the highway. It was further established that a year-round resort with a public phone and permanent residents had been located across the highway from the bus stop; and that the property was recently sold and the buildings closed and abandoned. The local chamber of commerce and Lions Club then decided to install a public telephone and a heater in the bus stop building. An employee of the telephone company testified that a public phone was installed to provide a means of contacting the resort or person who was to pick up the caller. Vandals tore the phone off the wall shortly after its installation. It was replaced on two occasions and in each instance and again rendered inoperative. The phone company man testified that the

wires were cut, the receiver removed and thrown away, chewing gum jammed in the coin slot and the coin box opened and bent out of shape. Due to this repeated vandalism the phone was seldom in working condition and finally it was permanently removed. He further testified that no effort was made to install a heater after the phone was repeatedly sabotaged. The California Highway Patrol officer testified that the vandalism has also included several instances of lewd writing on the walls of the bus stop building and such accumulations of trash inside and outside that it prompted the State Division of Highways to threaten to remove the building. Several witnesses testified that it is impossible to prevent vandalism at the site. It was noted that the area is remote and approaching cars can be seen a long way off. ✓

The chairman of the County Board of Supervisors testified it was evident that moving the bus stop to another point on the highway would not eliminate the isolation, adverse weather, or the vandalism. He stated it was agreed that the minimal requirement was a heated building equipped with a telephone. It had to be in town so it could be protected and for greater convenience. He stated Mammoth Tavern offered its premises, which were gladly accepted. The tavern has all of the facilities needed and is located in town, within a reasonable distance of the other resorts. Mammoth Tavern also has a restaurant available all day and most of the night. He testified that if Mammoth Tavern becomes the bus stop it seems certain that more people will come by bus, since all of the resorts and the local chamber of commerce will start to advertise the service. He testified that the supervisors were against the suggestion that the Mammoth sheriff station become the

bus stop; it is a jail and justice court; it does not qualify as a public waiting room; occasionally drunk, disorderly, or profane prisoners have to be booked; at times, deputies on duty may be distracted by the bus passengers loitering on the premises; the liability insurance on the premises does not anticipate any public use; and finally, the designation of a county facility as a local bus stop may prompt other communities to request the same privileges.

Several witnesses testified that the number of people who visit Mammoth Lakes has more than doubled during the past couple of years and that the growth will be much greater in the future. The District Ranger of the United States Forest Service testified that during the calendar year 1965 the Mammoth Ranger District had 1,970,000 visits, which makes it the most used United States Forest Service facility in California and the second most used facility in the United States. The Highway Patrol officer testified it was his opinion that about 60 percent of the cars using Highway 395 turn into Mammoth Lakes. He stated that his opinion is based on his personal observation. The president of the Mammoth Lakes Chamber of Commerce testified that he corresponded with the State Division of Highways in July and August, 1966; he was informed that Highway 395 was to be a freeway where it intersected Highway 203, with a cloverleaf access ramp to Mammoth Lakes. It was also noted that the Mammoth sheriff's station will have connecting ramps to the freeway in both directions.

The chairman of the County Board of Supervisors testified that a letter was sent to Western Greyhound Lines at the request of the community of Mammoth. The letter suggested that the bus stop

be moved into Mammoth. Greyhound replied that it was not practical and refused to consider it. The supervisors of Mono County then directed the District Attorney to file a formal complaint with the Commission.

The defendant called one witness, the Western Division vice president of traffic, who testified as follows: He is responsible for operating authority, routing and service in eleven western states, including California and Nevada; defendant has coextensive and identical authority to operate along Highway 395 from the California Public Utilities Commission (Exhibit 1) and the Interstate Commerce Commission; defendant has no authority to serve any facility off Highway 395, except on special operations to Mammoth Lakes and June Lakes (Routes 13.16 and 13.07, Exhibit 1); special operations (Page 93A, Exhibit 1) are those in which one or more buses are chartered by a group, which guarantees a minimum number of riders for each bus; defendant transports the group to and from its destination according to a planned schedule; the route over Highway 395 connects Reno, Nevada with Los Angeles, California; it is an interstate route (Exhibit 2) and sixty-two percent of the passengers carried travel from one state to the other; these interstate passengers would be seriously inconvenienced by each bus turning off to Mammoth Lakes, a round trip of seven miles; time in transit would increase twenty minutes in the summer and well over thirty minutes in the winter; passenger fares are based on mileage; if a route is lengthened the defendant's tariffs require that the fares be increased; on distances up to twenty-five miles the charge is three and a third cents per mile; if seven additional miles are added to the route, everyone passing through Mammoth, on a bus, in

either direction, will pay an increased fare based on the seven extra miles. Mammoth Lakes is basically a resort and defendant's past experience indicates that providing daily schedules into a resort will never yield a profit; defendant provided daily service to Squaw Valley in 1960 for the Winter Olympics; even with extensive publicity, considerable public interest and the attraction of the Olympic Games the service was not patronized and had to be discontinued; the route connected Reno, Truckee, Squaw Valley and Tahoe City, but even expanding the service to include all centers of population in the area failed to attract the public; Exhibit No. 4 is a report of the number of passengers carried on the Bishop-Reno division during May 22, 23, 26, 1965; July 14, 17, 18, 1965; and January 12, 15, 16, 1966 (all dates are Wednesday, Saturday or Sunday); the exhibit covers 36 schedules (4 a day and 9 days); 1,003 passengers were transported, with 617 of the total number traveling interstate; 40 passengers were either picked up or discharged at Mammoth Junction, with 34 of the total number traveling interstate; this exhibit is limited to covering only those passengers who get on or off between Reno and Bishop; passengers getting on or off south of Bishop are not included; Exhibit 5 is a driver report on the number of Mammoth Junction pickup and drop-off passengers compared to the total number of persons riding the Reno-Bishop division on September 17, 18, 1966 (a Saturday and Sunday), which were the latest dates reported on prior to the hearing; the exhibit shows one passenger to Los Angeles was picked up at Mammoth Junction on Schedule 1311 (9/18/66) and none were dropped off; Schedule 1313 (9/17/66) to Los Angeles had no one on or off at Mammoth Junction. Schedule 1312 (9/18/66) picked up one passenger

at Mammoth Junction destined for Reno; no passengers got off the bus; Schedule 1314 (to Reno on 9/17/66) has no passengers on or off at Mammoth Junction; the exhibit also shows that Schedule 1311 had 24 passengers aboard when it arrived at Mammoth Junction; Schedule 1313 had 16 passengers, Schedule 1312 had 6 and Schedule 1314 had 10 passengers when it passed through Mammoth Junction.

The witness further testified that every year defendant receives many requests to provide regular service to small communities off its main routes in the western states; all have to be denied in the interest of efficiency and economical operation; defendant does serve a few off-route locations due to the purchase of operating authorities which already included the off-route locations as points to be served. The witness stated that defendant would be willing to pick up and deposit all passengers at the Mammoth Lakes sheriff's substation, if requested; also it was his understanding that this could be done without amending any of defendant's operating authorities. He stated it is contrary to defendant's policy for a bus to arrive before the time stated in the schedule; he will investigate and steps will be taken to make sure drivers are not ahead of schedule in the future; schedules will be late, however, in storms and when negotiating deep snow.

Counsel for Greyhound filed a written request for a Proposed Report and submitted legal authorities in support of the contention that the route is interstate and therefore under the jurisdiction of the Interstate Commerce Commission; additional cases were cited and counsel argued that this Commission lacks jurisdiction to order defendant to extend service from Highway 395 into the community of Mammoth, since there has been no dedication of service off Highway 395.

Discussion and Findings

Service to the populated areas and smaller municipalities on the route is provided by the defendant since it can be accomplished without delaying or diverting the service to Reno and Los Angeles. The majority of the passengers travel interstate and a seven mile diversion to Mammoth would penalize and inconvenience the through passengers by increasing their time in transit. Bus service into town would benefit only the occasional rider who gets on or off at Mammoth Junction and the local people who drive the passengers to or from the bus stop. It is even doubtful if local business would be helped by the requested extension since it is obvious from the record that all who visit Mammoth - with rare exceptions - come by private transportation. Mammoth Junction is not even a scheduled bus stop, which is a persuasive indication of the lack of public patronage. It was argued that many more riders would come to Mammoth by bus if service were extended to town. Unfortunately, so few now ride the bus that if patronage were increased tenfold it still would not be sufficient use to justify the detour and delay. Ordering an extension of service even within territory already served by a carrier is justified only where required by public convenience and necessity (1031, 1032 Public Utilities Code). We further find as follows:

1. Western Greyhound Lines provides two daily northbound schedules from Los Angeles, California to Reno, Nevada, and two daily southbound schedules from Reno to Los Angeles.

2. Defendant holds identical and co-extensive operating authority from the Interstate Commerce Commission and the California Public Utilities Commission, on the portion of the route located in the State of California.

3. The bus stop at Mammoth Junction serves the Mammoth Lakes area and is located at the junction of Highway 395 and State Route 203. It is a flag stop on all schedules.

4. The County of Mono filed a complaint herein to require service to be extended off Highway 395 into the community of Mammoth, due to the lack of facilities at the present bus stop and the severe winters in the area.

5. The bus stop shelter is a four foot by eight foot shack with no lights, phone, heat, or furniture. It is frequently dirtied or damaged by vandals and is inadequate in summer and dangerous in the winter. Efforts to improve the shelter have been nullified by vandalism, which has made it impossible to even keep a public phone on the premises.

6. The occasional passenger getting on or off at Mammoth Junction does not justify extending the bus service off route into town, to the detriment of all the through passengers and the defendant passenger stage corporation.

7. The Sheriff's sub-station should be substituted for the present bus stop - at least in the winter. It is operated around the clock, seven days a week, is heated, has a public phone, is protected and has ample parking space. It is one half mile from the present facility and could be utilized without the necessity of changing the defendant's operating authorities.

8. The request for a proposed report should be denied.

9. Defendant should not be required to extend service seven miles off one of its major routes; it has never offered its service into Mammoth.

Based on the above findings, we conclude that this Commission has jurisdiction to consider this complaint and that it should be dismissed.

O R D E R

IT IS ORDERED that:

1. The motion for a proposed report is denied.
2. Case No. 8400 is dismissed.

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

Dated at San Francisco, California, this 31st day of MAY, 1967.

[Signature]
President
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Commissioners