Decision

84 04 039

APR 4 1984

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of VISTA_CALIFORNIA TOURS, INC. for authority to operate as a passenger stage corporation to provide home to work service between Pacifica/San Bruno and San Francisco/San Mateo County.

Application 83-08-35 (Filled August 12, 1983; amended October 17, 1983)

Cliff Chambers, for Vista California Tours, applicant.

John J. Doherty, Attorney at Law, for City and County of San Francisco; and Hanson, Bridgett, Marcus, Vlahos & Stromberg, by Madeline Chun, Attorney at Law, for San Mateo County Transit District; protestants.

<u>o p i n i o n</u>

By this application Vista California Tours, Inc. (Vista), requests authority to operate a home-to-work passenger stage service between Pacifica, San Bruno, Daly City, and San Francisco, on the one hand, and points in San Francisco on the other hand. The request was protested by San Mateo County Transit District (SamTrans) and by the City and County of San Francisco (City). Accordingly, the application was set for public hearing and heard before Administrative Law Judge (ALJ) John Lemke in San Francisco on December 15, 1983. The matter was submitted subject to receipt of late-filed Exhibits 1 and 2 on December 21, 1983.

Vista proposes to operate four inbound and four outbound schedules daily on each of two routes. Route A will provide service commencing at the intersection of Sneath Lane and El Camino Real in San Bruno, stop to pick up passengers at various points within South San Francisco, Daly City and in San Francisco along 19th Avenue. The first point for passenger off-loading would be in San Francisco at the intersection of 19th Avenue and Winston Drive. Stops would be

made to off-load at various points within San Francisco, generally delivering passengers at or near hospitals and other medical and educational facilities. The last stop would be at the intersection of Bush and Hyde Streets.

- Route B will commence at the intersection of Linda Mar Boulevard and State Highway 1 in Pacifica, stop at several points in Pacifica, Daly City, and San Francisco along Sunset Boulevard, and provide service to most of the same facilities served by Route A. Positions of Protestants

Counsel for City stated that it is neutral on the question of whether Vista should be able to transport people from San Mateo County to the various destinations. City's objection is based on Vista's proposal to engage in very substantial intracity transportation of passengers from various points in San Francisco to the hospital locations. City believes routes proposed by Vista will duplicate and interfere with routes served by the Municipal Railway (Muni). City is also concerned that since the request focuses almost entirely on peak-hour traffic, from approximately 6:15 in the morning until 8:15 and in the afternoon from 3:30 until approximately 6:20, congestion on city streets will be exacerbated.

SamTrans originally based its protest on Vista's intent to stop at 19th Avenue and Holloway Streets, and on the uncertainty in Vista's application concerning whether it intended to provide intra-San Mateo County service. In its amended application Vista eliminated the stop in question and clarified its request, stating that there would be no intra-San Mateo County service. However, counsel for SamTrans preferred to wait until completion of the hearing before withdrawing its protest.

The Evidence

Vista presented its case through the testimony of its consultant, Cliff Chambers, as well as through the testimony of four institutional witnesses who supported the request. The application contains the following information:

74

- 1. Vista operates as a charter-party carrier under TCP-665-P and TCP-59-B.
- 2. Proposed fares will be \$1.25 per one-way trip from Pacifica, San Bruno, and South San Francisco to San Francisco, \$1.00 per one-way trip from Daly City to San Francisco; and .75¢ per one-way trip between points in San Francisco.
- 3. Schedules will be operated Monday through Friday.
- 4. Vista proposes to operate full-size, 45-passenger capacity buses.
- 5. A balance sheet as of June 30th indicates assets of \$937,000 and a net worth of approximately \$64,000. An income statement for the five-month period ended June 30, 1983 indicates revenues of \$455,000 and net operating income of approximately \$31,000.

Chambers testified that Vista is a family owned and operated business located in South San Francisco, holding intrastate and interstate operating authorities. He stated that Vista provides San Francisco charter tours as well as tours outside of the Bay Area, and that Vista presently operates transportation services for Children's Hospital, Marshall Hale Memorial Hospital, and Saint Mary's Hospital and Medical Center. Vista also has a contract with Bay Area Rapid Transit (BART) to operate a shuttle service in the Glen Park BART station area. Vista presently operates 14 full size coaches, 16 maxi-buses, 8 mini-buses, and 8 limousines.

Chambers stated that service on route A will not stop at San Francisco State University; that instead, SamTrans had agreed Vista could stop at Stonestown where it would again begin picking up passengers. Passengers would be picked up at six points along 19th Avenue, then continue along Judah Street. Passengers will be discharged at UC Medical Center, then buses will travel north on Stanyan to Hayes, east on Hayes to Saint Mary's Hospital, north on Shrader Street to the University of San Francisco, continuing on Parker Avenue to Geary, east on Geary to Divisadero, north on Divisadero to Sutter, east on Sutter to Webster, then north on Webster to Pacific Medical Center. Route A will have four inbound

schedules, two runs performed by each of two buses. The first run would commence at 5:55 a.m., the second at 6:25 a.m., the third at 7:11 a.m., and the fourth at 7:45 a.m. Each run would take approximately an hour.

Afternoon return service over the reverse routes would commence at 3:33 p.m., 4:20 p.m., 4:55 p.m., and 5:45 p.m. Test runs have been performed on route A and the schedules determined to be feasible.

Route B would commence in Pacifica at Linda Mar, continuing north on Highway 1 to Skyline Boulevard; east on John Daly Boulevard; north on Lake Merced and Sunset Boulevards (making eight stops along Sunset Boulevard), east on Judah and continue along the same route described in route A. Again, four runs would be made - two runs each with two buses. Services would commence at 6:00 a.m., 6:30 a.m., 7:10 a.m., and 7:45 a.m. Return schedules would commence at 4:33 p.m., 5:23 p.m., 5:57 p.m., and 6:47 p.m.

Chambers referred to a report from a San Francisco Joint Institutional Transportation Systems Management study issued in 1979, recommending that a group of medical and educational institutions initiate either a SamTrans service or a private club bus service. The report stated that there were about 4,000 employees residing in San Mateo County, 76% of whom were driving alone to work. Chambers explained that it is difficult for a commuter to get from Pacifica to the institutions Vista wishes to serve, the trip in some cases requiring that commuters make two transfers. The same situation exists with respect to service from San Bruno, he testified. Chambers stated that there are no services comparable to those proposed by Vista being provided at the present time; that there is a need and a great deal of institutional support for the services.

Several institutional witnesses responsible for transportation coordination testified on behalf of Vista's request. They stated generally that they did not believe there was adequate service to their hospital and educational facilities in San Francisco from points in San Mateo County or from the outer Sunset district.

No precise numbers of potential passengers were specified by these witnesses concerning potential ridership from the Sunset district to various destinations. They stated that commuting from the outer Sunset district is time consuming and involves transfering in many cases. :

Protestants

SamTrans in effect withdrew its protest based upon the amended application and did not present witnesses.

City presented its opposition through the testimony of Peter Straus, Director of Planning for Muni. Straus stated that Muni believes service is adequate where a rider can get from one point to another with one transfer. He believes that Muni can provide direct service over the routes Vista proposes to operate from the Sunset district with a single transfer. Straus estimated that riding time via Muni from Sunset Boulevard and Vicente Street to the University of San Francisco, involving one transfer at Fulton Street, takes something in excess of one half hour. (One of Vista's witnesses had estimated Muni's running time over that route to be considerably in excess of one hour).

Traffic Congestion

Vista proposes to operate its buses via Parnassus Avenue, prior to stopping at UC Medical Center. Straus pointed out that Muni presently operates three lines on Parnassus Avenue, two operating at 8-minute headways and the third with 15-minute headways. He stated that Chambers had indicated to him that Vista's buses might require as much as one minute to off-load on Parnassus Avenue; that Muni would be unloading at the same stops approximately every three minutes and that the present bus zones probably would not be adequate to accommodate both services. He stated that Parnassus is already congested and Muni is working with the hospital to develop a means to get its buses through the area more efficiently.

Straus is also particularly concerned about stops on and/or the use by Vista of 19th Avenue, Geary Street, Judah Street, Kirkham, and Parker Avenue. He stated that on 19th Avenue Muni operates

schedules during peak hours with 10-minute headways. He pointed out that the center of Judah Street is raised for the use of streetcars and that adjacent lanes are relatively narrow and not intended to be used for other than local traffic. He stated with respect to the Kaiser Hospital stop on Geary Street that if Vista's buses are stopped at that location for 30 seconds to a minute, there would be interference with existing Muni service and existing Muni stop areas might have to be lengthened.

Straus stated that since 1978 Muni has endeavored to restructure its lines in order to facilitate transportation between the institutions Vista proposes to serve. He pointed out that Muni's number 29, line providing service along Sunset Boulevard, was established to provide North-South service from the Sunset district to the Richmond district. He stated that there is no point along Vista's proposed route through the Sunset district which a passenger could not already use via Muni with only one transfer. He noted that from points in the Sunset district served by the L car, a rider can now take that route to Castro Street, and, when Muni's proposed 33 line is in operation in the middle of 1984, could transfer to the 33 at 18th Street and then receive direct service to Saint Mary's Hospital, Children's Hospital, and the University of San Francisco.

Straus stated with respect to the proposed Geary Street stop at Kaiser Hospital, that 20 or more local or limited Muni buses travel that route each hour during peak period traffic. In addition, Golden Gate Bus Transit (GGT) recently initiated limited service along Geary Street; but Straus stated that no serious problems have arisen because of the GGT service.

Straus conceded that no study has been performed to determine whether the bus stops on Parnassus Avenue are used to capacity at this time. He further acknowledged that a study prepared by Wilbur Smith and Associates, a transportation consultant firm in San Francisco, recommended the operation of buses on the portion of Parker Avenue which Vista would use.

Straus testified that in order for Muni to be eligible for what is presently about 16 million dollars in funding assistance from

bridge tolls and gasoline taxes, it must recover almost 33% of its operating costs from the fare box; that Vista's proposed intracity service will have a negative impact upon that fare box recovery requirement and Muni's current fare box receipts are near the minimum level.

In summary, Straus believes that the intracity service proposed by Vista is largely duplicative of that already performed by Muni; that this fact, plus the negative fare box impact and the added street congestion combine to warrant denial of Vista's proposed intracity operations.

Vista's late-filed Exhibit 1 shows precise locations of points where passengers will be picked up and delivered on both proposed routes. SamTrans has advised that it does not object to those stops at locations in San Mateo County currently designated as SamTrans bus stops, but believes that with respect to those stops where no SamTrans stops exist, Vista should obtain prior approval of the City of Daly City.

City filed a response to Vista's late-filed Exhibit 1 reiterating its concern over the intracity proposal, and specifying ten stops where it has particular concern about congestion caused by both Muni and GGT operations.

Discussion

Late-filed Exhibit 1 contains all stops contemplated by Vista on both routes. Intra-San Mateo County service has been eliminated, in accordance with SamTrans's initial objection. The only dispute remaining concerns Muni's objection to Vista's proposed intracity service.

The record indicates a need for the proposed service. The several medical facilities and educational institution have stated their support for the application. There will be a number of instances where Sunset district commuters will be able to avail themselves of the direct service offered by Vista, thus saving themselves the necessity of even one transfer. In this respect Vista's service is significantly different from the one offered by Muni. The Muni witness expressed concern regarding traffic

congestion; but this concern could not go beyond mere speculation at this point. The impact of Vista's two buses on Muni's fare box returns and on the present traffic conditions along the routes proposed, it seems to us, can be only minimal and, without specific study, hypothetical.

City, in its response to Vista's late-filed Exhibit 1, notes that the exhibit does not list Clay/Webster as a stop point; whereas that intersection was shown in the original application and amendment. We directed Vista to list all stops in late-filed Exhibit 1; this it has done. The amended application listed "960 Hyde St.," the exhibit "Bush St. and Hyde St." as the San Francisco terminus. "Webster/Clay" has been supplanted by "Sacramento/Buchanan" in late-filed Exhibit 1. City has not requested further hearing on late-filed Exhibit 1, although the ALJ stated on the record that opportunity to do so would be afforded if necessary.

Vista's request is to operate a home-to-work service. The authority, if granted, will expire in one year unless extended. Granting the request for a year will afford City opportunity to monitor the effect of Vista's intracity operations. If Vista's service does in fact impact Muni's operations in a significantly adverse manner, we will consider excluding that service from any further authorities granted Vista. We invite City to demonstrate such impact, with respect to both fare box returns and street congestion, at future hearings which may be held in connection with this authority. However, we are persuaded on this record that public convenience and necessity over the entirety of both routes sought have been adequately demonstrated by Vista for the purposes of this temporary authority. Furthermore, allowing Vista to perform the intracity operations will complement the San Mateo County service, and the additional San Francisco fares will strengthen its total route viability.

Findings of Fact

- 1. Vista proposes to operate as a passenger stage corporation in home-to-work service between points in San Bruno, Pacifica, Daly City, and San Francisco, on the one hand, and certain points in San Francisco, on the other hand.
- 2. Vista's proposed intracity service is materially different from that operated by Muni, because passengers traveling from and to points in the Sunset district will in many cases not be required to transfer in order to reach the destinations Vista will serve.
- 3- Public convenience and necessity justify issuance of a certificate authorizing passenger pickup and delivery in accordance with the stops shown in late-filed Exhibit 1 over the routes specified by Vista described in this decision.
- 4. Vista has the ability and financial resources to perform the proposed service.
 - 5. Vista's proposed fares are reasonable.
- 6. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Conclusions of Law

- 1. A certificate of public convenience and necessity should be issued to applicant authorizing operations as a passenger stage corporation between the points described in late-filed Exhibit 1.
- 2. There is a present need for the proposed service and the following order should be effective today.

Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights, and may cancel or modify these rights at any time.

ORDER

IT IS ORDERED that:

- 1- A certificate of public convenience and necessity is granted to Vista California Tours, Inc., a corporation, authorizing it to operate as a passenger stage corporation, as defined in PU Code § 226, between the points and over the routes set forth in Appendix PSC-1314, to transport persons and baggage.
 - 2. Vista shall:
 - a. File a written acceptance of this certificate within 30 days after this order is effective.
 - b. Establish the authorized service and file tariffs and timetables within 120 days after this order is effective.
 - c. State in its tariffs and timetables when service will start; allow at least 10 days' notice to the Commission; and make timetables and tariffs effective 10 or more days after this order is effective.
 - d. Comply with General Orders Series 79, 98, 101, and 104, and the California Highway Patrol safety rules.
 - e. Maintain accounting records in conformity with the Uniform System of Accounts.
- 3. This certificate does not authorize the holder to conduct any operations on the property of or into any airport unless such operation is authorized by both this Commission and the airport authority involved.

- 4. Applicant is authorized to begin operations on the date that the Executive Director mails a notice to the applicant that it has evidence of insurance on file with the Commission and that the California Highway Patrol has approved the use of applicant's vehicles for service.
- 5. The authority granted by this decision will expire one year from today unless modified or extended by further order of the Commission.

This order is effective today.

Dated _____APR 4 1984 ____, at San Francisco, California.

LEONARD M. CRIMES. JR.
Prosident
VICTOR CALVO
FRISCILLA C. GREW
DONALD VIAL
Commissioners

Commissioner William T. Baghey being necessarily absent, did not participate.

I CERTIFY THAT THIS DECISION WAS APPROVED BY THE ABOVE COMMISSIONERS TOTAY.

Descript E. Bodovitz, metricive Di

VISTA CALIFORNIA TOURS

Original Title Page

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY AS A PASSENGER STAGE CORPORATION

PSC-1314

Showing passenger stage operative rights, restrictions, limitations, exceptions, and privileges.

All changes and amendments as authorized by the Public Utilities Commission of the State of California will be made as revised pages or added original pages.

Issued by expedited application procedure under authority of Decision 84 04 039, dated APR 4 1384, of the Public Utilities Commission of the State of California. Application 83-08-35.

VISTA CALIFORNIA TOURS

Original Page 1

SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS, AND SPECIFICATIONS.

Vista California Tours, Inc., by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to operate as a passenger stage corporation to transport home-to-work passengers between San Bruno and Pacifica, on the one hand, and San Francisco, on the other hand, subject, however, to the authority of this Commission to change or modify this authority at any time and subject to the following provisions:

- a. All transportation of passengers shall originate over & along the routes specified in Section 2.
- b. When route descriptions are given in one direction, they apply to operation in either direction unless otherwise indicated.
- c. Vehicles northbound to San Francisco shall not drop off passengers anywhere except at the service point(s) footnoted with D in Section 2 of this appendix.
- d. Vehicles northbound to San Francisco shall not pick up passengers in San Francisco except at the 19th Avenue & Winston Drive service point.
- e. Vehicles southbound from San Francisco shall not pick up passengers anywhere except at the service point(s) footnoted with a P in Section 2 of this appendix.
- f. Vehicles southbound from San Francisco shall not drop off passengers in San Francisco except at the 19th Avenue & Winston Drive service point.
- g. This authority expires one year from effective date of decision.

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Decision _	84	04	039	App]	lication 8	3-08-35-	

VISTA CALIFORNIA TOURS

Original Page 2

Route A: San Bruno - San Francisco (Northbound)

Commencing with service points at the following locations:

San Bruno

El Camino Real & Sneath Lane

South San Francisco

El Camino Real & S. Spruce Avenue Arroyo Drive & El Camino Real Arroyo Drive & Cuesta Drive Arroyo Drive & Erica Drive

Daly City

Callan Boulevard & Greendale Drive
Callan Boulevard & King Drive
Callan Boulevard & Victoria Street
Callan Boulevard & Hickey Boulevard
Callan Boulevard & Serramonte Boulevard
505 Serramonte Boulevard (Serramonte & Gellert Boulevards)

Issued by expedited application procedure of California Public Utilities Commission.

Decision 84 04 039 , Application 83-08-35.

VISTA CALIFORNIA TOURS

Original Page 3

SECTION 2. ROUTE DESCRIPTIONS. (Continued)

Route A (Continued)

Then via the most appropriate streets & highways to service points at the following San Francisco locations:

19th Avenue & Winston Drive (D)
19th Avenue & Sloat Boulevard
19th Avenue & Taraval Street
19th Avenue & Rivera Street
19th Avenue & Noriega Street
19th Avenue & Lawton Street
19th Avenue & Lawton Street
513 Parnassus Avenue (vic Med Center) (D)
Hayes & Stanyan Streets (D)
Farker & Golden Gate Avenues (D)
Geary Expressway & Spruce Street (D)
Geary Boulevard & St. Josephs Avenue (D)
California Street & Commonwealth Avenue (D)
California Street & Presidio Avenue (D)
Sutter & Baker Streets (D)
Sutter & Divisadero Streets (D)
Sacramento & Buchanan Streets (D)
Bush & Hyde Streets (D)

Issued by expedited application procedure of California Public Utilities Commission.

Decision 84 04 039 , Application 83-08-35-

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Appendix PSC-1314

VISTA CALIFORNIA TOURS

Original Page 4

SECTION 2. ROUTE DESCRIPTIONS. (Continued)

Route A: San Francisco - San Bruno (southbound)

Commencing with service points at the following San Francisco locations:

Pine & Hyde Streets (P)
Sacramento & Buchanan Streets (P)
Divisadero & Sutter Streets (P)
Geary Expressway & Baker Streets (P)
California Street & Presidio Avenue (P)
California & Maple Streets (P)
Parker & Golden Gate Avenues (P)
Shrader Avenue & Hayes Street (P)
510 Parnassus (UC Med Center) (P)
19th Avenue & Lawton Street
19th Avenue & Noriega Street
19th Avenue & Rivera Street
19th Avenue & Rivera Street
19th Avenue & Taraval Street
19th Avenue & Vincente Street
19th Avenue & Sloat Boulevard
19th Avenue & Winston Drive (P)

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VISTA CALIFORNIA TOURS

Original Page 5

SECTION 2. ROUTE DESCRIPTIONS. (Continued)

Route A: Southbound (Continued)

Then via the most appropriate streets & highways to the following service points:

Daly City

Serramonte Boulevard (Serramonte Shopping Center)
Callan Boulevard & Serramonte Boulevard
Callan Boulevard & Hickey Boulevard
Callan Boulevard & Victoria Street
Callan Boulevard & King Drive
Callan Boulevard & Westborough Boulevard

South San Francisco

Arroyo & Escanto Drives
Arroyo Drive & Capay Circle
Arroyo Drive & El Camino Real
El Camino Real & Country Club Drive
El Camino Real & Breantwood Drive

San Bruno

El Camino Real & Sneath Lane

Issued by expedited application procedure of California Public Utilities Commission.

VISTA CALIFORNIA TOURS

Original Page 6

SECTION 2. ROUTE DESCRIPTIONS. (Continued)

Route B: Pacifica - San Francisco (northbound)

Commencing with service points at the following locations:

Pacifica

Linda Mar Blvd and Highway 1
Highway 1 & Rockaway Beach Avenue
Highway 1 & Reina Del Mar Avenue
Highway 1 & Westport Avenue
Highway 1 & Manor Drive
Highway 1 & Skyline Boulevard

Daly City

Skyline Boulevard & Westmoor Avenue Skyline Boulevard & Westridge Avenue John Daly Boulevard & Dorchester Drive John Daly Boulevard & Lake Merced Boulevard

Issued by expedited application procedure of California Public Utilities Commission.

Decision ________, Application 83-08-35.

VISTA CALIFORNIA TOURS

Original Page 7

SECTION 2. ROUTE DESCRIPTIONS. (Continued)

Route E: Northbound O (Continued)

Then via the most appropriate streets and highways to service points at the following San Francisco locations:

Sunset Boulevard & Ocean Avenue
Sunset Boulevard & Yorba Street
Sunset Boulevard & Vincente Street
Sunset Boulevard & Taraval Street
Sunset Boulevard & Rivera Street
Sunset Boulevard & Pacheco Street
Sunset Boulevard & Moraga Street
Sunset Boulevard & Kirkham Street
Sunset Boulevard & Kirkham Street
513 Parnassus Avenue (UC Med Center) (D)
Hayes & Stanyan Streets (D)
Parker & Golden Gate Avenues (D)
Geary Boulevard & Spruce Street (D)
Geary Boulevard & Spruce Street (D)
California Street & Commonwealth Avenue (D)
California Street & Presidio Avenue (D)
Sutter & Baker Streets (D)
Sutter & Divisadero Streets (D)
Sacramento & Buchanan Streets (D)
Bush & Hyde Streets (D)

Issued by expedited application procedure of California Public Utilities Commission.

84 04 039

Decision ______, Application 83-08-35.

VISTA CALIFORNIA TOURS

Original Page 8

SECTION 2. ROUTE DESCRIPTIONS. (Continued)

Route B: San Francisco - Pacific (southbound)

Commencing with service points at the following San Francisco locations:

Pine & Hyde Streets (P)
Sacramento & Buchanan Streets (P)
Divisadero & Sutter Streets (P)
Geary Expressway & Baker Street (P)
California Street & Presidio Avenue (P)
California & Maple Streets (P)
Parker & Golden Gate Avenues (P)
Shrader Avenue & Hayes Street (P)
520 Parnassus (UC Med Center) (P)
Sunset Boulevard & Kirkham Street
Sunset Boulevard & Moraga Street
Sunset Boulevard & Pacheco Street
Sunset Boulevard & Rivera Street
Sunset Boulevard & Ulloa Street
Sunset Boulevard & Wawona Street
Sunset Boulevard & Wawona Street
Sunset Boulevard & Ocean Street

Issued by expedited application procedure of California Public Utilities Commission. 84 04 039

Application 83-08-35.

Decision

VISTA CALIFORNIA TOURS

Original Page 9

SECTION 2. ROUTE DESCRIPTIONS. (Continued)

Route B: Southbound (Continued)

Then via the most appropriate streets and highways to service points at the following locations:

Daly City

John Daly & Lake Merced Boulevards John Daly Boulevard & Eastgate Avenue Skyline Boulevard & Westmoor Avenue Skyline Boulevard & Westridge Avenue

Pacifica

Highway 1 & Skyline Boulevard

Highway 1 & Manor Drive

Highway 1 & Westport Avenue

Highway 1 & Reina Del Mar Avenue

Highway 1 & Rockaway Beach Avenue

Linda Mar Boulevard & Highway 1

Issued by expedited application procedure of California Public Utilities Commission.

Decision 84 64 63 639 , Application 83-08-35.

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congestion; but this concern could not go beyond mere speculation at this point. The impact of Vista's two buses on Muni's fare box returns and on the present traffic conditions along the routes proposed, it seems to us can be only minimal and, without specific study, hypothetical.

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