

Decision No. 87406

JUN 1 1977

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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of GREYHOUND LINES, INC., for Authority to Abandon Intercity Route 17.01 and Urban Routes UR-6.13 and UR-6.16, Los Angeles and Orange Counties.

Application No. 56741  
(Filed September 10, 1976)

Ernest R. Stent, Attorney at Law, for applicant.  
R. K. Fox, Attorney at Law, for the City of Fullerton, protestant.  
Thomas P. Hunt, for the Commission staff.

O P I N I O N

Greyhound Lines, Inc. requests authority to abandon Intercity Route 17.01, Urban Routes UR-6.13 and UR-6.16, which operated over California Highway 72 between Los Angeles and Anaheim, serving such intermediate points as Montebello, Whittier, La Habra, and Fullerton.

A protest was filed by the city of Fullerton and a public hearing was held before Examiner Daly on February 17, 1977 in the city of Fullerton.

The record discloses that because of service performed by local transit districts applicant is restricted against selling tickets for local service between Los Angeles and Fullerton and that use of the Fullerton terminal was discontinued in June 1976, with the opening of applicant's new terminal at Norwalk.

According to applicant the average use of the affected schedules just prior to June 1976 ranged between 2 and 5 passengers per schedule; that the Southern California Rapid Transit District, which also served as applicant's agent at Whittier, advised applicant that it was closing the Whittier agency; that the Fullerton agency,

which was provided by a private party pursuant to a contractual agreement with applicant, was a source of frequent complaints from passengers and the local health department because of conditions beyond applicant's control; that by Decision No. 85888 in Application No. 56335 applicant was authorized to inaugurate service to the city of Norwalk, which was instituted on June 23, 1976; that as a consequence applicant decided that the most practical method of handling traffic to and from the area would be to establish a new agency at Norwalk midway between Whittier and Fullerton, which could better serve the area; that passengers in the south Fullerton area could utilize the Anaheim agency located approximately five miles away from the old agency location; and that the change has resulted in a higher standard of service to applicant's customers in the Whittier, Norwalk, and Fullerton area.

The protest of the city of Fullerton was explained by the mayor, who testified that the city is pursuing a transportation center concept to include a complete multi-modal operation; that completion of the transportation center is expected in approximately two years; that applicant would have an important role to play in this concept; that the city has attempted to work with applicant's representatives and keep them informed of the progress toward realization of the transportation center; that without warning applicant closed the Fullerton agency; that the city has never taken the position that applicant should not be permitted to discontinue service to Fullerton under any conditions, but that such decision should await the results of the feasibility study of its center, which was approved by the city council on January 11, 1977; that the city feels that the proposed plans and future use and ridership potential would be to applicant's benefit; that a contributing factor to the decrease in patronage was due to the poor condition of the terminal facilities, which existed for many years and could have been corrected if applicant had contacted the city, the agent, and the property owner,

or if applicant had merely hired a new agent and either upgraded the old building or leased another building; and that the city requests that the application be denied and applicant be ordered to reinstate service to Fullerton.

The mayor of La Habra supported the position of the city of Fullerton and testified that the residents of the city of La Habra, which is located approximately 3 miles from both Fullerton and Anaheim, would prefer to use an agency station at Fullerton because of the overall benefits that would be derived from a transportation center. The president of the Fullerton Chamber of Commerce testified that a test sample of the chamber's membership indicated that 70 percent used applicant's express service.

Seven other witnesses testified in support of the city's protest including representatives of the Fullerton Planning Commission, Fullerton City Council, and Human Relations Union. Their testimony was directed toward the unsatisfactory condition of the old terminal and the hardship that the lack of a terminal facility would have upon the poor, the elderly, and minority groups.

With load factors ranging between 2 and 5 passengers it is obvious that continuation of the considered schedules is not economically feasible. It is quite likely that the poor condition of applicant's Fullerton agency contributed to the lack of patronage, but it is more likely that the restriction on local service was the major reason why there was little if any public use of these schedules. There is merit to the argument that the facilities of a new transportation center might attract additional patronage, but as the reality of such a center is still two years off we will not require continuing service. We will, however, authorize discontinuance on a temporary basis until completion of the new facility, at which time we will consider whether to reinstitute service or discontinue it permanently.

Continuation of service at either the old terminal or another terminal in Fullerton, until completion of the transportation center, would not be economically justified based upon the patronage of these routes as of June 1976. It is our opinion that applicant should be permitted to temporarily discontinue service over California Highway 72 between Los Angeles and the intersection of California Highway 72 with Interstate Highway 5 near Anaheim.

Upon completion of its transportation center it is suggested that applicant and the city of Fullerton work toward a suitable arrangement for terminal space in the new center.

After consideration the Commission finds that:

1. Applicant discontinued agency service at Fullerton on June 23, 1976, upon the completion of its Norwalk terminal and upon the inauguration of service to said city.

2. As of June 1976 applicant's schedules serving the city of Fullerton had load factors ranging between 2 and 5 passengers per schedule.

3. A contributing factor to the low patronage was the poor condition of the Fullerton agency facilities, but the major reason for the depressed patronage was a restriction against local service, which had been imposed upon applicant in order to protect the operations of local transit districts.

4. The city of Fullerton is presently planning the construction of a multi-modal transportation center which it expects to have completed in approximately two years. The construction of such a transportation center could have a material effect upon the public patronage of applicant's service.

The Commission, therefore, concludes that pending completion of the Fullerton transportation center and upon satisfactory arrangements between applicant and the city of Fullerton applicant should be authorized to temporarily discontinue service over California Highway 72 between Los Angeles and the intersection of California Highway 72 with Interstate Highway 5 near Anaheim.

O R D E R

IT IS ORDERED that:

1. Greyhound Lines, Inc. is authorized to temporarily discontinue service over California Highway 72 between Los Angeles and the intersection of California Highway 72 with Interstate Highway 5 near Anaheim.

2. In providing service pursuant to the authority granted by this order, applicant shall comply with the following service regulations. Failure so to do may result in a cancellation of the authority.

- (a) Within one hundred twenty days after the effective date of this order, applicant shall establish the authorized service and file tariffs and timetables, in triplicate, in the Commission's office.
- (b) The tariff and timetable filings shall be made effective not earlier than ten days after the effective date of this order on not less than ten days' notice to the Commission and the public, and the effective date of the tariff and timetable filings shall be concurrent with the establishment of the authorized service.
- (c) The tariff and timetable filings made pursuant to this order shall comply with the regulations governing the construction and filing of tariffs and timetables set forth in the Commission's General Orders Nos. 79-Series and 98-Series.

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3. Within two years after completion of the Fullerton transportation center or not less than two nor more than four years after the effective date of this order, whichever date comes sooner, any person may petition to modify this order either to make the temporary discontinuance permanent or to reinstate service. If no petition is filed within the time limit the temporary discontinuance shall be deemed permanent.

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

Dated at San Francisco, California, this 1st  
day of JUNE, 1977.

Robert B. Linnell  
President  
William J. Sproul, Jr.  
Thomas L. Sturgeon  
Richard W. Shwartz  
Commissioners