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IN THE

SUPREME COURT OF VIRGINIA

AT RICHMOND

RECORD NO. 730193

CAROLINA COACH CO. APPELLANT

V.

STATE CORPORATION COMMISSION

and

ATLANTIC GREYHOUND LINES OF VIRGINIA, INC. - APPELLEES

APPENDIX
(By Agreement of Counsel)

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RECORD NO. 730193 CAROLINA COACH CO. APPEAL - "APPENDIX"

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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

Application of CAROLINA COACH COMPANY for a certificate as a common carrier for the handling of passengers and their baggage, light express, newspapers and mail by motor vehicle.

Full name of applicant - Carolina Coach Company,- a Virginia Corporation,-at the business address of 1201 South Blount Street, Raleigh, North Carolina.

Applicant is a Virginia corporation doing business under the trade name of "Carolina Trailways."

Names and addresses of officers:

Chairman - John J. Reardon
1201 South Blount Street
Raleigh, North Carolina

President - H. Lester Creech
1201 South Blount Street
Raleigh, North Carolina

Treasurer - R. E. Brown
1201 South Blount Street
Raleigh, North Carolina

Secretary - A. L. Holmes
1201 South Blount Street
Raleigh, North Carolina

Assistant Secretary - John J. Wicker, Jr.
706 Mutual Building
Richmond, Virginia

Applicant desires to engage in the following operations: Transportation of passengers and their baggage, and light express, newspapers and mail in the same vehicle with passengers between: Richmond and Norfolk, Virginia, serving no intermediate points: From Richmond over Interstate Highway 64 to Norfolk, including a connecting segment of Virginia Highway 168 in the vicinity of Andersons Corner, as a temporary intervening substitute for an incompleted segment of Interstate 64, and return over the same route.

EXHIBIT A - Filed With Carolina Coach Company Application

Applicant presently holds authority to operate between Norfolk and Richmond via Smithfield and Hopewell and via Franklin and Petersburg. Numerous trips are operated with several operating "express non stop" between Portsmouth and Richmond.

Applicant proposes to operate its express trips over Interstate Highway 64 to afford the public a quicker, safer, and more comfortable service between points now served.

As the new superhighways are opened, the public demands the improved service these highways make possible. Granting of this application will improve service to the public and thereby benefit the public, without adding

any new terminal points, and will not authorize service to or from any intermediate points between Norfolk and Richmond.

STATE CORPORATION COMMISSION ORDER DOCKETING CASE FOR HEARING: Application of Carolina Coach Company - Case No. CC-7133 - October 2, 1972

Application having been made to the State Corporation Commission for a certificate of public convenience and necessity to operate motor vehicles in the transportation of passengers, their baggage, light express, newspapers and mail, over the following described routes:

> Between Richmond and Norfolk, Virginia, serving no intermediate points: From Richmond over Interstate Highway 64 to Norfolk, including a connecting segment of Virginia Highway 168 in the vicinity of Andersons Corner, as a temporary intervening substitute for an incompleted segment of Interstate 64, and return over the same route,

IT IS ORDERED, That the application be, and it is hereby, docketed for hearing before the State Corporation Commission in its courtroom in the Blanton Building in the City of Richmond at 10 A. M., on January 24, 1973.

IT IS FURTHER ORDERED, That the applicant give notice of said application and the time and place of hearing thereof by registered or certified mail, return receipt requested, using Form MC-4, on an officer or owner of every common carrier of passengers, including railroads, operating in the

territory proposed to be served by the applicant, on the Department of Highways, on the mayor or principal officer of any city or town, and on the chairman of the Board of Supervisors and the Commonwealth's Attorney of any county into or through which the applicant may desire to operate at least twenty days before the hearing.

NOTICE SERVED PURSUANT TO ORDER AS REQUIRED BY STATE CORPORATION COMMISSION:

TAKE NOTICE THAT THE UNDERSIGNED

has made application to the State Corporation Commission for a Certificate of Public Convenience and Necessity as a common carrier by motor vehicle for the handling of passengers and their baggage, light express, newspapers and mail on the following route or routes: Transportation of passengers and their baggage, and light express, newspapers and mail in the same vehicle with passengers between:--Richmond and Norfolk, Virginia, serving no intermediate points:--From Richmond over Interstate Highway 64 to Norfolk, including a connecting segment of Virginia Highway 168 in the vicinity of Andersons Corner, as a temporary intervening substitute for an uncompleted segment of Interstate 64, and return over the same route. And the Commission having set the application for hearing at its Courtroom in the Blanton Building, 13th and Bank Streets, Richmond, Virginia, beginning January 24, 1973 at 10:00 a.m. you are hereby notified to appear before the Commission at said time and

place and protect any interest you may have, or make any relevant statements thereto. Dated at Richmond this 16th day of November, 1972.

CAROLINA COACH COMPANY

By: /s/ John J. Wicker, Jr.
Counsel

STATE CORPORATION COMMISSION DECISION-ORDER - May 2, 1973

On January 24, 1973 and February 14, 1973, came on for hearing the application of Carolina Coach Company for a certificate of public convenience and necessity as a common carrier of passengers, Commissioners Shannon, Bradshaw and Catterall sitting.

From the evidence and exhibits presented, the Commission is of the opinion that the application of Carolina Coach Company should be denied for the reasons noted in the attached opinion. Accordingly:

IT IS ORDERED, That the application of Carolina Coach Company for certificate of public convenience and necessity as a common carrier of passengers be, and the same is hereby dismissed.

CASE NO. CC-7133 - May 2, 1973

STATE CORPORATION COMMISSION OPINION BY COMMISSIONER SHANNON
(Commissioner Bradshaw Concurring)

By amended application, dated September 25, 1972,[1] Carolina Coach Company (Trailways) requests a certificate of public convenience and necessity to engage in the following operations:

> "Transportation of passengers and their baggage, and light express, newspapers and mail in the same vehicle with passengers between: Richmond and Norfolk, Virginia, serving no intermediate points: From Richmond over Interstate Highway 64 to Norfolk, including a connecting segment of Virginia Highway 168 in the vicinity of Andersons Corner, as a temporary intervening substitute for an incompleted segment of Interstate 64, and return over the same route."

The application was heard by the Commission on January 24, 1973, and February 14, 1973.

Atlantic Greyhound Lines of Virginia, Inc. (Greyhound) opposes the application since that company holds authority from the State Corporation Commission between Richmond and Norfolk via the route proposed by Trailways, consisting of approximately 88 miles over Interstate Highway 64 and approximately 12 miles over State Routes 30 and 168.

---

[1]An initial application was filed with the Commission on May 28, 1962, and was held in abeyance pending completion of Interstate Highway 64; however, the amended application and hearing thereon still predate the completion of I-64 east of Richmond.

To grant the application would be to authorize duplicate express service by Trailways and Greyhound, upon a staggered schedule, between identical termini and over the identical route. Trailways' present authority is over State Route 10, south of the James River.

Trailways seeks to justify its application, in essence, by arguing that present Code Section 56-281.1 permits Commission authorization; that Greyhound now has a monopoly over I-64 east of Richmond -- a nonhistorical competitive advantage; that the proposed route is safer than its present one; and that the proposed route will reduce travel time about thirty-five minutes between termini.

Implicit in Trailways' presentation, also, is the desire and expectation to attract express passengers now using Greyhound.

The record does not dispute that I-64 is incomplete between Richmond and Norfolk. Applicant argues that the hiatus is de minimis; the evidence measures the break at about 12 miles out of an approximate total of 100.

Upon a showing of public convenience and necessity, Code Section 56-281.1 permits the Commission to certificate any motor carrier of passengers to operate "upon highways which are part of the Interstate Highway System." By its terms, the section applies only to certification of use of the Interstate System; otherwise, the remaining provisions

of the chapter are to be applied.

On its face, the application seeks a rerouting of certain Trailways express buses to a route consisting of both Interstate and State Highways, which, in our opinion, removes the application from the purview of Section 56-281.1.

In Virginia Stage Lines v. Commonwealth, 185 Va. 390 (1946), the Court pointed out that the requested duplication of routes was for a distance of only 1.4 miles, but that the applicable Code provision contained no exception as to the length of the proposed route. To the contrary, it was further noted, the law gives the existing certificate holder (Greyhound, in the instant case) the right to serve its certificated route, be it long or short, together with the right to an opportunity to remedy any existing inadequacy of service.

Code Section 56-281.1 contains no exceptions or qualifications as to mileage or connecting substitute links within the Interstate System over which a carrier may be given operating rights, and the Commission lacks the legislative authority to supply such provisions. The authority cannot be granted unless it be proper under the remaining provisions of Chapter 12, Title 56.

There is no evidence that Greyhound service between the two terminal points is inadequate. Further, the record

is silent as to whether or not Trailways' passengers presently find it necessary or desirable to transfer to Greyhound at Norfolk or Richmond in order to use an express bus over a faster route than is now provided by Trailways.

Monopoly over a given route is an inherent characteristic of the intrastate transportation here involved. The safety factor in using the proposed route, as opposed to Trailways' present route, is argumentative only. We cannot justify a finding that applicant's present route is unsafe. It has been in use for many years, and it will continue to be used for its local service regardless of the decision herein.

The public convenience and necessity supporting the application reduces to a matter of time saving for those of the traveling public who would choose to use Trailways' service between Richmond and Norfolk. If this were legal justification for route duplication among the subject carriers, this State's entire scheme of carrier certification would be unlawful. Probably no two carriers within the State have identical operating timetables between common termini. In any event, we cannot conclude as a matter of law that the anticipated saving of time for Trailways' passengers constitutes paramount public interest which would justify opening Greyhound's certificated route to Trailways' operation. See Mundy v. Shelor, 199 Va. 280

(1957). Code Section 56-281 confers paramount rights on an existing certificate holder over its existing route in the absence of a showing that such monopoly is contrary to paramount public interest. See Atlantic Greyhound v. Commonwealth, 196 Va. 183 (1954).

Prior cases dealing with applications of transportation companies to serve areas already served by rail transportation "or other motor vehicle carrier" are inapposite, e.g., Norfolk Southern Railroad Company v. Commonwealth, 141 Va. 179 (1925), and Petersburg, Hopewell and City Point Railway Company v. Commonwealth, 152 Va. 193 (1929). Different modes of transportation were deemed to establish adequate proof of public convenience and necessity, together with a controlling statute containing a specific provision that an existing "railroad or other motor vehicle carrier in the territory sought to be served" was not sufficient reason to deny an application; such existing carrier was only to be considered in fixing the number of vehicles to be operated by the applicant.

Likewise, Southside Transportation Company v. Commonwealth, 157 Va. 699 (1932), was decided under the same statute as abovementioned and under a set of facts which prompted the Court to observe that the protective policy of the State against ruinous competition was of little help since the proposed service line was about as much

within the territory of one of the applicants as of the other.

Applicant, in its brief, relying on Virginia Stage Lines v. Commonwealth, 186 Va. 1066 (1947), contends that certain duplication of routes by competing carriers is permitted, subject to appropriate restrictions to protect the existing carrier's intermediate service points. In that case, overruling the Commission, the Supreme Court allowed the appellant-applicant to operate between Farmville and Clarksville over U. S. Highway 15, restricted as to passengers originating and/or terminating between Keysville and Barnes Junction and/or intermediate points between those two communities. The highway between Keysville and Barnes Junction, a distance of about 15 miles, was jointly designated U. S. 360 and U. S. 15. Prior to the application, an existing carrier was certificated over U. S. 360 between Richmond and Danville.

In reaching its conclusion, the Court defined the sole issue as one of statutory construction, viz.:

> "if the 'route' from Farmville to Clarksville... is a 'route' different from the 'route'...from Richmond to Danville..., notwithstanding the fact that 18 (sic) miles between Keysville and Barnes Junction constitute the same strip of roadway on both U. S. Highways, then the 'route' applied for...is not over the 'route' for which Greyhound (existing carrier) holds a certificate." Virginia Stage Lines, above, 186 Va. at 1075.

Recognizing that the two "routes" lay between totally different terminal points, the Court concluded that the controlling statute did not use "route" as being synonymous with "territory," as did prior enactments, and that:

> "A traversing of the same highway for certain distances by competing carriers may readily become necessary in the public interest, and in such an instance more than one certificate may be granted, subject to just and proper restrictions against the subsequent and additional operations." Id. at 1079.

In distinguishing the above from the present case, several factors are apparent. The applicant proposes to serve identical termini in direct competition with the existing carrier's express service, and the Code has been amended during the interim so as to define a carrier's "route," in which it has a priority interest, as being the road or highway over which it operates. See Section 56-273 (o), 1950 Code of Virginia, as amended, and Atlantic Greyhound v. Commonwealth, 196 Va. 183.

We do not find the facts in support of public convenience and necessity to be of the paramount importance required to justify the requested certificate; the application, therefore, is denied.

BRADSHAW, Chairman, concurs.

NOTICE OF APPEAL AND ASSIGNMENTS OF ERROR

Carolina Coach Company,------Applicant in this case, hereby files its Notice of Appeal from the Order of the Commission entered May 2, 1973, which denied and dismissed Applicant's application.

Assignments of Error:---

I. By its adverse decision, the Commission ignored the paramount public interest shown by the fact that favorable action on the application would result in saving ninety-two thousand passengers annually a saving of an hour and ten minutes each for the round trip between Richmond and Norfolk.

II. The Commission misconstrued and misapplied the provisions of Virginia Code Section 56-281 as being pertinent and applicable in this case wherein the proposed operation ("with closed doors") over a State route constitutes only twelve miles out of a total of one hundred miles with the remaining eighty-eight miles being solely on Interstate Highway 64.

III. The Commission's Order (explained by the opinion attached thereto) practically nullified the provisions of Virginia Code Section 56-281.1 authorizing issuance of Certificate of Public Convenience and Necessity to compet-

ing carriers on interstate highways, such as the one (Interstate 64) involved in this case.

IV. The Commission's decision ignored the fact that the use of the small connecting link (only approximately ten per cent of the total) between the already completed sections of Interstate 64 would be only temporary until the remaining small segment of Interstate 64 is completed and that the use of the temporary State route connecting link would terminate immediately and permanently upon such completion.

V. The Commission's decision, unless reversed, will deprive at least ninety-two thousand travelers on Trailways between Richmond and Norfolk (both ways) of the obvious advantages of travel on a modern interstate highway, approximately twice as wide as Trailways' present State highway, with a safety mediam strip dividing several lanes of travel in either direction compared to the comparatively narrow two way State highway with no median dividing strip.

VI. The Commission's decision,---carried to its logical conclusion,---would prevent the ninety-two thousand Trailways passengers annually from enjoying the benefits of Interstate 64 and the substantial savings of time thereon for some years to come, and could be applied if the use of the State route as a connecting link becomes necessary to the extent of only one hundred feet out of

the entire one hundred miles.

VII. The Commission's decision, in effect, applies to Interstate Highway 64, the Virginia "benevolent monopoly" system which is intended by law to apply only to the Virginia State Highway system; which application to Interstate 64, is directly contrary to the intent of the Federal law and Federal appropriations establishing and constructing interstate highways.

VIII. The Commission's decision is contrary to the law and evidence.

CAROLINA COACH COMPANY---
(Applicant generally referred to as "Trailways")

By: /s/ John J. Wicker, Jr.
Of Counsel

* * * * * * * * * *

SUPREME COURT OF VIRGINIA

Certificate

Pursuant to Rule 5:30 of the Rules of the Supreme Court of Virginia, I, Howard G. Turner, Clerk of the said Court, do hereby certify that an appeal of right was awarded on July 19, 1973, from an order entered by the Court below on May 2, 1973, in the suit therein depending under the style of Application of Carolina Coach Company for certificate of public convenience and necessity as a

Common carrier of passenters.

Appeal bond is required in the penalty of $500 in conformity with Code § 8-477, and within the time allowed by Code, § 8-489.

Given under my hand this 20th day of July, 1973.

/s/ Howard G. Turner, Clerk

****

CERTIFICATION OF APPEAL BOND

CAROLINA COACH COMPANY, Appellant

v.

STATE CORPORATION COMMISSION, et al., Appellees

I, William C. Young, Clerk of the State Corporation Commission, certify that the required bond in the penalty of $500 was given on behalf of the appellant in the above styled appeal in my office on July 27, 1973, by John J. Wicker, Jr., as principal, and United States Fidelity and Guaranty Company, as surety, and that I deem the security sufficient.

/s/ William C. Young, Clerk

CAROLINA COACH COMPANY

vs.

STATE CORPORATION COMMISSION, ET AL

EXCERPTS FROM SCC COURT REPORTER'S TRANSCRIPT OF SCC HEARINGS JANUARY 24, 1973 AND FEBRUARY 14, 1973

MICHAEL L. RIGSBY (SCC Commerce Counsel)

Tr. Vol. I, p. 5 (L. 5-7)

MR. RIGSBY: *** we have received a letter from Mr. Jack Barnes, who is from the City of Portsmouth, expressing his recommendation for approval of the Application.

CHAIRMAN CATTERALL

Tr. Vol. I, p. 5 (L. 17-25); p.6 (L.1-6)

CHAIRMAN CATTERALL: You mean the route applied for will run over his route?

MR. RIGSBY: Will run over a route already served by Atlantic Greyhound Lines.

CHAIRMAN CATTERALL: And Atlantic Greyhound opposes that.

MR. RIGSBY: In essence.

CHAIRMAN CATTERALL: Let's begin with the legal arguments. Let's start with the law before we go into the facts.

The statute in question says we can authorize you to run over Route 64 so long as you don't leave 64 and go over somebody else's route. We need legal argument on both sides of that question.

CHAIRMAN CATTERALL

Tr. Vol. I, p.7 (L.4-25); p.8 (L. 1-23)

CHAIRMAN CATTERALL: Let me read the statute to you. 281-1, you see, is the one --

SENATOR WICKER: Under interstate --

CHAIRMAN CATTERALL: Under 280, you can't run over anybody's routes. 56.281 says, "not withstanding 56.281.1 "-- it is a proviso of 56.281. "Not withstanding 281, the Commission may if it finds public necessity, and so forth, issue to any carrier of passengers, by motor vehicle, a certificate authorizing operations upon highways that are part of the interstate highway system. The foregoing shall be applicable only to issuance of certificates to operate over such systems, except as indicated, all other applicable business of Chapter 12 shall apply."

That seems to say that our authority is limited to allow you to operate over Interstate 64. It seems to say that we cannot authorize you to operate over 168.

In other words, it looks as if we have no jurisdiction to grant the application. I would like to hear argument from both sides on that. It is purely a legal question.

You have to dispose of the legal question before you can go ahead. We have to decide we have jurisdiction before we can move a wheel.

SENATOR WICKER: All right. Frankly, we are prepared to answer that.

In the first place, we take it there can be no question as to the part which is Interstate 64, because that is authorized by 281.1.

CHAIRMAN CATTERALL: Right.

SENATOR WICKER: Now, as to that small segment of about ten miles where 168 as not yet been -- there is a little gap there of about ten miles -- where you have to use 168 temporarily riding on I-64, Interstate 64, in either direction. You have to use that State Route 168 for just a few miles as a connecting -- just a temporary connecting link until the 64 is completed.

COMMISSIONER SHANNON

Tr. Vol. I, p.34 (L.6-14)

COMMISSIONER SHANNON: Well, Senator, the Commission is of the opinion that as a matter of law we have the authority to grant this application if the public covenience and necessity so warrants. So we will go ahead and rule as a matter of law that the application is filed within the scope of our authority, and we will go ahead and let you proceed and present your case.

Tr. Vol. I, p. 35 (L. 7-24)

COMMISSIONER SHANNON:

Q. Should the Commission grant the application, and Interstate 64 is completed next year, would you be willing to surrender that segment of your authority over 168 at that time? A. Absolutely.

COMMISSIONER SHANNON:

Q. And ask that it be redesignated entirely over I-64?

SENATOR WICKER:

A. Absolutely, if the Commission please, and we tried, unsuccessfully I guess, but we tried to make that clear in our Application, because in our Application we spoke of that as temporary. Just temporary. We just want temporary authority on 168 until I-64 is completed. When 64 is completed, we no longer have a right -- in fact we wouldn't want it -- our rights are surrendered, our rights cease.

Record No. 730193 Carolina Coach Company Appeal "Appendix"

AARON CRUISE: Tr. Vol. I, p.44 (L.2-22)

Q. First of all, *** if this proposal is granted -- *** will Trailways *** pick up or discharge any passenger between Richmond and Norfolk, or Richmond and Portsmouth in either direction?

A. No, sir. This application is for serving no intermediate point. All closed doors between Richmond and Norfolk. It will not allow us to serve any passenger that we cannot serve today under our present certificate.

Q. How many trips do you propose? ***

A. From Richmond to Norfolk, three trips per day, and Norfolk to Richmond, two trips per day.

Q. Will they be new trips, or are they transfers of existing trips?

A. They will be the present trips, rerouted.

Tr. Vol. I, p.45 (L.7-17)

COMMISSIONER SHANNON: Now, Mr. Cruise, *** if this application should be granted, and you get on I-64 between Richmond and Norfolk, is that going to result in a diminution of service to those people in southside Virginia who now go over this route you are traveling today?

A. No, I don't see it that way. We have to have intermediate traffic between Richmond and Norfolk, and we propose to continue to give adequate and full service to the service route. ***

Tr. Vol. I, p.46 (L.7-14)

COMMISSIONER SHANNON: Now, how many schedules do you have from Petersburg, down over 35 to Franklin?

A. One round trip per day.

COMMISSIONER SHANNON: And you are going to maintain that?

A. That will be maintained just as it is.

Tr. Vol. I, p. 46 (L.18-23)

SENATOR WICKER

Q. In other words, your local service will not be curtailed, and it may possibly be increased some. ***

A. We will continue the same service. If the volume of traffic increases, then we will increase the intermediate service.

Tr. Vol. I, p.48 (L.4-11)

COMMISSIONER BRADSHAW. Why don't you do away with it if no body rides it.

A. If we -- we have regular customers on it, but the people are going to Portsmouth and Norfolk.

COMMISSIONER SHANNON: I suppose a lot of sailors will take that.

A. Occasionally -- it has been over the years referred to as a Reveille Trip.

Tr. Vol. I, p.48 (L.23-25); p.49 (L.1-9)

AARON CRUISE:

A. That (referring to Exhibit No. 1) shows in red

the present service route, and it shows in green the proposed route, closed doors between Richmond and Norfolk over I-64, and the purpose of which is to provide more efficient and more economical service between Richmond and Norfolk.

COMMISSIONER BRADSHAW: How long does it take to run the red route now, and how long will it take to run the green one?

A. Between Richmond and Norfolk, our present schedule is two hours and fifteen minutes on the red; and the proposed is one hour and forty minutes on the green route.***

AARON CRUISE:

Tr. Vol. I, p.50 (L.5-8)

A. It (referring to Exhibit No. 2) shows the connecting links on Highway 168 between the portions of I-64 that are open. The pink line represents the ten miles of Virginia Highway 168 until I-64 is completed. ***

Tr. Vol. I, p.51 (L.23-25); p.52 (L.1-24)

A. The purpose of this exhibit (No. 4) is to show the territory beyond Norfolk on the one hand, and beyond Richmond on the other hand that is served only by Trailways, and in green Interstate 64 connecting Norfolk and Richmond.

This means that presently passengers traveling between -- from and to a point on the pink lines normally use Trailways between Richmond and Norfolk, because they must

come into Richmond or Norfolk by Trailways.

Q. Excuse me, but that would be passengers primarily from the eastern shore?

A. The eastern shore.

Q. And passengers coming east from Staunton, Charlottesville,and places like that?

A. Yes, sir.

Q. They come in by Trailways, and they go out by Trailways?

A. That is correct. These passengers cannot have the benefit of using I-64 between Richmond and Norfolk unless Trailways operates on I-64. In order for them to use I-64 today, these passengers would have to change buses and terminals in either Richmond or Norfolk, or both.

So this will permit passengers from beyond Richmond and beyond Norfolk, to have the befit of I-64.

Tr. Vol. I, p.54 (L.13-21)

A. It (photo - Exhibit NO. 5) shows one view of Virginia Highway 10, and the bridge can be seen in the picture, and it is over Baileys Creek. It is twenty feet wide, and it is narrow with unstabalized shoulders. The standard width for two lane highways has been about 24 feet for many years. It also shows a curve, with a reduced maximum speed limit, and there are a number of places along highway 10 that would be somewhat similar to this.

Tr. Vol. I, p.55 (L.14-21)

A. This (photo - Exhibit No. 6) is another view of Virginia Highway 10. This shows the markings on the highway of the two solid lines, which means no passing, and if you look carefully ahead, at the distance you can see a top of a truck, which has almost disappeared.

Q. The reason for this is to show the danger, because there is a dip? A. Yes, sir.

Tr. Vol. I, p.56 (L.10-13)

A. This (photo - exhibit No. 7) shows another segment and it shows the narrow and rather crooked route. There are narrow unstabalized shoulders, and here again, there is the twenty foot pavement, which is below standards.

Tr. Vol. I, p.57 (L.8-11)

CHAIRMAN CATTERALL: We will take judicial notice of all of these. Can't we possibly proceed to the question of convenience and necessity?

Tr. Vol. I, p.57 (L.18-20)

SENATOR WICKER: *** Here (photo - exhibit 8A and 8B) is Interstate 64 east of Richmond; Virginia Highway 168 connecting Interstate Highway 64. ***

SENATOR WICKER

Tr. Vol. I, p.61 (L.14-24)

Q. All right. There is no change in the number of trips, *** if this proposal is granted, do you think this will result in any surge or increase, or bleeding of

passengers from Greyhound to Trailways?

A. No, sir, I do not.

W. Well, your purpose then is not to gain more passengers, but what?

A. Our purpose is to improve the quality of our service between Richmond and Norfolk and Portsmouth.

Tr. Vol. I, p.64 (L.18-25)

Q. Will you let us have your comments on the exhibit, (No. 12) please sir?

A. In the first part of that exhibit we show the time schedule from Richmond to Portsmouth/Norfolk, and along side is the proposed time schedule. The departure from Richmond are the same. The arrival at Portsmouth and Norfolk are earlier, representing a thirty-five minute savings in Norfolk, and ten minutes saving in time for Portsmouth.

Tr. Vol. I, p.65 (L.12-19)

Now, going to our survey period, and the annualized figures, for these particular trips, we found that approximately 23 passengers ride as an average each one of these five one-way trips, and the savings of those passengers which are presently riding between these points would add up to a total of 59.9 -- 59.7 hours on a daily basis, and on an annual basis 21,802 hours.

Tr. Vol. I, p.66 (L.3-9)

Q. Now, Mr. Cruise, *** if the application is approved by the Commission, what advantages to the public will you see besides the saving of time?

A. Well, it is safer and more comfortable route for the passengers to travel over.

SENATOR WICKER - DIRECT EXAMINATION OF CHARLES F. DOWNS, Woodrow Wilson Rehabilitation Center Supervisor

Tr. Vol. I p.68 (L.18-25); p.69 (L.1-25); p.70 (L.1-7)

Q. Now, are you familiar withat Trailways is asking in this case?

A. Yes, sir.

Q. Do you have any function dealing with patients or students -- *** at the rehabilitation center insofar as travel is concerned?

A. We are a state facility, and have about five hundred students who live at the facility.

This is an operation for the physically handicapped, for the mentally retarded and emotionally disturbed. There are about five hundred people who live there at the facility at all times. Many times these folks do return to their home community for weekend visits.

A. You make the planning of the trips do you? The planning of the trips?

A. Yes, sir, I make arrangements for the trips for them to return home for the weekend.

Q. Yes, Now, if this application is granted, would this be of any particular convenience to your people?

A. Yes, I can see several advantages for us. For one, the physically handicapped. This means they will not have to make a transfer in Richmond before they go to the Tidewater area. During the month of November, we had about 152 students living east of the Richmond area. I would say about half of these are from the Norfolk and Portsmouth area. Of course, the convenience of not having to make a transfer would be very important for them, both for the physically handicapped and for those that are mentally retarded. Many times this is the first trip on public vehicles for these people, and of course they are very reluctant at first to make this trip.

One other convenience we have had one student who was assaulted when he made the transfer in Richmond, from one station to the next station. I think this is something to keep in mind also.

Tr. Vol. I, p. 70 (L.14-17)

COMMISSIONER SHANNON: Does everybody have to transfer in Richmond, is that correct?

A. Yes, for those going to Norfolk, Virginia Beach, Portsmouth.

MR. MAJOR - CROSS EXAMINATION OF CHARLES F. DOWNS

Tr. Vol. I, p.72 (L.19-23)

Q. Isn't it true that Greyhound has a much more frequent service out of Richmond to Norfolk?

A. That I don't know for sure, I couldn't say. When we make arrangements we ask for the most convenient schedule.

Tr. Vol. I, p.73 (L.18-25); p.74 (L.1-2)

Have you had any complaints that you know of with your Greyhound service other than you feel an inconvenience in your transfer problem?

A. *** service?

Q. ***

A. No.

Q. Has your service been satisfactory?

A. We have not received the same cooperation from Staunton that we have received from the Trailways station in Waynesboro.

Tr. Vol. I, p.75 (L.7-21)

COMMISSIONER BRADSHAW: Which company comes out to sell the handicapped people tickets?

A. Trailways.

COMMISSIONER BRADSHAW: Does the other company come up and do that?

A. No, Sir.

COMMISSONER SHANNON: You find that to be a conven-

ience to have an agent come out to your place, is that correct?

A. Yes. This allows them to purchase their ticket before boarding time, because otherwise they are standing on Route 250, or they would have to catach a cab into town, which is three dollars, one way. So this is a great convenience for us.

Tr. Vol. I, p.75 (L.23-25); p.76 (L.1-5)

MR. MAJOR

Q. You realize that that is a local commission agent for Trailway, and that Greyhound doesn't have the authority and cannot render that service?

A. I am talking about just basic information, telephone information that you would receive.

Q. Have you yourself used the services recently of either Greyhound or Trailway?

A. No, I haven't.

SENATOR WICKER - DIRECT EXAMINATION OF HERMAN DAVEY, Eastern Shore - Chuckatuck

Tr. Vol. I, p.77 (L.12-25)

Q. Do you make any bus trips during the year from your home to Richmond and back?

A. Over the last year, I have made as high as two a week. My daughter was here at the Medical College. We have to come back again next month -- the last of this

month.

Q. Do you understand the difference -- if this Application is granted, it would give you this thirty-five minutes less?

A. Yes, sir. It would mean something to me.

Q. Is there anyone else over there on the eastern shore it would be helpful to?

A. Oh, yes.

Tr. Vol. I, p.78 (L.7-13)

Q. Can you tell what improvement this would be besides the time saving?

A. The roads are much nicer, yes.

Q. The highway?

A. Yes, the highway is much nicer.

Q. Safer?

A. Yes, more safer. I can say that.

MR. MAJOR - CROSS EXAMINATION OF HERMAN DAVEY

Tr. Vol. I, p.78 (L. 22-24)

Q. How do you get back and forth now when you are using bus transportation?

A. I get on up at Tees Corner.

Tr. Vol. I, p.79 (L.7-19)

Q. And then you come into Norfolk?

A. And then come into Norfolk. And then Norfolk to Richmond.

Q. Do you stay on Trailways into Richmond, coming up Route 10?

A. Yes, sir.

Q. Have you ever tried Greyhound service?

A. I have one time. The bus was late and I took a cab in Norfolk.

Q. How long ago was that?

A. That has been about a couple of years.

Tr. Vol. I, p.80 (L.8-12)

Q. You could transfer in Norfolk to Greyhound?

A. Yes, but I would have to take a cab from that station to go to the next one, the Greyhound.

SENATOR WICKER - DIRECT EXAMINATION OF JANE ABERNATHY, Virginia School for Deaf and Blind at Staunton

Tr. Vol. I, p.81 (L.13-23)

Q. Do you have any responsibility or duty in regard to the travel arrangements of patients?

A. Yes, sir, I do. I have full responsibility of the children when they travel. We have 520, and I have the responsibility for that when they are traveling.

Q. Do a good proportion of those go to Norfolk?

A. We have about seventy that go and come, I would say, once a month, and then every week we have a certain amount.

Tr. Vol. I, p.82 (L.5-22)

Q. What benefit will this service that is being

applied for today be to you? Will there be any benefit?

A. I feel it will be the safety of the children. Our children are young, and you don't want to turn them loose in the city. If we had something that went straight through, it would be a great benefit.

Q. Is that of great importance?

A. It is of great importance, because a lot of times they have to meet schedules of their parents. If they can come to Richmond and then go straight through, it would be a big benefit.

COMMISSIONER SHANNON: Do the blind students travel also in this group?

A. They travel also, and that is one reason I think it would be a great help. We send them from 10 through 20.

SENATOR WICKER

Tr. Vol. I, p.83 (L.1-6)

A. I would say about twenty percent are blind. As it now stands, they can go from Staunton to Richmond on Trailways and keep on to Norfolk, but they have to go by this round about way. Under this new proposal, they wouldn't have to change.

Tr. Vol. I, p.83 (L.23-25); p.84 (L.1-2)

Q. You do know that Trailways does operate over Route 10. I was just wondering, how many are changing in Richmond to Greyhound to go to Norfolk?

A. I would say about ten percent of them would.

SENATOR WICKER - DIRECT EXAMINATION OF ERVIN B. HILL, NORFOLK COUNCILMAN

Tr. Vol. I, p. 38 (L.14-25); p. 39 (L.1-3)

Q. You are familiar with the application that Trailways is making to provide two express trips -- three south, and one northbound, saving in travel by thirty-five minutes for passengers a day, or a trip a day. You are familiar with that? A. Yes sir.

Q. Do you think there is any demand for a service of that type? And if so, why would you say? To the people of Norfolk, or to the City of Norfolk.

A. Yes, we think it will expedite these trips. It will be much safer trips, being directly on these superhighways. We are all looking for quick service today, and in my opinion it certainly would expedite and give better service:

Tr. Vol. I, p. 39 (L. 10-19)

Q. That shortneing of the travel time by an express trip of thirty-five minutes, that doesn't sound like much. Is that important?

A. To me it is. The citizens of Norfolk feel that

way, the ones that I have talked to. Other council members. ***

COMMISSION SHANNON: Did you take any official action?

A. No, sir, we didn't Judge. They asked would I come up, and I said I would.

BY MR. MAJOR:

Tr. Vol.I, p.40 (L.9-11)

Q. Mr. Hill, when did you last ride Trailways or Greyhound out of Norfolk for Richmond?

A. I have my own car.

Tr. Vol. I, p.41 (L.18-25); p.42 (L.1)

Q. And if another carrier such as Greyhound had the authority on 64, which it does on the parts that are open, you would have no objection to them rendering that quicker service, would you?

A. I certainly would not want to get involved in competition between companies. I would like to see as much expedited service as possible going in and out of our City, obviously to many points. More airlines too, I might say.

Tr. Vol. I, p.42 (L.12-13)

A. *** I certainly didn't come here for Greyhound or Trailways. We appreciate both of them.

Tr. Vol. I, p.87 (L.13-25); p.88 (L.1-3)

COMMISSIONER SHANNON: So you have two through trips from the west?

AARON CRUISE:

A. No, sir. There are three through trips.

COMMISSIONER SHANNON: Counting the 2:00 a.m. trip, but that originates in Charlottesville.

A. That's right, and west from Norfolk we have three through to Staunton and one through to Charlottesville, Lynchburg and Huntington, West Virginia.

COMMISSIONER SHANNON: Will you identify them on your Exhibit No. 9?

A. The 9:00 a.m., the 3:15 from Norfolk to Staunton, and the 5:30 from Norfolk to Huntington, West Virginia.

MR. MAJOR - CROSS EXAMINATION OF AARON CRUISE, Vice President of Trailways

Tr. Vol. I, p.89 (L.11-25); p.90 (L.1-15)

Q. Now, let me ask you, Mr. Cruise. You originally filed your application in 1962?

A. Yes, sir.

Q. And why did you withhold until today to proceed on this Application?

A. It was basically because we were advised that the highway would have to be completed or substantially completed.

Q. But you do admit there is some ten to twelve mile section that is not yet completed between Anderson's

Corner and Camp Perry?

A. It is ten miles, yes, sir.

Q. In order to complete your trip from Richmond to Norfolk, you are going to have to go on a route other than U. S. 64?

A. Yes, sir, until the completion of 64.

Q. Do you know what road you will be traveling on?

A. Virginia 168.

Q. How many schedules does Trailway now maintain between Richmond and Norfolk over Route 10?

A. Six round trips a day, two of which are express trips, and four are local.

Q. And as I understand it, one of these local trips is going to be pulled from local and put on 64?

A. We propose that it be re-routed through 64, because we believe it will be to the advantage of the people.

Tr. Vol. I, p.90 (L.20-24)

Q. To your knowledge, has Trailways applied at any other time before this Commission for any segment of 64 as they were opened between Richmond and Norfolk?

A. No, sir. We have not.

Tr. Vol. I, p.91)

Q. Is that substantially what you said in your direct testimony, that you didn't see how it could be pulling

any traffic away from Greyhound?

A. I would like to explain that a little more. The use of 64 between Richmond and Norfolk is for the passengers that will ride it. Greyhound has gained some advantage as the various segments between Richmond and Norfolk are opened up.

We will gain an advantage, and Greyhound will gain an advantage. It comes in one spurt to us, and it comes in segments to Greyhound. The relative competitive stituation is about the same.

Q. Isn't it true that Greyhound has always had a better route from Richmond to Norfolk than Trailways has?

A. Only in one sense. Basically, the reason that Greyhound has a better route involves the intermediate points. It is the trafficability. There is about ten times the population on Route 60 from Richmond to Norfolk as there is on Trailways Highway 10.

Tr. Vol. II, p.1 (L.20-25); p.2 (L.1-25);p.3 (L.1-5)

Isn't it a fact that a great deal of this traffic is bound to come from people that you are not now persently serving?

A. No, Sir.

Q. Why not? Didn't you hear them testify this morning even on the transfer. A number of them said that they, if you are not going to eliminate that then you must

not be enjoying that traffic now.

A. I don't know about the transfers. I believe there was some misunderstanding about the transfer.

Basically, the traffic that will support the I-64 operation is that traffic which we have today and are carrying today between Richmond and Norfolk. Now, our service on those particular trips will become some more attractive. And instead of our service in comparison with Greyhound service being less attractive as the time goes on, it would be more attractive. And from that standpoint it should attract some more traffic. And I believe the benefits will really be to the busing industry and to the public by improving the quality of the service between Richmond and Norfolk.

Q. You are going to have a shorter running time than you now possess. Isn't that right?

A. Yes, Sir.

Q. And nothing would prevent you, certainly, from adding schedules from what you testified here today.

A. No. If there is an increase in traffice between Richmond and Norfolk, I would expect that Trailways and Greyhound would add service. That is what normally happens. A reduction in the amount of people travelling results in a reduction of service--both carriers.

Tr. Vol. II, p.5 (L.3-7)

A. We have not and we do not propose to serve Norfolk north of the James River in this Application, only to use that highway, Highway 64. The principal through highway between Richmond and Norfolk.

MR. RIGSBY - CROSS EXAMINATION OF AARON CRUISE

Tr. Vol. II, p. 8 (L.19-25); p.9 (L.2-6)

Q. And if the Application is granted and you're allowed to go over Interstate 64, that will in no way effect the current schedule in effect with regard to local service over 10 and 35?

A. With one minor exception. That is the 2:00 A.M. departure from Richmond to Norfolk. In our opinion, it should run over Interstate 64 because it is carrying almost a hundred percent through traffic from Richmond to Portsmouth and Norfolk. And those people would be benefitted. It's just occasional passengers that ride to some intermediate point at that hour in the morning.

MR. MAJOR - RE-CROSS EXAMINATION OF AARON CRUISE

Tr. Vol. II, p.9 (L.25); p.10 (L.2-21)

Q. Mr. Cruise, won't, in reality, you will be putting thirty-five percent of your traffic over on 64 between Norfolk and Richmond? Isn't that what it amounts to?

A. Well, we have got the through traffic on one hand and we have got the intermediate traffic on the other hand.

Of the through traffic, the approximate ninety-two thousand passengers that travel per year between Richmond and Norfolk, about forty percent of those, if they use the same schedules would be benefited by the use of I-64.

In other words, there is fourteen one way trips a day betwen Richmond-Norfolk--Richmond-Portsmouth traffic.

Q. Yes, but from what you just said, it would be including your express and local, it would be thirty-five percent of your service will be then over 64?

A. About forty percent of the through traffic. There would be no change in intermediate traffic.

Tr. Vol II, p.12 (L.22-24); p.13 (L.1)

COMMISSIONER SHANNON: So, approximately a third, no, yes, it would be, just not quite a third of your passengers would be local?

A. That is correct.

MR. MAJOR

Tr. Vol. II, p.13 (L.14-15)

Q. Now, isn't that true?

A. Thirty-five percent in trips, okay.

Tr. Vol. II, p.13 (L.19.25)

Q. But schedule-wise, thrity-five percent of the scheduled runs between Richmond and Norfolk, if the Application is granted, will be over Route 64?

A. That is correct. ***

A. The reason being that we are not serving intermediate passengers on those today.

MR. MAJOR - DIRECT EXAMINATION OF WILLARD MOODY, of Portsmouth, Virginia

Tr. Vol. II, p.16 (L.14-25); p.17 (L.2-11)

A. I have lived in Portsmouth since 1939. I lived along the old Suffolk Boulevard right outside Portsmouth for a number of years and between Portsmouth and Suffolk prior to moving into the city.

Q. Are you familiar, in any way, with the Greyhound and Trailways operations into Portsmouth?

A. Yes, I am. First of all, in my residence where I lived prior to living in Portsmouth, it served, went by my door on a daily basis. And at that time which was several years back we used it extensively for local transportation. And then we later, of course, my office now is located somewhere within a couple of blocks of the Greyhound station in Portsmouth and I am fairly familiar with the traffic in and out of there.

Q. Have you had occasions, either you or your family, in using services of both companies?

A. Yes, at one time we used it to come to Richmond and my wife would use it to come up and she didn't care to drive. And I had a daughter that was in school at Longwood and she was using it. And, so, in our family, we have,

over the years, had occasion to use bus transportation a fair amount.

Tr. Vol. II p.17 (L.21-25); p.18 (L.2-25); p.19 (L.2-22)

Q. And what is your basis for appearance here today?

A. Well, of course, this came to my attention through the fact that we are having transportation problems in Virginia in respect to bus lines and efforts to carry on from the financial standpoint. And, as I understood and understand, the matter here you would be placing into the present schedules an additional line that would in some respects compete with present transportation that is now available. And this would concern me in respect to the financial effects it may have upon the present service.

The present service, I feel, is doing a good job and it has, it is a considerable help to our people in our area in that we can get transportation, not only directly to Richmond, but in the various intermediate points in between. We can take a bus to any of the intermediate points and if competition should, in any way, effect or cause the necessity to decrease the local service, it would have a bearing on the efficiency of service and the availability of what would be needed for people in Portsmouth.

Q. I take it then you are concerned not only with Portsmouth but other area such as Hampton, Williamsburg,

and other areas.

A. I'm only concerned with those areas in so far as transportation to those areas from Portsmouth would be concerned. And I would think that if any competing service would cause us to lose transportation to those particular points from Portsmouth, or to Portsmouth from those points, then it would certainly be of vital concern to the people of Portsmouth.

Q. Senator, what, if anything, can be done to eliminate or curtail the trend of bus companies not being able to operate at a profit?

A. Well, the major conern, I would think, would be capacity of the passengers, to carry a substantial load and to maintain that capacity, maintaining you dilute that, why, too much service, you are going to divide the passengers up. So, it could effect the financial standing of the company to offer sufficient service or any service to certain areas.

Q. Are you in accord with Virginia's basic transportation policy to protect the existing carriers against competition?

A. I think it's absolutely necessary that you protect those who now maintain the service. Of course, you could have ruinous competition and you could have competition that could cause both companies to be adversely

effected over a long period of time.

SENATOR WICKER - CROSS EXAMINATION OF WILLARD MOODY

Tr. Vol. II, p.22 (L.8-20)

Q. There are two express trips that are involved, principally involved in this. Those express trips, so-called, now, travel by Route No. 10. Are you familiar with Route No. 10 between Portsmouth and Richmond?

****

A. Nice trip.

Q. - it's hardly to be compared to Interstate 64 or to any of our major arterial State highways. Isn't that true?

****

A. That is certainly true.

Tr. Vol. II, p.24 (L.15-25); p.25 (L.2-25); p.26 (L.2-13)

A. I couldn't document it as such. My concern would be that this service might duplicate some service that Greyhound now offers on express service and in turn reduce the traffic on Greyhound causing them to in turn find it necessary to reduce some of that local traffic. That is reduce the local service in order to meet the competitive pricing problems. And what I'm concerned about is duplicating the service and competition against the present service.

Q. *** You don't feel though that there could be

any direct competition on the intermediate service between Richmond because Trailways wouldn't be allowed to pick up or discharge anybody on this new route?

A. No. Sir, I'm speaking of the need for Greyhound to introduce the same type of service that you are suggesting here in order to meet the competition of Trailways, if they should be permitted to go forward with this.

Q. Well, apparently, I think you are not familiar with the fact that Greyhound does have some of the service, the same type as we are asking here. *** They have that express type. So, there couldn't be in that case any necessity for Greyhound to introduce a competing service. They already have it.

A. They have that competing service but - *** - my view would be that, and again, I couldn't state as a fact it would. ***

A. It could reduce their passenger load and cause them in turn to need to cut back on some of these little short trips or some of these stops they make that we depend on. And this is the effect that I see it could have.

Q. Of course, if they undertook to do that, they would have to make the schedule change with the permission of the Commission, wouldn't they?

A. Yes, Sir.

Q. And if they did and the service was inadequate,

you understand the law, if the service was inadequate either Trailways or any other bus line could come in and apply and say, "All right, we will supply that difference."

A. I think that's true. I don't think there's any question about that.

SENATOR WICKER - DIRECT EXAMINATION OF MRS. SHIRLEY WILLIAMS

Tr. Vol. II, p.28 (L.15-25); p.29 (L.2-11)

Q. And you have had occasion and have occasion, do you, to travel between Staunton and Norfolk?

A. Constantly.

Q. You understand what Trailways is asking for here?

A. Yes, Sir.

Q. Do you support that view? Do you think that service is needed?

A. Yes, Sir, I do.

Q. Why? What benefit would it be to the traveling public?

A. Well, for the people who have to go, who want to go straight through from one point to their destination, say from Norfolk to Staunton, it's an inconvenience to be stopping all along the road. And if it's on Friday, you run into traffic and that traffic holds you up on small roads.

And on the routes that you were discussing, 10, I

have travelled it for the past four years. And I have been scared very many times because of the curves in that road.

Tr. Vol. II, p.29 (L.15-25); p.30 (L.2-7)

Q. Would the saving in time, say half an hour or thirty-five minutes a trip each way be of any importance?

A. Yes, Sir. **** When you get off of work or get out of school and you're tired, it certainly saves your back a little. You know, you get tired in the back from riding so long. It takes about six hours from Norfolk to Staunton.

Q. And the difference between a crooked road and a more or less straight road, wide road, you speak of make some difference?

A. Yes, Sir.

Tr. Vol. II, p.30 (L.21-25); p.31 (L.2-17)

Q. And how long have you been riding this bus between Staunton and Norfolk?

A. About four years now.

Q. About four years. Do you normally transfer in Richmond or do you wait and pick up whatever schedule you can with Trailway and go on?

A. That is what I do.

Q. You normally wait and pick up whatever schedule and go on down 10?

A. Yes.

Q. Do you ever recall transfering to Greyhound?

A. No.

Q. Never have?

A. Not to my knowledge.

Q. Do you use bus service for any other times other than from Staunton to Norfolk?

A. No, Sir.

Q. What you would like to add is a direct through service is what you really want?

A. I would like to have it.

SENATOR WICKER - DIRECT EXAMINATION OF MRS. JANET FRANCISCO

Tr. Vol. II, p.33 (L.21-25); p.34 (L.2-25); p.35 (L.2-25) p. 36 (L. 2-20)

Q. *** Have you heard the proposal here? Do you know what the proposal would mean insofar as time and so forth?

A. Yes, I have heard it.

Q. *** What difference would it make?

A. I makes a big difference timewise.

******

A. I work two jobs. I have three children living in Norfolk with me and two in Richmond with their Father. And they come up and visit on weekends. So, I either have to take off work early to get them on Greyhound schedules. I have had problems with my children. They have complained

and told me about people, men, for instance, they are three girls. And on occasions things have been stolen on the bus. If we could get them on Trailways, they have another schedule going out like an hour or hour and a half later. There again, I'm late for my second job. Although, I like it better because I feel like my children enjoy it. I have found that the drivers, when I put my children on the bus, they kind of watch out for them.

One thing with Greyhound, I just feel like Trailways should have the opportunity to, as Greyhound does. I don't think they are trying to take anything. I think there is room for both of them. I have gone down there on occasion one week just before Christmas, to Greyhound, and found a big long line. And when they called the bus out, I got out of line and went to the ticket agent and told him. I said, "I had planned on putting my children on this bus." He said, "Okay, there is going to be a second one going." He let me get my tickets and we found out there was not a second bus going. That meant another expense to me and this happened a couple of times. It meant another expense, calling Richmond and telling their Father not to meet them. The next bus out on either one would have been around 9:00 and you don't put your children on buses at 9:00 today to go somewhere.

On Trailways, they haven't been that crowded. I just

feel safer all around. The children come home when they have ridden Trailways and my baby is seven years old. *** Another thing with Greyhound, they ususally are crowded because mine go on weekends. *** And my children have, I have picked them up in Norfolk and they were standing up coming back, and I don't think this is right.

Q. Do you feel that this savings of thirty-five minutes on a trip is at all important to you?

A. Certainly, it is, I'm losing money, for one thing. I am self-supporting and my family. I can't afford to lose the extra time.

Q. And from the standpoint, do you see any difference in being able to use wide divided highway with no crossing like I-64 as against the narrow Number 10?

A. Certainly. If I were going, I would take a better highway. If I'm spending my money, I feel like I have a right to decide what company I'm going to spend it with. *** If it's safer with Trailways, that is where I want to take my children.

MR. MAJOR - CROSS EXAMINATION OF MRS. JANET FRANCISCO

Tr. Vol. II, p.39 (L.5-24)

A. I use to use Greyhound all the time. But I have been more convinced from the things I have seen I just don't particularly care to use it.

Q. How did you happen to appear here today?

A. *** I think they feel like they know me now. *** I have listend to both sides of the story.

Q. I take it somebody from Trailways asked you to come?

A. No, I volunteered.

Q. You volunteered. How did you know about the Hearing?

A. *** By listening to talk. Some of them told me they were coming to Richmond on a hearing. I asked about it and after they explained it, I said, "Well, I'll go."

Tr. Vol. II, p.39 (L.4-8)

Q. You all travel in the same circles?

A. No, Sir. The only time I see them is when I go in and buy my ticket. Like I said, my children are there. And I talked to them and I know the circumstances.

MR. RIGSBY - CROSS EXAMINATION OF MRS. JANET FRANCISCO

Tr. Vol. II, p.39 (L.15-25)

Q. Mrs. Francisco, how often do your chilren make the trip.

A. At least twice a month, sometimes three.

******

Q. And they will continue to use the bus service for transportation?

A. Sure.

Q. Trailways? A. Yes.

SENATOR WICKER - DIRECT EXAMINATION OF MRS. SHIRLEY SIMMONS

Tr. Vol. II, p.41 (L.14-25); p. 42 (L.2-3)

Q. Are you familiar with the bus travel between Richmond and Norfolk or Richmond and Portsmouth?

A. Yes.

Q. Do you understnad what Trailways is asking?

A. Yes, I do.

Q. What difference would it be, if any, advantage to you and the general public that you know of if this application is granted?

A. *** I do ride several times a year and so I know that the roads are better on I-64. It is faster and you save more time.

Tr. Vol. II, p.42 (L.20-25); p. 43 (L.2-8)

Q. And you understand the difference as far as you would be concerned, or other travelers like you, would be that instead of the narrow, curvy route, they would take the Interstate 64, broader?

A. Yes.

Q. Why do you think that's any safer?

A. Well, they have larger highway, a divided highway and speedier.

Q. Why do think it more comfortable, riding on a straightway?

A. I like the view for one thing.

Q. Maam?

A. I like the view. It's prettier.

MR. MAJOR - CROSS EXAMINATION OF MRS. SHIRLEY SIMMONS

Tr. Vol. II, p.43 (L.15-25); p.44 (L.2-6)

Q. Mrs. Simmons, do you know that Greyhound is now operating fifteen or sixteen schedules between Norfolk and Richmond?

A. I don't know that much about the schedules.

Q. And did you know that they are actually operating on all segments of Interstate 64 that are open?

A. No.

Q. Do you have any particular reason not to use their service?

A. No.

Q. And if that service was available to you and if it met your call, you would just as soon use one carrier as the other?

A. Well, I hadn't thought about it.

SENATOR WICKER - CROSS EXAMINATION OF C. RUDOLPH JOHNSON, Williamsburg, Finance Assessment Director

Tr. Vol. II, p.50 (L.3-12)

Q. Well, have you been threatened by Greyhound with, have they or anybody suggested to you that if two express trips, going from Richmond to Norfolk, three one way, and two the other way, passing by Williamsburg, have they

suggested to you that if that's granted, that they are going to cut down their services to you?

A. To my knowledge, no one has said anything to me. To my knowledge, no one has suggested to the City officially one way or the other. We simply see it as a danger competitively.

SENATOR WICKER - DIRECT EXAMINATION OF MRS. MENDA BARTLETT,
Henrico Turnpike - Retired

Tr. Vol. II, p.54 (L.9-25)

Q. Do you understand that the Application of Trailways is?

A. Yes, Sir.

Q. You understand that if it's granted, upon your round trip, for example, you would have a saving of seventy minutes; thirty-five minutes each way?

A. Yes, Sir.

Q. Is time of any importance to you?

A. It sure is?

Q. Do you support this Application or not?

A. Oh, I sure do. The road and time is the main thing. And that's a terrible narrow road from Richmond to Norfolk.

Q. Do you mean the one that they have to use now, No. 10?

A. Yes, Sir.

Tr. Vol. II, p.56 (L.10-23)

COMMISSIONER BRADSHAW: Do you ever ride Greyhound?

A. No, I never rode Greyhound. I like the Trailways. If they can make it shorter and better on roads, why, I would really like it better.

SENATOR WICKER

Q. Mrs. Bartlett, *** you mentioned going to Virginia Beach. And going by Trailways, there is no change of depot in Norfolk, is there?

A. No.

Q. Compared to the, if you, the only way you can go by I-64 on an express highway now would be by Greyhound. You understand that? A. Yes.

Tr. Vol. II, p.57 (L.9-17)

A. Well, I think if you go anywhere and you can stay on the same bus, why it's much nicer than if you have to change.

Q. How about the same station. Is there any difference when it's the same station or having to change from station to station?

A. I would say it's better if you can change right there. I wouldn't go from the Trailways to the Greyhound.

MR. MAJOR - CROSS EXAMINATION OF MRS. MENDA BARTLETT

Tr. VOl. II, p.58 (L.23-25); p.59 (L.2-16)

Q. But you also go to Elizabeth City?

A. Yes, I go to Elizabeth City.

Q. Of course, the only way you can get to Elizabeth City is to go Trailways?

A. I hadn't thought of that. I didn't know whether Greyhound went there or not.

Q. Did you know that Greyhound now operates over every segment of 64 that is open between Richmond and Norfolk?

A. No, I didn't know that.

Q. Did you know that they have fifteen or sixteen schedules daily between Richmond and Norfolk?

A. No, I didn't. I always go by Trailways. I don't see any, you know, need to change. I just call Trailways and just go.

Q. You have no reason why you wouldn't use Greyhound if they had good service, would you?

A. No.

MR. MAJOR - DIRECT EXAMINATION OF STEVE WHITTEN

Tr. Vol. II, p.61 (L.14-25); p. 62 (L.2-3)

A. I'm a school teacher.

Q. And where do you teach, Sir.

A. Henrico County, Tucker High School.

Q. Have you had occasion to use Greyhound service?

A. Yes, Sir.

Q. And where would you normally be useing Greyhound

service?

A. Between Richmond and Williamsburg.

Q. Do you use that frequently?

A. Well, I have in the past four years.

Q. And have the schedules been convenient and suited your needs?

A. Yes, Sir. They run a lot of them.

SENATOR WICKER - CROSS EXAMINATION OF STEVE WHITTEN

Tr. Vol. II, p.63 (L.21-25); p.64 (L.2-15)

Q. Nobody, any Greyhound people told you that it might be curtailed?

A. I have heard, I have assumed, personally, from having ridden so often, that they were losing money on these locals which I found out to be true..

And that the only reason they did run them was because they, you know, they ran the express so they could keep them both going at the same time.

Q. You heard they were losing money on the service to Williamsburg?

A. Well, if you ride the bus, that is obvious.

Q. I mean, now, you heard that they were losing money on service to Williamsburg?

A. I asked the man at the ticket counter one time. I said, "Why do you run these buses" you know, "with ten people on it?" And he said, you know, "We have done it for

so long and it's a service to these people."

MR. MAJOR - DIRECT EXAMINATION OF GORDON GENTRY

Tr. Vol. II, p.66 (L.16-25); p.67 (L.2-5)

Q. Have you had occasion to use Greyhound service out of your area?

A. Yes. My wife is the one that uses the service *** available for me to drive her, or convenient. So, she is the one, in other words, that use that. But I'm interested because the traffic and age and so forth that we have got service that we can go to and from places like the bus service. So, that's why I'm interested.

Q. Has Greyhound services been satisfactory to your needs?

A. Yes. It is very satisfactory because I'm within about a mile of the station at Fort Eustis.

Tr. Vol. II, p.67 (L.18-25); p.68 (L.2-8)

A. Yes. I think it would. You know I was with the C&O Railroad, ticket agent, for a number of years. We saw the passenger service dwindle down from maybe a full train to just a few. And right now we have no local trains stopping there. It was through trains even before I retired. The passenger trains, all these years, would stop there and then they went throught. And then we had Railway Express Agents and we had express twice daily and this went back until now, at the present, I think there is

one delivery a week, maybe, or something.

So, I have pretty much depended on Greyhound for certain transportation items as for express.

So, this has been of value to the community and what I would like to see no curtailment of service regardless of who gets it.

Tr. Vol. II, p.68 (L.18-24)

Q. To your knowledge, has it been historically true that you make your money through your intercity points like Norfolk to Richmond is where you make your money and not on the local runs?

A. Well, I know that, yes, I'm sure that must be true. It is true with the railraod. It must be true with the buses, likewise.

Tr. Vol. II, p.69 (L.2-10)

COMMISSIONER SHANNON: Mr. Gentry, how often does your wife use Greyhound service? About how many times a year?

A. Possibly two to three, or maybe three times a year. Not very much.

COMMISSIONER SHANNON: And then where does she use it, those two or three times a year?

A. From, a couple of times a year from Fort Eustis to Marion, Virginia.

SENATOR WICKER - CROSS EXAMINATION OF GORDON GENTRY

Tr. Vol. II, p.71 (L.3-17)

Q. I say not for any particular line. You are concerned simply with service.?

A. Yes, for service.

Q. And you don't want it curtailed but nobody from Greyhound has suggested to you that it might be curtailed, have they? Except what you have heard Counsel say here today?

A. I have heard it here today, yes.

Q. But not before?

A. Not before, no, Sir.

How did you happen to come here today?

A. Well, I'm a good friend of one of the fellows that works for the, at the Greyhound Bus Terminal and he was the first one that asked me and thinking I was retired that I would be able to come.

MR. MAJOR - DIRECT EXAMINATION OF NICHAEL J. O'ROURKE, Greyhound Vice President

Tr. Vol. II, p.72 (L.10-22)

A. Michael J. O'Rourke. I am Vice-President of Traffic for Greyhound Lines East and also Atlantic Greyhound Lines of Virginia, Inc.

Q. Atlantic Greyhound Lines is a completely owned subsidiary of Greyhound Lines?

A. That is correct.

Q. How long have you been employed by Greyhound, Mr. O'Rourke?

A. It will be forty-three years come this May 5.

Q. Where do you maintain your headquarters?

A. In Cleveland, Ohio.

Tr. Vol. II, p.73 (L.9-17)

Q. Mr. O'Rourke, I am going to hand you a number of exhibits. And in order to save time, I will just ask you one question relative to all of them other than one interstate arterial map that we are going to offer. In that either you or someone under your supervision has prepared the exhibits that you are about to introduce. Is that correct?

A. Yes, Sir. All of these exhibits have been prepared at my direction.

Tr. Vol. II, p.74 (L.14-25); p.75 (L.2-25); p.76 (L.2-16)

A. *** Greyhound has one route south of the River. That is marked in blue. All of Greyhound's present authorities are marked in blue. Greyhound's routes south of the River goes back to its so-called "Grandfather Authority." The routes that Greyhound acquired north of the James River and those routes that they acquired of the former Peninsula Transit Corporation, back in 1942. And at that time, when Greyhound had made application to acquire the operations of Peninsula, it was opposed by

Trailways. The matter was subsequently settled by Greyhound agreeing to sell one of the routes to Trailways. And at that time is when Trailways came into the picture, and I believe it was in 1942. And that's the authority over Route 10.

Now, Greyhound maintains frequent service between Richmond and Norfolk. I believe we have seventeen daily schedules eastbound and sixteen schedules daily westbound.

This is not the first occasion that Trailways has filed for authority over the Greyhound route between Richmond and Norfolk, north of the James River. They filed the so-called "deviation notice" back, I believe it was in '62 or the latter part of '61, where they wanted to run a similar service that they are proposing here today a nonstop service from Richmond to Norfolk serving all intermediate points. And that would have been over Highway 60.

We protested that and the Interstate Commerce Commission sustained our protest and denied the application. Their deviation notice. They follwed that subsequently with an application for an alternate route authority over Highway 60 to provide service from Richmond to Norfolk and serving all intermediate points. And that application was denied by the joint board and was composed a member of this Commission, Mr. R. Polk Gordon.

I have listened to the testimony here today. And it

is not quite so simple as it's been portrayed as to the results that are going to come about if Trailways is granted authority to provide this service over Interstate Highway 64, as it's been heretofore testified. There is a substantial population between Richmond and Norfolk on these routes north of the James River. Particularly insofar as Williamsburg is concerned, Fort Eustis, Newport News, and Hampton. And Greyhound has endeavored to provide a service not only through between Richmond and Norfolk, but to serve these intermediate communitites.

As we get into the subsequent exhibits, I think I will be able to show what effect the granting of this authority could have on the service that we are now rendering.

Tr. Vol. II, p.78 (L.2-25); p.79 (L.2-16)

Q. And Greyhound has asked for and has been granted temporary authority from this Commission to serve that segment of the Highway?

A. That is correct.

Q. And you have pending before this Commission a permanent application for that segment?

A. That is right.

Q. You do not have pending before this Commission any application to serve all of 64, do you?

A. No, we do not.

Q. And why haven't you filed that type of an appli-

cation?

A. Well, for the reason that it's my understanding that remaining portion between Anderson's Corner and Camp Perry, I guess is the point where the other end picks up, there will be some time before that highway is completed, that portion of it. And, in our opinion, such application would be premature.

Q. All right, now, what is the proximity of your present Route 60 and 168 with 64, refering to your Exhibit No. 14?

A. Well, as you can see from Exhibit No. 14, that they very closely parallel our Route 60, Interstate Highway 64 does. And, in fact, some of it is right on the same roadbed of the former routes or the present routes of Greyhound.

It's our proposal not only to cover service on our Route 60, but it is also our intent in our operations over Interstate Highway 64 to serve some of the intermediate points from Interstate Highway 64 so that we can give those passengers traveling to and from the intermediate points a more expedient service.

Q. And have you, in filing your applications, asked to serve intermediate points off of 64?

A. Yes, we have.

Q. And have you traditionally been the carrier to

serve that area? A. Yes, we have.

Tr. Vol. II, p.80 (L.20-23)

A. AS this exhibit will show, and as of April 15, 1972, we actually had two thousand eleven buses that were qualified to operate in intrastate service in the Commonwealth of Virginia.

Tr. Vol. II, p.82 (L.20-25)

Q. Have you brought with you today the schedule of Greyhound Lines between Richmond and Norfolk effective October 29, 1972?

COMMISSIONER SHANNON: That will be received as Exhibit No. 19. A. Yes, Sir.

Tr. Vol. II, p.83 (L.18-25); p.84 (L.2-19)

A. As I understand that proposal here, they plan on moving their present 9:45 A.M. departure out of Norfolk to operate over I-64, arriving in Richmond at 11:25 A.M.

Now, you will note, we run a 8:15 A.M. departure out of Norfolk and then it stops at Hampton, Newport News, Fort Eustis, and Williamsburg. And that arrives in Richmond at 11:25 A.M. So, you can well see that what, this competitive situation we are going to have here of them running over this highway, an hour and forty minutes, and that any passengers that are travelling from Norfolk to Richmond at that time are not going to ride our schedule, but will take something that they can leave quite a bit

later and arrive in Richmond at the same time.

The other express schedule they propose to put on here is the 5:30 P.M. departure out of Norfolk. And that will arrive in Richmond at 7:10. Now, we have a 5:25 P.M. out of Norfolk that serves all of the intermediate points and arrives in Richmond at 8:40 P.M.

Also, we have a 7:15 P.M. at night that serves certain of the intermediate points. And that arrives at 10:15 P.M.

So, you can well see the competitive effect that this express trip running non-stop from Norfolk to Richmond will have on our schedules and our ability to maintain any through traffic on those particular trips.

MR. MAJOR

Tr. Vol. II, p.86 (L.24-25); p.87 (L.2-9)

A. From Richmond to Norfolk, we operate seventeen daily schedules, with additional schedule on Monday only, and also an additional schedule on Fridays and Sundays.

Q. How about on the return run from Norfolk to Richmond, how many schedules are you maintaining?

A. We have sixteen daily schedules there with additional service of one trip on Fridays and Sundays, another schedule on Fridays only, and then another schedule that operates Fridays, Saturdays and Sundays.

Tr. Vol. II, p.90 (L.17-25)

SENATOR WICKER: *** While we are waiting, *** with

the case, I have two letters, resolutions; one from Portsmouth and one from Norfolk. I ***

COMMISSIONER SHANNON: They will be passed to the file.

SENATOR WICKER: Will be passed to the file, their endorsement of the Norfolk Chamber of Commerce and the Portsmouth Chamber of Commerce. ***

Tr. Vol. II, p.94 (L.9-24)

A. This is an exhibit of Greyhound Lines ticket sales at our principal locations on the Richmond, Norfolk, Portsmouth route for a five year period, from 1967 through 1971. I prepared this to bring attention to the Commission that even though we have been experiencing fare increases our passenger service all during this period and the volume of our ticket sales, in many instances, have decreased over this five year period.

Our sales in Richmond are up twenty-two point three percent and at Williamsburg, they are up sixteen point seven percent. But at Fort Eustic, our sales are off twenty-five percent. Newport News, they are down two point one percent. And at Hampton they are up thirteen point six percent. At Norfolk they are down seventeen point eight percent. And at Portsmouth, sixteen point seven percent.

Tr. Vol. II, p.105 (L.2-25); p.106 (L.2-7)

A. The Applicant, in this Exhibit No. 11, he made a study that is somewhat similar in nature to the studies

that I have made in Exhibit No. 22 and Exhibit No. 23. However, his is much broader in that he developed the through traffic for three separate weeks; one being August 15 - 21, the other being December 1 - 7, and the thrid week being January 1 - 7.

The August 15 - 21 would represent probably a prime, peak period in travel as well as the first week in January. That is a period that we enjoy a substantial traffice and generally the movement back of the Christmas holiday traffic.

So, I would say of the three weeks, two of them represent high volume traffic. The week in December, I think, would be somewhat relevant to the period that I made the study for, December 14 - 20.

I can't agree with his formula in annulizing this in that he determined the passenger miles from this traffic that he handled during this three weeks period which would represent a little better than one-seventeenth of the calendar year; there being fifty-two weeks in a year. And he came up with a formula that his passenger miles for this particular division for the twelve month period was twenty-one times passenger miles for the survey period. Therefore, multiplying that, figures from the study by twenty-one to annulize it. Now, I'm not sure that thereis a true relevancy between the passenger miles

and the particular study that was made because unless he would be making a conclusion that these three weeks are representative of the type of traffic that he handles.

Tr. Vol. II, p.110 (L9-25); p.111 (L.2-25); p.112 (L.2-17)

A. Well, as you can see from this exhibit for this particular week, they handled substantially less through traffic and substantially less traffic to and from the intermediate points. It will also be shown that they do not have a problem that Greyhound has in providing a service to and from intermediate points.

The first bracket shows the intrastate passengers and the through traffic is forty-two point seventy-five percent of the traffic they had during that week. And the traffic to and from the intermediate points is fifty-seven point twenty-five percent of their traffic.

On the interstate their through traffic is represented as eighty-six point twenty-five percent of their traffic and traffic to and from the intermediate points is thirteen point seventy-five percent.

Combining the interstate and intrastate traffic, they almost will equal in the volume of traffic which they handled through and the volume of traffic they handled to intermediate points. Whereas it was pointed out in our basis we are handling roughtly, counting our intrastate and interstate passengers, about three and a half times as

many passengers to the intermediate points as we are handling and through traffic, even though our volume of through traffic is greater than the Applicant.

CHAIRMAN CATTERALL: These voluminous statistics, what are they designed to prove?

MR. MAJOR: Judge, we haven't got to that. When I get through putting all my exhibits in, we will tie them in.

CHAIRMAN CATTERALL: Then you will tell us what they are supposed to do.

MR. MAJOR: Well, I'm hoping that the Commission is grasping some of this as we go along.

CHAIRMAN CATTERALL: We have to know what the target is.

MR. MAJOR: The target is to keep the Applicant off of Interstate 64.

CHAIRMAN CATTERALL: How do these figures

MR. MAJOR: It shows, primarily, Judge, I think what he's talking about at the moment is Greyhound's intermediate service versus Trailways lack thereof in its intercity, say, between Richmond and Norfolk.

You will recall at the beginning of the Hearing we were telling the Commission of the bleed-off problem as we call it and -

CHAIRMAN CATTERALL: This is to prove that you will

lose passengers to the Applicant.

MR. MAJOR: And that we are actually serving intermediate points and serving the traveling public that if we have to pull our schedules to compete over Interstate 64, then the intermediate points and the traffic thereon are going to suffer. And the only way in the world Greyhound will be able to compete if Trailways is allowed to run express service not serving intermediate points would be for Greyhound to have to run its bus service over I-64.

Tr. Vol. II, p.117 (L.18-23)

COMMISSIONER BRADSHAW: Of course, we know we can do anything with statistics but it's kind of like apples and oranges to me to compare the two when one has sixteen schedules and the other has got a half dozen. So, naturally, the sixteen is going to serve more people.

MR. O'ROURKE:

Tr. Vol. II, p.118 (L.24-25); p.119 (L.2-25); p. 120 (L.2-25); p.121 (L.2-22)

A. Exhibit No. 26 is a comparision of the volume of passengers that we transported between Richmond on the one hand Noroflk and/or Portsmouth, Virginia on the other and/or points beyond. ***

This is the through traffic and I prepared it to show that Greyhound today, as it has ever since they have been operating between Richmond and Norfolk, has enjoyed a substantial competitive advantage over Carolina Coach Com-

pany. ***

And this exhibit will show that in so far as the intrastate through traffic, was concerned, Greyhound handled sixty-eight point one percent of it. Trailways handled thirty-one point nine percent.

On interstate traffic, Greyhound handled eighty-three point eight percent of it and Carolina had sixteen point two percent.

Combining the two, Greyhound's share of the Richmond-Norfolk market was senvety-six point nine percent, whereas Carolina Coach share was twenty-three point one percent.

I have prepared this to stress that if the Applicant is granted this authority to operate over this route where he's previously made two attempts to get on in the areas with the Interstate Commerce Commission, we are going to lose this competitive advantage that we have. We are going to lose the benefits of the certificate that we purchased off Peninsula Transit and it is going to create a problem if we start losing this through traffic to Trailways and have to continue to provide adequate service through these major intermediate points that we serve in conjunction with our operations across Highway 60 and those portions of Interstate Highway 64 that have been opened as of this date.

MR. MAJOR

Q. Mr. O'Rourke, I think that Exhibit No. 27 may point out what Judge Bradshaw has asked in that becuase of the volume of daily schedules now being maintained by Greyhound versus the few by Carolina Coach that that would show up on the total percentage figures on Exhibit No. 27.

A. Yes. And as I have tried to explain here that I think such a showing is a fair showing because what I'm trying to show is we have always have a competitive advantage, and I don't think that it's fair to take that away from us without showing that we have not taken care of the traveling public over these routes that we have served.

Now, Exhibit No. 27 is a similar comparison except that this shows the volume of traffic that each of the Companies handle to and from the intermediate points on their respective routes. Now, these intermediate points are not common except for probably the point of Suffolk, Virginia and Petersburg, Virginia. But as of this date, I would say that their intermediate points are different intermediate points than what ours are basically.

But, intrastate-wise, of the traffic that is destined to or from intermediate points between both of our operations, between Richmond and Norfolk, Greyhound handled eighty-eight point three percent of that traffic. Whereas, Carolina Coach handled eleven point seven percent.

Interstate was a much greater differential in that

we handled ninety-seven point seven percent. Wheras, Carolina Coach handled two point three percent.

Combining the two, Greyhound shows that they handled approximately ninety-one percent of this traffic to and from intermediate points on these routes to Trailways nine percent.

Tr. Vo. II, p.122 (L.22-25); p.123 (L.2-4)

CHAIRMAN BRADSHAW: Well, they are not asking to go into the Naval Base, are they?

A. They sure will be.

CHAIRMAN BRADSHAW: Well, I mean in this Application?

A. Well, it's right there in the greater Norfolk area and -

MR. MAJOR

Tr. Vol. II, p.125 (L.25); p.126 (L.2-7)

Q. If Trailways is granted the authority asked for here today and they come on 64 and through the tunnel, could they not then go into the Naval Base? A. Yes.

Q. And are they now going into the Naval Base?

A. Yes.

Tr. Vol II, p.129 (L.7-25); p.130 (L.2-5)

MR. MAJOR: That's right if he's restricted from going into the Naval Base, and if he doesn't. But he is serving it now and I don't know how we are going to distinguish which buses he's got going into that base. And

once he gets the authority, I don't think you,as the Commissioner here, could control it because, I believe, and Judge Shannon may correct me. Isn't that under what we call the "street routing within the city problem?" And could he not if he had that authority go into that base without permission from this Commission?

COMMISSIONER SHANNON: We don't give them routes over city streets. I don't think he can get in that base without the base commander's concurrence.

MR. MAJOR: Yes, Sir, but I'm more worried about whether this Commission is going to allow him to get so close to it that you an no longer control it.

CHAIRMAN BRADSHAW: I see your point.

MR. MAJOR: You see my point, Judge Bradshaw?

CHAIRMAN BRADSHAW: I certainly do.

Tr. Vo. II, p.132 (L.2-25); p.133 (L.2-3)

A. - if he's granted this authority to run an express service in, as I recall, one hour and forty minutes nonstop which would make his service attractive to the through traffic and the overhead traffic, and have a distinct competitive advantage in relation ship to the achedules that we now operate over relatively the same route but serving these major intermediate markets.

And I cannot help but believe and I'm sure that it would happen that if they start putting on express

schedules neck to neck with us that they will divert the substantial amount of this through traffic.

MR. MAJOR

A. All right, now, to your knowledge, is Greyhound the only carrier that holds authority between Richmond and Norfolk embracing rights on Routes 30 and 168?

A. That is correct.

Q. Now, are these the routes over which Trailway, or Carolina Coach, would have to travel to go from Richmond to Norfolk at the present time?

A. Yes. In their Application they are asking for right to use Interstate Highway 64, but Interstate Highway 64 has not been completed, for them to provide the service between Richmond and Norfolk using portions of I-64 that are now open, they would have to operate over Highways 30 and 168.

Tr. Vol. II, p.133 (L.20-25); p.134 (L.2-9)

Q. If the Application is granted, would this have any adverse effect on your operation between Richmond and Norfolk?

A. I certainly think they will. As I have tried to show by these exhibits, Greyhound was one of the pioneers in bringing the service between those areas. The Applicant came into the area at the time that Greyhound acquired Peninsual Transit and to bring the litigation to

an end sold one one of the routes to Trailways. And all during this period we have enjoyed this competitive advantage and faithfully, in my opinion, served our market. But if they are granted rights over this Highway, they are going to be in a position to divert our traffic where they have not heretofore been able to.

SENATOR WICKER - DIRECT EXAMINATION OF CHARLES SPROUSE

Tr. Vol. II, p.137 (L.18-25);p.138 (L.2-6)

Q. Do you have occasion to use any bus service between Richmond and Norfolk or other points around there?

A. Yes, I do. Most of the time I use it in the summer going to the beach.

Q. I see. And do you understand what Trailways is asking of the Commission in this proceeding?

A. Yes, I do.

Q. What do you understand they are asking?

A. Well, an express route from here to Norfolk without all the little bitty stops which I think is a good thing.

Tr. Vol. II, p.138 (L.15-25); p.139 (L.2-24)

Q. What advantage, if any, do you see to you and others of the public who may be going to Norfolk and Virginia Beach, for example, if this Application is granted?

A. A time saver for one as well as a lot safer. The old route now, I think, is unsafe.

Q. Well, going to Virginia Beach you can save time as far as Richmond and Norfolk by using Greyhound as far as Norfolk by using Greyhound as far as Norfolk and then change -

A. You would have to change buses. You would have to walk from Greyhound to the Trailways to go to Virginia Beach.

Q. Oh, I see, Thre is some distance between the two depots in Norfolk? A. Yes, Sir.

Q. If you take the Trailways, you don't have to, you wouldn't have to change stations there in Norfolk?

A. No, might have to change buses, but that is all.

Q. But not stations? A. Not stations.

Q. Either way? A. Either way.

Q. Have you traveled on Greyhound as well as on Trailways? A. Yes, Sir, I have.

Q. Do you know of any of your firends who make this trip likewise? A. Yes, Sir.

Q. If Trailways is gratned this Application, what effect do you think it will have upon Greyhound passenger service between Richmond and Norfolk?

A. I wouldn't think it would have any.

MR. MAJOR - CROSS EXAMINATION OF CHARLES SPROUSE

Tr. Vol. II, p. 142 (L.23-25); p.143 (L.2-15)

Q. No reason why if Greyhound is operating over I-64

between Richmond and Norfolk, which is an express run, that you couldn't ride Greyhound, is there? From Richmond to Norfolk?

A. No, Sir, no reason.

MR. MAJOR

COMMISSIONER CATTERALL: You testified that you are interested in saving time. Why was it worth it to you to come up here and spend two hours?

A. Well, I would like to see it go straight through instead of having to change from one station to another.

Commissioner Catterall; It was worth two hours to you to save those few minutes.

A. It's worth a lot to alot of other people, too.

MR. MAJOR - DIRECT EXAMINATION OF RONALD B. BURROUGHS

Tr. Vol. II, p.144 (L.25); p. 146 (L.2-3)

A. Ronald B. Burroughs and I am director of Commerce and Public Relations for the City Government in Newport news.

Tr. Vol. II, p.145 (L.21-23)

Q. And has that service been satisfactory?

A. More than satisfactory.

SENATOR WICKER - CROSS EXAMINATION OF RONALD B. BURROUGHS

Tr. Vol. II, p.146 (L.21-25); p.147 (L.2-3)

A. No. they haven't threatened us. The only thing

that we see is the possible overload compared to what is in the area, what passengers are available and we feel like, the chamber feels like if you get too many carriers in, it's going to cause hardships, financial hardships and possible reduction in service. This is our feeling.

MR. MAJOR - DIRECT EXAMINATION OF MRS. MARGARET GULOTTA

Tr. Vol. II, p.149 (L.11-17)

Q. And are you presently using any of Greyhound's services? A. Yes, I do.

Q. And if so, between what points do you use Greyhound service?

A. Primarily between Norfolk, Virginia and Richmond.

Tr. Vol. II, p.150 (L.11-25)

Q. For what length of time have you been using their srevice? A. Approximately six years.

Q. During all that course of time have you been satisfied with the adequacy and convenience of that service?

A. Very much so due to the fact that they have schedules that will suite my need in the morning and for my return in the afternoon or early evening.

Q. Do you try to ride the faster express service if you can get on it?

A. Well, yes, if I arrive early enough in the morning, I like to catch the, you know the, but if I miss one

I can make the next one. So, I'm not that concerned because the service is good.

SENATOR WICKER - CROSS EXAMINATION OF MRS. MARGARET GULOTTA

Tr. Vol. II, 151 (L.5-9)

Q. Mrs. Gulotta, how do you get from Virginia Beach to Norfolk?

A. I drive my car over to the Golden Triangel and park it in Valet Parking and then take the bus.

MR. MAJOR - DIRECT EXAMINATION OF BRUCE A DIXON

Tr. Vol.II, p.154 (L.22-25); p.155 (L.1-26); p.156 (L.1-9)

A. I am Bruce A. Dixon, and I work for the Highway Department, and my title is Highway Drafting and Mapping Supervisor.

Q. How many years have you been with the Highway Deparmtent?

A. Forty-three years, approximately.

Q. And are you under subpeona to appeare here today? A. Yes, sir.

Q. Are you familiar with Virginia highways that are part of the interstate highway system?

A. Yes, from a mapping standpoint. In other words, I am in charge of the mapping and we get into the interstate system that way.

Q. Directing your attention to Interstate Highway 64,

between Richmond and Norfolk, I would like to ask you whether this route is fully completed/

A. Between Richmond and Norfolk?

Q. Yes, sir.

A. No, sir.

Q. Is it possible to go between Richmond and Norfolk wholly on INterstate 64?

A. NO, Sir.

Q. If you were going to go to Norfolk from Richmond over 64, where would you be required to leave Interstate 64?

A. From Norfolk to Richmond?

Q. Yes, sir. Well, put it the other way. Now about from Richmond to Norfolk?

A. From Richmond to Norfolk you get onto Interstate 64 right here in the City, and you can go all the way on 64 until -- just north of Wiliamsburg, basically it is the entrance road to Camp Perry. And from there on for about ten miles you have a gap in Interstate, and you have to follow Route 168 to a point just north of Anderson's Corner, and then you pick up on 64 again, all the way to the tunnel where you go into Norfolk. And when you get into Norfolk, there is the Interstate system under construction there. There is an approach to the facility.

Tr. Vol. II, p.157 (L.13-25); p.158 (L.1-6)

(See all typed matter within these guide [illegible])

Q. Directing your attention to Exhibit 30, the Interstate Arterial map, as well as th county map that you have before you, would you describe for the Commission over waht routes would you travel between Anderson's Corner and Camp Perry?

A. Anderson's Corner is jargon. It used to be 168-Y.

Q. Is Anderson's Corner where you would come off of 64 going South to Norfolk from Richmond? Is that where you would come off of the present Interstate 64, in that general area?

A. Just in that area. Just North - about a mile and a half North of Anderson's Corner, where the Interstate system ends, and then follw 168 all the way into Camp Perry.

Q. Is a part of that route Route 30, and does that overlap 168?

A. Yes, sir. You have a short overlap between the Interstate and Anderson's Corner. That is marked both 168 and 30. Route 30 and Anderson's Corner.

Tr. Vol. II, 158 (L.16-19)

Q. What is that distance not yet completed of Interstate 64 between Anderson's Corner and Camp Perry?

A. It's between ten and elven miles -- about ten and a half miles.

Tr. Vo. II, p.158 (L.23-25); p.159 (L.1-18)

COMMISSIONER SHANNON. When do you expect the ten to eleven mile stretch between Anderson Corner and Camp Perry to be completed, Mr. Dixon?

A. Well, right now, this cut off between a point just north of the Anderson's Corner and where we come back into 64, that is about a four mile stretch, that has been advertised for construction now, and it will be completed in approximately two years. From there on down to Camp Perry, it would be five to six years.

COMMISSIONER SHANNON: So actually even after the advertised portion is completed, it will still be about eight or nine miles which will be five or six years into the future.

A. That's true.

MR. MAJOR

Q. Now, after that segment that Judge Shannon has asked you baout, after those segments are completed, are they then taken into and become a part of the interstate highway system?

A. It will be the interstate system. It is not interstate until it is actually constructed.

Tr. Vol.II, p.159 (L.22-25); p.160 (L.1-13)

SENATOR WICKER - CROSS EXAMINATION OF BRUCE A. DIXON

Q. In other words, you can go from Richmond to Norfolk now? A. Yes, sir.

Q. Entirely on *** Interstate 64, with the exception of a segment of approximately ten miles? A. Right.

Q. And that ten miles -- of that ten miles traffic that is going by 64, for example automobile traffic, Greyhound bus traffic, and all like that, when they get to that little segment in there of ten or eleven miles, there they necessarily have to use this highway for the most part is designated as Virginia Highway 168, and part of it --- some little part of it -- is a combination of 168 and 30 both?

A. A very short section. Parimarily it is 168.

Tr. Vol.II, p.161 (L.24-25); p.162 (L.1-25); p.163 (L.1-7)

COMMISSIONER SHANNON: To get may own geography straight, Mr. Dixon, I went to Williamsburg last week, and I went all the way down 64 as far as I could go, and I turned off on a road -- I guess that was old Route 30, State route 30, it is a dual lane road that goes on across 60, where sixty runs into 168, there is a traffic light there. Then you proceed straight on 60 to Toana. Is that Route 30, that segment from I 64 on to where the light is at 60 and 168?

A. No, sir. That is all 60. Route 30 ends at Anderson's Corner.

COMMISSIONER SHANNON: Where is Anderson's Corner, precisely. That is what I am trying to get. Can I see

the map?

A. Anderson's Corner actually is alittle off the road here. Anderson's Corner is right here, where 60 and 168 intersect.

COMMISSIONER SHANNON: 64 was completed right on down to here now, is that correct?

A. 168 used to come across here, and this was transferred to secondary road --- Traveling from Norfolk to Richmond you have to go this way.

COMMISSIONER SHANNON: Well, going to Williamsburg you would come right down 64 to here, is that right?

A. You would come on down to here.

COMMISSIONER SHANNON: Which road would you take, this road right here, or this one right over here?

A. This one right over here.

COMMISSIONER SHANNON: And that one is -- that is 168 And this is 60 coming over here. This is Anderson's Corner where 60 and 168 intersect. A. Right, sir.

COMMISSIONER SHANNON: I know exactly where it is. Thank you, Mr. Dixon.

MR. MAJOR

Tr. Vol.II, P.163 (L.18-25); p.164 (L.1-4)

Q. Mr. Dixon, let me ask you this, that section of 168 that is now being used, and would eventaully be replaced by Interstate 64, is that segment now up to federal

standards in order for it to be accepted into the interstate highway system?

A. No, sir. It is not. In other words, one thing, when it is made Interstate it is a limited access highway. All these roads coming in will be closed. Even the surface might not meet interstate standards. Some of it might be lowered or built up. It would have to be improved in a whole lot of ways. It may be widened.

MR. MAJOR -RE-DIRECT EXAMINATION OF BRUCE A DIXON

Tr. Vol.II, p.166 (L.17-23)

Q. Mr. Dixon, it does not meet present Federal standards to come into the Interstate highway system, does it? A. No, sir.

COMMISSIONER SHANNON: I think that is clear. We take official recognition that 168 is not part of the interstate system.

SENATOR WICKER - CROSS EXAMINATION OF MICHAEL J. O'ROURKE

Tr. Vol.II, p.168 (L.8-25); p.169 (L.1)

Q. Mr. O'Rouke, you testified on the first day of this hearing, which was on the 24th of January, is that right? A, Yes, I believe that was the date. ***

Q. And just to refreshen the Commission's mind and my own too, I think, as I understand it, you are Vice President of the Greyhound -- Vice President of Traffic for Greyhound Lines East and also Atlantic Greyhound Lines of

Virginia, Inc? A. Yes, sir.

Q. And it is Atlantic Greyhound LInes of Virginia, Inc, that is directly concerned in this proceeding, correct?

A. Yes, sir. Particularly in the Interstate phase of it.

Q. That is right. Now, you have been with Greyhound about 43 years, and maintain your headquarters in Cleveland?

A. That is correct.

Tr. Vol. II, p.186 (L,12-19)

Q. I am sure you didn't mean to misrepresent - you certainly wouldn't knowingly present to this Commission a document you either knew or should have known was no longer in effect, is that right? You wouldn't deliberately just present -- I wouldn't say a false document -- but it would be a document that was not in effect.

A. At the time that I repsented this it was in effect.

Tr. Vol.II, p.187 (L.15-23)

Q. And your testimony was on January 24th before this Commission?

A. That is right.

Q. And this schedule became effective two days beforehand, January 22nd.

A. That is correct.

Q. This has been distributed of course long before

January 22nd to your Greyhound stations, hadn't it?

A. I don't believe it was too long. Maybe four or five days.

Tr. Vol.II, p.190 (L.5-19)

Q. *** Isn't it a fact that when this case was heard on the 24th, you had already made numerous reductions in service along the route we are talking about, and I am talking about 64 and 168, Norfolk and Richmond, Richmond, Norfolk, Portsmouth, to these intermediate points, like Williamsburg, Fort Eustis, Newport News, Crittenton, Hampton and so forth. Isn't that a fact?

A. I will agree with that except that where you characterize them as 'numerous.' We made some changes that were -- ***

A. -- *** some schedules that we made stops ***

Q. But you reduced the service to all these little neighborhood points that you were so concerned about in your testimony, isn't that right?

A. There were some reductions.

Tr. Vol.II, p.192 (L.9-25); p.193 (L.1-10)

Q. On the 24th of January, there were nine trips shown on the exhibit you filed, Richmond-Providence Forge. As a matter of fact, on that day, beginning with two days before there were only seven, isn't that right? Take a look. A. I won't argue with you.

Q. You wouldn't argue then -- take a look at it -- you wouldn't argue then Richmond to Williamsburg, there was a reduction of one trip. Richmond to Fort Eustis, a reduction of one trip. Richmond to Newport News, a reduction of one trip.

COMMISSIONER SHANNON: One schedule is what you mean.

SENATOR WICKER: Yes, one schedule.

SENATOR WICKER

Q. In other words, from Richmond to Newport News --

COMMISSIONER SHANNON: You took off a bus.

SENATOR WICKER: Yes, that is right. And from Richmont to Critenton a reduction of two.

A. This thing is a gross exaggeration of what we did. It would indicate that we took off sixty-nine schedules.

COMMISSIONER SHANNON: No, no. We understand what he is saying here. He has added up the number of communities affected, I think.

SENATOR WICKER: Exactly so.

Tr. Vol.II, p.194 (L.23-25); p.195 (L.1-25); p.1-15)

Q. It is a fact, isn't it -- I think that is a *** This is a fact, that referring to your own printed schedule that you have in front of you, the one that you filed January 24th and the one I just handed you, which was in effect January 24th, that before the new schedule, there

were nine trips a day going from Richmond to Providence Forge. Now, just take that along. Just take that one point. That is right at the top.

A. Right.

Q. And on January -- beginning January 22nd, there were only seven, as shown on your new schedule.

A. That is correct.

Q. That is a reduction of two. In other words, there are two less trips that the public could take from Richmont to Providence Forge?

A. There were two less schedules available.

Q. Well, trips, trips. If I wanted to go to Providence Forge -- put it this way, this is as plain as I can put it. If I wanted to go to Providence Forge up to two days before you testified, I could go on nine -- leave Richmond at nine differenct times and get off at Providence Forge, right? Every day. A. Yes.

Q. Right. And beginning on the 22nd, I, the same person, wanted to go to Providence Forge from Richmond, could only go on seven different times. Isn't that right?

A. That is correct.

Q. Well, that is a reduction in two out of nine isn't it?

A. Yes, sir.

Q. Without going through it all, the same thing runs

true right through here all the way through, and if you add it up, you find that the reductions from place to place, if a man wanted to go from Richmond to Williamsburg, a lot of people go from Richmond to Williamsburg, he could have had thirteen trips, but you reduced them to twelve. That is right, isn't it?

A. Thirteen trips on the October 29th schedule from Richmond to Williamsburg. We reduced one schedule. We eliminated the stops at Providence Forge, Williamsburg, Fort Eustis, Newport News.

Q. And you eliminated two from Richmond to Crittendon, didn't you? A. That's right.

COMMISSIONER CHANNON

Tr. Vol.II, p.198 (L.14-25); p.199 (L.1-3)

*** Let me ask you a question, Mr. O'Rouke, If you compare Exhibit No. 19, with Exhibit No. 31, how many schedules have you eliminated in your Exhibit No. 31 taht are shown on Exhibit no. 19?

A. Actually, Mr. Commissioner, we did not eliminate any schedules. What we did was eliminate some of the stops at the intermediate points on the existing schedule.

COMMISSIONER SHANNON: But as far as the public is concerned, that is the same as eliminating a trip.

A. I udnerstand that, and I --

COMMISSIONER SHANNON: We have been very concerned

about this in the past, because any time somebody down in Providence Forge or anywhere else, they are the public that we have to protect.

Tr. Vol.II, p.200 (L.20-25); p.201 (L.1-12)

MR. O'ROURKE:

A. I have been in commerce proceedings where I had to introduce my schedules and exhibits at the time the Application was filed, not what I was running the date of the hearing. Generally, the evidence is taken on the basis -- if you filed your Application and what was I doing as of that date.

COMMISSIONER SHANNON: Yes, Mr. O'Rourke, but don't you think that when there is a change in circumstances and a change in service that you have a responsibility to tell this Commission the circumstances have changed, and that the same schedules is not being operated?

A. Yes, I do. I was of opinion that our Transportation Department hasd filed the notice of this change with the Commission. I am almost sure they make that a regular practice. I am at a complete loss as to why they didn't do it at this time, and particularly under the present circumstnaces.

MR. MAJOR - RE-DIRECT EXAMINATION OF MICHAEL J. O'ROURKE

Tr. Vol.II, p.203 (L.1-17)

Q. Mr. O'Rouke, directing your attention to the

supporting document which is behind me in the carboard box, a rather voluminous type envelope in there, are these the records that are necessary to underline and support the exhibits that you prepared?

A. Yes, they are.

Q. And were they based upon the time schedule that were then in effect betwee October 29th and January 21st 1973? A. That is correct.

Q. And are you able to make up these type of exhibits and time schedules in one or two days?

A. Absolutely not.

Q. And did you, many weeks before that hearing, forward to me the time schedules between October 29th -- on October 29th, January 21st schedules?

A. This is correct.

Tr. Vol.II, p.204 (L.4-9)

COMMISSIONER SHANNON: How far in advance do you start working on a revision of time schedules. Mr. O'Rouke? It takes some months to get these together.

A. It varies. Where we have a general schedule change in which we will be having for the Spring, they have most of their plans formulated.

SENATOR WICKER - RE-CROSS EXAMINATION OF MICHAEL J. O'ROUKE

Tr. Vol. II, p. 206 (L.7-25); p.207 (L.1-4)

Q. ** when did you first know that these changes

that would reduce service to a lot of these intermediate points, reduced schedules, when did you first know that that was in comtemplation?

A. Well, unfortunately, Mr. Wicker, I had been busy on another very improtant commerce case. I sat with my assistant and planned what I wanted to do, and I had been tied up for two weeks most of the time out of the office, and I wan't aware of our Transportation Department going ahead and making these changes until I actually came into the office on the Monday before I came here of the hearing, and I -- we had already finished our exhibits, and we had passed them around to our counsel. And that was my first knowledge that they had gone ahead.

Q. So your first knowledge, you actually learned that these changes had been made, passed on to your counsel, two days before you testified here on the twenty-fourth?

A. Yes, sir. Yes, sir.

Q. But you didn't take the Commission into your confidence and tell them, "A couple of days ago gentlemen, I learned."

A. Well, I certainly wasn't trying to hide anything.

Tr. Vol.II, p.207 (L.18-25)

Q. All right. Number 20. When you presented those schedules in your testimony on the 24th, you made no mention of the fact that this schedule is not up to date.

There have been changes made that became effective a couple of days ago.

A. No, I did not --

Q. You didn't make any mention of that. That is all I have to ask you, sir.

MR. MAJOR - DIRECT EXAMINATION OF WILLIAM E. CHADWELL

Tr. Vol.II, p.211 (L.11-25); p.212 (L.1-13)

Q. Do you suggest or make any recommendations to the home office or Cleveland as to adjustments in schedules?

A. Yes, sir. We recommend based on travel time and waht the schedules are hauling from intermediate points. Sometimes it is thirty minutes or an hour, or even a complete shift from morning to evening will increase the travel patter.

Q. The changes that have been brought out as far as Exhibit No. 32 having been made, did you notify Cleveland of these suggested changes?

A. No, sir. Cleveland is -- Mr. Zelreck, we met on the night of December 21 to discuss possible changes based on thepossible granting of our temporary authority over 64.

Q. Had you at that time applied for a temporary authority over I 64?

A. Yes, sir. We had received letters from your o office saying the Application had been made.

Q. And was the schedules that were ultimately made

came as a result of the fact that you were going to obtain temporary authority over 64?

A. Yes, sir. In order to use the road applied for.

Q. That segment between Bottoms Bridge and Anderson's Corner?

A. Yes, sir.

Tr. Vol.II, p.212 (L.22-25); p.213 (L.1-18)

Q. What changes were made in that Exhibit No. 32 as far as service to points -- Providence Forge and Williamsburg under the first item that they have a total of seven. What does that really mean as far as trips are concerned?

A. Well, it means that the one trip that would have been going and coming through Providence Forge has been rerouted to operate over Interstate 64, and I am not positive of the times, but I think it was 8:45 out of Richmond a.m., that would have operated that away and I think we changed it to 9:00 a.m., making Hmapton and Norfolk.

Q. As I understand it, you are operating the same shceudle, but you may not be stopping at say Providence Forge? A. Yes, sir.

Q. Is the bus that makes the run showing on Exhibit No. 32, for th first four or five points, is that all on the same run?

A. They would all be on basically two or three

schedules. One schedule not making all of these points is what is really amounts to.

Tr. Vol. II, p.213 (L.22-25); p.214 (L.1-3)

MR. RIGSBY: Sir, if I may interrupt, in trying to find the current schedule, we found the time schedules that is in effect which does not cover the January 22 timetable. However, Mr. Nunnally had additional time to find a supplement that does reflect the changes and which was submitted to our office on January 11.

Tr. Vol.II, p.214 (L.14-23)

MR. RIGSBY: And attached to the supplement is an affadavit To Whom It May Conern, and this is dated January 11th -- January 10th. This is to certify that notices were sent on January 10, 1973, to all affected agencies and stations in the State of Virginia on the lines of Atlantic Greyhound Lines Virginia, Inc., to notify the public that on Monday, January 22, 1973, certain revisions and adjustments will be made on our schedule.

COMMISSIONER SHANNON: So they did comply.

MR. MAJOR

Tr. Vol.II, p.216 (L.3-10)

Q. Mr. Chadwell, when did you receive the so-called time table dated January 22? When did you actually receive it?

A. It actually arrived to us four days late. I don't

know when it was shpped, but I do know that we had to memograph the public notices in a hurry that we had to put up, which was a proof-type page. A page like this. This is what we had to use until we got it.

SENATOR WICKER - DIRECT EXAMINATION OF AARON CRUISE

Tr. Vol.II, p.219 (L.6-11)

Q. With regard to these reductions in Greyhound's service, is there anything that Trailways has done as far as you know that brought about these reducations in Greyhound service that Exhibit No. 32 shows?

A. No, sir, I don't know of anything that we have done.

Tr. Vol.II, p.219 (L.23-25); p.220 (L.1-3)

A. ** if we would go back to the 1963, no significant portion of I-64 was open, we find that Greyhound operated their fast service between Richmond and Norfolk over the 460 highway, and they operated some six round trips a day over that route.

Tr. Vol.II, p.220 (L.7-25); p.221 (L.1-25)

A. *** We were, time wise, none-to-nose between Richmond and Norfolk at that time.

Thas has been changed today, by Greyhound being able to use 64. They have been able to reduce their time. I notice their advertisement in Exhibit No. 29, June 12, 1972, they were advertising one hour and fifty-five

minutes between Richmond and Norfolk, and that today is an hour and forty minutes. That time advantage has come about gradually.

Q. Since they have been able to use Interstate 64?

A. Yes, sir. Portions of it.***

Q. Your application applies for this certificate serving no intermediate points from Richmond over Interstate Highway 64 to Norfolk, including a connecting segment of Virginia Highway 168 in the vicinity of Anderson's Corner, as a temporary intervening substitute for an uncompleted segment of Interstate 64***

Q. ***and when 64 is completed, will Carolina Coach Company relinquish whatever traffic it had, any rights on 168?

A. Yes. It would be our intention to request authority to transfer from the present highway to 64.

Q. I just want to make this clear. ***are you willing to go on record that your Company will be bound not to continue operations on any part of that segment that isn't Interstate 64?

A. Yes, sir.

Q. ***Where do you expect to get your passengers if this Application is granted?

A. Well, primarily they will be the passengers we are carrying today between Richmond and Norfolk. A great majority of those passengers that we carry between Richmond and Norfolk are passengers that come from or are going to, or both, points beyond Richmond and Norfolk, as shown in our Exhibit No. 3.

Tr. Vol. II, p. 222 (L. 23-25); p. 223 (L.1-6)

Q. ***will you please point out there the significance of this schedule (Exhibit No. 33). In other words, this is what the situation would be if the Commission grants it? These would be the so-called competing trips, supplementing trips of Trailways and Greyhound, right?

A. That is correct, based on Greyhounds Time schedule of January 22, and based on our proposed service. Here again, this illustrates that we don't set our fast schedules necessarily on top of each other.***

Tr. Vol. II, p. 223 (L.14-25); p. 224 (L.1-25); p. 225 (L.1-21)

A. *** This schedule shows that to the general public there would be a considerable improvement of the good service over I-64 between Richmond and Norfolk.

Q. In what way would it be an improvement, starting--never mind that 2:00 a.m. trip. Starting in the morning, let's take a typical day. What is the first time anyone going from Richmond to Norfolk could go and by

what line?

A. After daylight, on a fast schedule to Norfolk by I-64 would be Greyhound at 9:00.

Q. Nine o'clock?

A. At nine o'clock.

Q. When would be the next time they could go by Greyhound?

A. At 2:45 in the afternoon.

Q. Now, in between there, what Trailway's trip is it?

A. In between there we would run our 1:00 over I-64.

Q. After the 2:45 Greyhound trip, the next one is what?

A. At 5:25.

Q. Greyhound?

A. Greyhound.

Q. And then Trailways has another trip?

A. Trailways has another trip at 7:55 p.m.

Q. And just at a glance here, is there any trips that you have--that you would have if this Application is granted, in which Trailways would leave Richmond within an hour and a half of the time of the Greyhound trip?

A. The closest one is an hour and forty-five minutes.

Q. That is the one between the Trailways at 1:00 in the afternoon and Greyhound at 2:45.

A. --at 2:45, yes, sir.

Q. That is the closest one?

A. Yes, sir.

Q. Now, coming back, can you comment on the situation there. What is the difference in time? Is there any duplication or over-lapping. That is what I am trying to get at, that this exhibit shows?

A. No, there is not, and the closest schedule coming back from Norfolk are 8:00 a.m., and at 10:15 a.m.

Q. Now wait a minute. Identify them. 8:00 a.m.

A. That is Greyhound.

Q. Leaving Norfolk by Greyhound?

A. Yes, sir.

Q. And the next schedule is 10:15 a.m.

A. Leaving Norfolk by Trailways.

Q. All right. Next.

A. The next is Greyhound at 3:30 p.m.

Q. And next?

A. Then Trailways at 6:15 p.m.

Q. And then?

A. And then Greyhound at 9:30 p.m.

Q. So that there is no overlapping anywhere, right?

A. That is right.

Tr. Vol. II, p. 226 (L.1-15)

Q. Mr. Cruise, I am sure you are familiar with time schedules?

A. Yes, I am familiar with them.

Q. You are familiar with the time schedule of January 22, 1973 of Greyhound. I am going to ask you to look at the time schedule at the 10:15 trip, and ask you on your Exhibit No. 33 if you did not fail to list that trip, shown in the time schedule?

A. That time schedule makes two stops between Norfolk and Richmond. I did not list it. I listed what I call the hot shot service between Norfolk and Richmond, non-stop, or a minimum of one stop.

Q. So that schedule is within fifteen minutes of your schedule, is it not?

A. Yes, it is.

Tr. Vol. II, p. 227 (L.21-24)

A. We are asking to begin operation at as early a date as we can. And then at such time as I-64 is complete, that ten or eleven mile section, we will transfer.

Tr. Vol. II, p. 228 (L.1-25); p. 229 (L.1-6)

Q. You know that the segment of I-64 that we have been talking about here for two days, between Camp Perry and Anderson's Corner has not been identified as I-64, and has not received any sort of a temporary type designation. Now, isn't that true?

A. It is true that it's identified as State 168.

Q. Did you right (sic) this letter on October 26 to your counsel which is on file with the Commission in their file?

It is a copy of your original letter.

A. Yes, sir.

Q. Didn't you in that letter, in the last paragraph, on the first page take the position that if this segment of some ten miles was designated as a temporary interstate highway, that you can then move forward with your Application?

A. That is what I say in there.

Q. You have changed your mind, haven't you?

A. Our counsel has researched this matter and decided that it was not necessary that that have temporary identification, that it is adequate as it is.

Q. And that's why you now ask to have this authority even though I-64 has not been fully completed.

A. That's right.

MR. MAJOR: Even though it is part of the Commission's file, I would like it marked as an exhibit.

COMMISSIONER SHANNON: That will be Exhibit No. 34.

Tr. Vol. II, p. 229 (L.10-17)

Q. Mr. Cruise, on the Exhibit No. 33, it sets forth the intended schedule, you are not telling the Commission that you cannot change those schedules at a later date. You can add schedules to that any time you want to with proper notice, can't you, once you obtain the authority? This is your intended actions only at the moment?

A. That is correct.

Tr. Vol. II, p. 231 (L.1-6)

COMMISSIONER SHANNON: Let me ask you this question, Mr. Cruise. If the Commission, and this is hypothetical, if the Commission should decide to grant this thing and restrict it to not more than two trips each way a day over 64, would you still be interested?

A. Oh, yes.