

ORIGINAL

Decision No. 21818

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of BURT W. SMITH, dba ALMADEN STAGES, to abandon automobile stage service as a common carrier of passengers, baggage and express, between 25 So. Market Street, San Jose, California and the town of New Almaden, California, all within the County of Santa Clara, State of California.

Application No. 21818

BURT W. SMITH, in propria persona.

I. L. BILLINGSLEY, for San Jose Railroads, Interested Party.

BY THE COMMISSION:

O P I N I O N

By this application Burt W. Smith, operating under the fictitious name and style of Almaden Stages, seeks authority to abandon all his automotive service as a common carrier of passengers, baggage and express between San Jose and New Almaden as heretofore authorized by Decision No. 27250, dated August 6, 1934, as amended by Decision No. 28172, dated August 12, 1935, on Application No. 19454.

A public hearing in this matter was conducted by Examiner McGettigan on March 21, 1938, at San Jose, at which time the matter was submitted, and it is now ready for decision.

In support of the authority herein sought to abandon service, applicant testified that for some time past his revenues had been constantly decreasing; that during the years 1935, 1936 and 1937 revenue derived from transportation has been insufficient to pay operating costs; that the outlook for 1938 indicated a

greater loss than heretofore experienced; and that he had reached the limit of his financial resources and would be unable, after March 31, 1938, to pay his operating expenses or to maintain insurance.

Applicant's Exhibit No. 3, attached to the application and containing a statement of operating revenues, costs and number of passengers carried shows that during 1937 a total of 13,572 revenue passengers were carried a distance of 39,000 miles from which a revenue of \$1,806 was derived. During this period motor coach operating expenses amounted to \$3,962, resulting in a loss of \$2,156. These figures are clearly indicative of a non-compensatory operation, and it is apparent that applicant as he alleges can no longer afford to maintain this service.

No one appeared at the hearing in protest to the granting of this application. Mr. I. L. Billingsley, General Superintendent of the San Jose Railroads, testified that his company had filed an application with the City Council of San Jose for permission to extend its Delmas Avenue line to the City Limits of San Jose in Willow Glen. He further testified that his company had been assured by the City Council of its approval for such extension, and that although the route proposed was not identical with that of applicant Smith, he was of the opinion that the new extension would adequately serve the territory now being served by Almaden Stages.

It would appear that San Jose Railroads will be better able to make a financial success of the operation which it proposes in view of the fact that it will be afforded an opportunity to render through service to down-town San Jose from all points

in the Almaden district.

Based on the record therefor, we believe that the circumstances warrant the issuance of an order to abandon the service described and a further order of revocation of the certificate of public convenience and necessity heretofore issued to Burt W. Smith.

O R D E R

IT IS HEREBY ORDERED that Burt W. Smith, operating under the fictitious name and style of Almaden Stages, be and he is hereby authorized to discontinue and abandon all his service as a common carrier of passengers, baggage and express between San Jose and New Almaden as heretofore authorized by Decision No. 27250, dated August 6, 1934, as amended by Decision No. 28172, dated August 12, 1935, on Application No. 19454, and all tariffs and time schedules therefor be and they hereby are cancelled

IT IS HEREBY FURTHER ORDERED that Decisions Nos. 27250 and 28172 be and the same hereby are revoked and annulled.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 28th day of March, 1938

Walter H. Hays
Leon Okheld
Francis P. Hever
Walter H. Hays
Walter H. Hays
Commissioners