

Decision No. 30770

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of Application of SAN JOSE
RAILROADS for authority to change the
routing of and extend certain motor coach
lines in the City of San Jose

Application No. 21840

BY THE COMMISSION:

O R D E R

In this application authority is sought to make certain changes in applicant's Delmas Avenue Bus Line and its Willow Glen Bus Line. In the case of the Delmas Avenue operation, authority is sought to extend the present terminus from Delmas Avenue and Willow to Malone Road and Lincoln Avenue, a distance of about one and one-half miles; also eliminate the loop operation at the present southerly terminus of this line. In the case of the Willow Glen Line authority is sought to rearrange the loop of the southerly terminus of this line from Hill Avenue to Washington Avenue.

The Commission by its Order in Decision 30722, dated March 28, 1938, in Application 21818, granted Bert W. Smith (Almaden Stages) authority to discontinue its operation between San Jose and New Almaden. With the discontinuance of this operation there will be a portion of San Jose without transportation, unless applicant in this proceeding is authorized to extend its Delmas Avenue line as proposed herein.

Attached to the application is a copy of Resolution No. 6087 adopted by the City Council of San Jose, March 21, 1938, expressing its approval of the changes and extension proposed herein.

It appears that this is not a matter in which public hearing is necessary, and the application should be granted.

San Jose Railroads is hereby placed upon notice that "operative rights" do not constitute a class of property which

should be capitalized or used as an element of value in determining reasonable rates. Aside from their purely permissive aspect, they extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be changed or destroyed at any time by the state, which is not, in any respect, limited to the number of rights which may be given.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation by San Jose Railroads, a corporation, of an automotive passenger stage service for the transportation of passengers along the following described routes:

(a) That the loop now constituting the termination of the existing Delmas Avenue motor coach line at Delmas Avenue and Willow Street be eliminated, and in lieu thereof the Delmas Avenue bus line be extended along Willow Street, from Delmas Avenue to Curtiss Avenue; thence along Curtiss Avenue to Nevada Avenue; thence along Nevada Avenue to Hill Avenue; thence along Hill Avenue to Willow Glen Way; thence along Willow Glen Way to Lincoln Avenue and thence along Lincoln Avenue to the southerly City Limits of San Jose at Malone Road.

(b) That the existing loop constituting the southerly terminus of the existing Willow Glen motor coach route be eliminated, and in lieu thereof the Willow Glen motor coach route terminate at a loop formed by Lincoln Avenue, Willow Glen Way, Washington Avenue and Minnesota Avenue.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity therefor be, and the same is, hereby granted to San Jose Railroads subject to the following conditions:

1. Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed fifteen (15) days from the date hereof.
2. Applicant shall commence the service herein authorized within a period of not to exceed thirty (30) days from the effective date hereof, and shall file in triplicate and concurrently make effective on not less than one days' notice to the Commission and the public a tariff or tariffs constructed in accordance with the requirements of the Commission's General Orders.

3. Applicant shall file, in duplicate, and make effective within a period of not to exceed thirty (30) days after the effective date of this order, on not less than one days' notice to the Commission and the public, time schedules covering the service herein authorized in a form satisfactory to the Commission.

4. The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Commission to such discontinuance, sale, lease, transfer or assignment has first been obtained.

5. No vehicle may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by applicant under a contract or agreement on a basis satisfactory to the Commission.

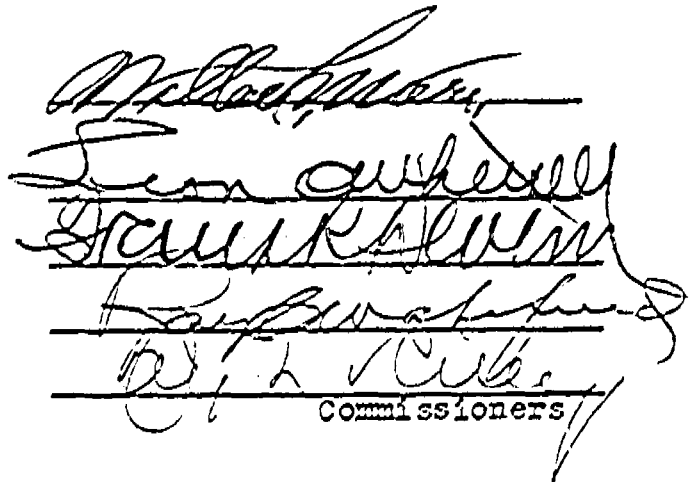
IT IS HEREBY FURTHER ORDERED, that San Jose Railroads is authorized to discontinue operation of:

1. Loop service at the southerly terminus of the Delmas Avenue Bus Line as presently operated along Willow, Spencer and Atlantic Avenue.

2. Loop service at the southerly terminus of the Willow Glen Bus Line along Willow Glen Way, Hill Avenue and Minnesota Avenue, all in the City of San Jose.

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

Dated at San Francisco, California, this 11th day of April, 1938.


Commissioners