

Decision No. 27719

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of Application of San Jose City Lines, Inc., successor to San Jose Railroads, for a certificate of public convenience and necessity to operate regular and occasional motor coach service for the transportation of passengers in the cities of San Jose and Santa Clara and vicinity thereof, over certain routes described in exhibits attached hereto and for authority to discontinue service on Rosa Street between First and Second Streets, San Jose.

Application  
No. 23113

ORIGINAL

BY THE COMMISSION:

OPINION AND ORDER

San Jose City Lines, Inc., has made application for an in lieu certificate of public convenience and necessity covering all its motor coach operations in the Cities of San Jose and Santa Clara and vicinity, and including therein authority for an extension of one of its lines.

Certificates for the present operation have in the past been issued by the Commission in various proceedings to either the present applicant or its predecessor, San Jose Railroads, and it is now desired as a convenience to all interested parties to have all of applicant's certified operations set forth in a single order.

Applicant now provides regular service over twelve routes as described in the application and in addition operates occasional service over a number of routes, this latter service being required chiefly in connection with athletic and sports events at locations not regularly served, and to provide school tripper service.

Certificates for applicant's present operations were granted in the following proceedings:

Application No. 19737	-	Decision No. 27719
" 20010	-	" 28085
" 20150	-	" 28270
" 20161	-	" 28452
" 20415	-	" 28674
" 21840	-	" 30770
" 21757	-	" 30675

No change in schedules, rates, or restrictions is proposed and the only change in routes of applicant's regular service is an extension of applicant's North First Street line (No. 3 in Exhibit "A" attached hereto) for a distance of two blocks northerly from Rosa Street to Burton Avenue. This change necessitates abandonment of one block of the present terminal loop on Rosa Street between First and Second Streets.

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

San Jose City Lines, Inc., 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 City Lines, Inc., of an automotive passenger service for the transportation of passengers in the Cities of San Jose and Santa Clara, Santa Clara County, and unincorporated territory in the vicinity of said cities, and between termini and intermediate points, as shown by Appendix "A" attached hereto and made a part hereof.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity for such a service be and it is hereby granted to San Jose City Lines, Inc., and said applicant is hereby authorized to operate said service as a merged, unified and consolidated system, the rights and certificates herein granted to be in lieu of operating rights and certificates heretofore acquired and shown hereinabove

and covering operation through the same general territory by applicant, which existing rights and certificates are hereby revoked and annulled, subject, however, to the following conditions and not otherwise:

- (1) Applicant shall file its written acceptance of the certificate herein granted within a period of not to exceed fifteen (15) days from the date hereof.
- (2) Applicant shall amend its rate tariffs, rules and time schedules in conformity with the General Orders and rules of this Commission to cover operations not heretofore authorized.
- (3) Applicant is authorized to turn its motor coaches around at the termini of any or all of the routes herein described, or at points where schedules may terminate along said routes, by operating such motor coaches in either direction around the block at the termini of said routes, or at points where schedules may be so terminated along said routes, as traffic regulations of the municipality may require, and to carry passengers thereon and thereover, provided, however, that such turn-around route shall not encompass more than one square city block or the equivalent of one square city block.
- (4) Authority is hereby granted applicant to divert from its regular reestablished routes, either on its regular schedules or on special schedules, for the purpose of transporting bona fide pupils attending an institution of learning between their homes and such institution of learning, provided that such divergence and the schedules therefor shall be filed as are other time schedules and whenever special rates are provided the schedule therefor shall also be filed.
- (5) The rights and privileges herein authorized may not be discontinued, sold, leased, transferred or assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.
- (6) No vehicle may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by it under a contract or agreement on a basis satisfactory to the Railroad Commission.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 21<sup>st</sup> day of  
November, 1939.

Robert A. ...  
David R. ...  
Ray L. Riley

Justus P. ...  
(COMMISSIONERS)

*CORRECTION*

# CORRECTION

THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY

Dated at San Francisco, California, this 21<sup>st</sup> day of  
November, 1939.

Robert W. Brown  
Frank R. Miller  
Ray L. Riley

Justus F. Casner  
(COMMISSIONERS)

EXHIBIT "A"

San Jose City Lines, Inc.

Section 1 - Routes over which regular motor coach service is to be performed:

1. SANTA CLARA LINE: Commencing by a loop in the city of Santa Clara, around the block bounded by Jefferson, Liberty, Lincoln and Franklin Streets; thence on Franklin Street to Grant Street; thence on Grant Street to Bellomy Street; thence on The Alameda to city limits of San Jose; thence continuing on The Alameda and Santa Clara Street to First Street.
2. KING ROAD LINE: Commencing by a loop around the block bounded by S. 34th Street, Shortridge Avenue, King Road and E. Santa Clara Street in the city of San Jose; thence on E. Santa Clara Street to First Street.
- 2A. ALUM ROCK LINE: Commencing at the intersection of King Road and Alum Rock Avenue; thence on Alum Rock Avenue to Miguelito Avenue in the county of Santa Clara.
3. N. FIRST STREET LINE: Commencing by a loop around the block bounded by Mission, Second, Burton Avenue and First Street in the city of San Jose; thence south on First Street to Santa Clara Street.
4. SOUTH FIRST STREET LINE: Commencing at S. First and Willow Streets in the city of San Jose; thence southerly on First Street to Alma Street; thence on Alma Street to Almaden Avenue; thence on Almaden Avenue to Humboldt Street; thence on Humboldt Street to Palm Street; thence on Palm Street to Willow Street; thence on Willow Street to S. First Street; thence northerly on S. First Street to Santa Clara Street.
5. WILLOW GLEN LINE: Commencing by a loop in the city of San Jose around the blocks bounded by West Willow Glen Way, Washington Avenue, Minnesota Avenue, and Lincoln Avenue; thence northerly on Lincoln Avenue to Coe Avenue; thence on Coe Avenue to Bird Avenue; thence on Bird Avenue to W. San Carlos Street; thence on W. San Carlos Street to S. First Street; thence on S. First Street to Santa Clara Street; thence on Market Street to W. San Carlos Street.
6. NAGLEE LINE: Commencing by a loop in the city of San Jose, around the blocks bounded by San Antonio, Fifteenth, William and S. Tenth Streets; thence on S. Tenth Street to E. Santa Clara Street; thence on E. Santa Clara Street to Second Street; thence on S. Second Street to San Carlos Street; thence on San Carlos Street to S. First Street.
7. DELMAS AVENUE LINE: Commencing by a loop in the county of Santa Clara around the blocks bounded by Malone Road, Radio Avenue, Lincoln Court, and Lincoln Avenue, thence northerly on Lincoln Avenue to Willow Glen Way; thence on Willow Glen Way to Hill Avenue; thence on Hill Avenue to Nevada Avenue; thence on Nevada Avenue to Curtis Avenue; thence on Curtis Avenue to Willow Street; thence on Willow Street, to Delmas Avenue; thence on Delmas Avenue to San Carlos Street; thence on San Carlos Street to S. First Street.

EXHIBIT "A" (Cont'd)

8. BASCOM AVENUE LINE: Commencing by a loop in the county of Santa Clara, around the block bounded by Topeka, Olive and Bascom Avenues and Stevens Creek Road; thence along Stevens Creek Road and W. San Carlos Street to Delmas Avenue; thence on Delmas Avenue to San Fernando Street; thence on San Fernando Street to S. First Street.
9. NORTH 17th STREET LINE: Commencing by a loop in the city of San Jose around the blocks bounded by Vestal, N. Fifteenth, Rosa and N. Seventeenth Streets; thence southerly on N. Seventeenth Street to E. Julian Street; thence on E. Julian Street to N. Sixth Street; thence on N. Sixth Street to St. John Street; thence on St. John Street to Second Street; thence on Second Street to San Fernando Street; thence on San Fernando Street to S. First Street.
10. KEYES STREET LINE: Commencing by a loop in the city of San Jose, around the blocks bounded by S. Seventh, Keyes, S. Tenth and Reed Streets; thence on Reed Street to S. First Street; thence on S. First Street to Santa Clara Street.
11. S. P. DEPOT LINE: Commencing in the city of San Jose at the Southern Pacific Passenger depot on Cahill Street; thence northerly on Cahill Street to Crandall Street; thence on Crandall Street to Montgomery Street; thence on Montgomery Street to W. Santa Clara Street; thence on W. Santa Clara Street to First Street.
12. PARK AVENUE LINE: Commencing by a loop in the city of San Jose, around the block bounded by Davis, Greenwood and Newhall Streets, and Park Avenue; thence on Park Avenue to a loop around the city hall in San Jose at Market Street and Park Avenue.

Section 2 - Routes over which occasional motor coach service is to be performed; Following routes are within the city limits of San Jose:

1. On S. Ninth Street between Keyes Street and southerly city limits of San Jose.
2. On S. Seventh Street between Keyes Street and southerly city limits of San Jose.
3. On Humboldt Street between S. Seventh and S. Ninth Streets.
4. On S. Fourth Street between E. Santa Clara Street and E. San Carlos Street.
5. On S. Third Street between E. Santa Clara Street and E. San Carlos Street.
6. On San Antonio Street, between Market Street and S. Fourth Street.
7. On E. San Fernando Street between Third Street and Fourth Street.



EXHIBIT "A" (Cont'd)

Following routes are partly within the city limits of San Jose and partly in unincorporated territory:

8. On Lincoln Avenue between Coe Avenue and W. San Carlos Street.
9. On Race Street between W. San Carlos Street and The Alameda.

Following route is within the city limits of Santa Clara:

10. On Bellomy Street between Grant Street and Lincoln Street and on Lincoln Street between Bellomy Street and Liberty Street.