

ORIGINAL

Decision No. 35376

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
K. K. ATKINSON for a certificate of)
public convenience and necessity to) Application No. 24863
operate between Martinez and Concord)
in the transportation of passengers,)
baggage and express by passenger stage.)

BY THE COMMISSION:

O P I N I O N

In the above-entitled application K. K. Atkinson requests the Commission to issue to him a certificate of public convenience and necessity authorizing the establishment and operation of a passenger stage service for the transportation of passengers, baggage and shipments of express weighing not to exceed one hundred pounds each on passenger vehicles between Martinez and Concord and intermediate points over two routes, one via Avon and the other via Pacheco and Mountain View, Contra Costa County.

Applicant seeks that authority as an extension and enlargement of his present operative right between Martinez, Benicia, Benicia Arsenal and Benicia Arsenal Barracks. No service is proposed locally between Martinez, on one hand, and the territory between Martinez and the intersection of Arnold Highway and Avon Boulevard and intermediate points, on the other hand, via either Avon or Concord.

Applicant proposes to provide approximately seven round trips daily except Saturdays, Sundays and holidays. The proposed one-way and round-trip fares between Martinez and Concord are 25 cents and 45 cents, respectively. The same fares apply between Martinez and Avon. Fares between the intermediate points proposed

to be served vary from 10 to 20 cents. Applicant also proposes to establish 40- and 50-ride individual commutation fares.

In justification for the authority sought applicant alleges substantially as follows:

There is now no reasonably direct passenger stage service between Martinez and Concord. The routes over which applicant proposes to operate will meet a need for direct and expeditious passenger stage transportation between those cities and to and from intermediate points to Martinez or Concord. The route of Pacific Greyhound Lines between Martinez and Concord is circuitous.

Martinez is the county seat of Contra Costa County. In the transaction of business at that point the service proposed by applicant is required by those who have such business and also by the people who are employed there by the County. Your applicant has received many requests for the establishment of such service. In addition, requests have been received for service by many who are employed at the Shell Refinery at Avon.

The only other carrier serving this general territory is Pacific Greyhound Lines which operates over a route between Martinez and Concord which is not as direct as that proposed by applicant. This carrier has informed the Commission, in writing, that it has no objection to the granting of this application.

The Commission having carefully considered this matter is of the opinion and finds that public convenience and necessity require the establishment and operation of the service proposed by applicant. No public hearing appears to be necessary and the application will be granted.

O R D E R

Based upon the findings set forth in the foregoing opinion:

IT IS ORDERED that a certificate of public convenience and necessity is hereby granted to K. K. Atkinson authorizing the establishment and operation of service as a passenger stage corporation, as defined in section 2-1/4 of the Public Utilities Act, for the transportation of passengers, baggage and shipments of express weighing not to exceed one hundred pounds on passenger vehicles between Martinez and Concord and intermediate points, as an extension and enlargement of the operative right created by Decision No. 34619, dated September 23, 1941, via Avon and Golindo and via Mountain View, Contra Costa County, and Pacheco, subject to the following restriction and condition:

- (1) No passengers, baggage or express shall be transported locally between Martinez, on the one hand, and the territory between Martinez and the intersection of Arnold Highway and Avon Boulevard and intermediate points, on the other hand, either via Avon or via Concord.
- (2) K. K. Atkinson, his successors or assigns, may never claim before this Commission or any court or other public body a value for the authority hereby granted in excess of the actual cost thereof.

IT IS FURTHER ORDERED that, in the operation of the passenger stage service pursuant to the foregoing certificate, the following service regulations shall be observed:

- (1) Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed thirty (30) days from the effective date hereof.
- (2) Applicant shall comply with the rules of the Commission's General Orders No. 79 and No. 80 and Part IV of General Order No. 93-A by filing, in triplicate, and concurrently making effective tariffs and time schedules satisfactory to the Commission within sixty (60) days from the effective date hereof and on not less than five (5) day's notice to the Commission and the public.

- (3) Subject to the authority of this Commission to change or modify them at any time by further order, applicant shall conduct passenger stage service pursuant to the certificate herein granted over and along the following routes:
- (a) Between Martinez and Concord through Mountain View (Contra Costa County) and Pacheco via unnumbered County Highway known as the Martinez-Walnut Creek Highway to the junction of another unnumbered County Highway approximately due west of Concord thence via said County Highway to Concord.
 - (b) Between Martinez and Concord through Avon via State Route No. 106 between Martinez and Avon and thence between Avon and Concord via unnumbered County Highway known as Avon Boulevard.
 - (c) Within the city of Martinez as follows:
 - (i) Via Pacheco Boulevard, Jones Street, Pine Street, and Ward Street.
 - (ii) Via Pacheco Boulevard, Brown Street, Alhambra Street and Ward Street.
 - (d) Applicant shall turn its motor vehicles at termini or intermediate points, either in the intersection of the streets or by operating around a block contiguous to such intersection in either direction and to carry passengers as traffic regulations of the political subdivision may require.

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

Dated at San Francisco, California, this 19th day of
May, 1942.

Justice J. Coe
Ray L. Riley

Richard L. Lusk
COMMISSIONERS