

Decision No. 35428

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
O. L. HARLAN and J. K. CHALLEN for)	
a certificate of public convenience)	
and necessity to operate passenger)	Application No. 24953
service between San Jose-Santa Clara)	
and Permanente.)	

BY THE COMMISSION:

O P I N I O N

In the above entitled application, as amended, O. L. Harlan and J. K. Challen, partners, request the Commission to grant to them a certificate of public convenience and necessity authorizing the establishment and operation of service as a passenger stage corporation for the transportation of passengers between San Jose, Santa Clara, Permanente and intermediate points. They do not propose to transport any passengers except those employed at Permanente by the Permanente Metals Corporation.

San Jose City Lines, Inc., Peerless Stages, Inc., Floyd B. Pearson, doing business as Palo Alto Transit, and Pacific Greyhound Lines have indicated in writing that they will not oppose the granting of the application provided that any authority granted will authorize the transportation of only those passengers whose point of origin or point of destination is Permanente. There are no other certificated passenger carriers operating in the area involved herein.

Applicants propose to operate five daily round-trip

(1)
 schedules as indicated in the margin. For the purpose of establishing fare-breaking points, applicants propose to establish three zones on the route of operation. San Jose and Santa Clara are in Zone No. 1, Cupertino is in Zone No. 2 and Permanente is in Zone No. 3. The fare-breaking point between Zone No. 1 and Zone No. 2 is a point known as Meridian Corners. The fare-breaking point between Zone No. 2 and Zone No. 3 is the intersection of the Sunnyvale-Saratoga Road and the Stevens Creek Road. The one-way fares which will apply between points in those zones and Permanente are for Zone No. 1 thirty cents, for Zone No. 2 twenty-five cents and for Zone No. 3 twenty cents. The round-trip fares applicable are fifty cents, forty cents and thirty cents, respectively.

In order to provide that service, applicants propose to acquire two new 42-adult passenger capacity Gillig Brothers Model 427 passenger stage bodies mounted on 195" International K-5 Model chassis.

As justification for the authority sought applicants allege in substance that a large number of men are now employed at Permanente of which a considerable proportion, according to a recent survey made by them, reside at San Jose, Santa Clara and points and places on or near the proposed route of operations. They state that the only facilities now available for through transportation of these employees between their homes and their

(1) Proposed schedules of operation:

P.M.	P.M.	P.M.	A.M.	A.M.		A.M.	A.M.	PM	P.M.	P.M.		
10:10	3:50	2:10	7:50	6:20	Lv	San Jose	Ar	7:40	9:10	3:40	5:10	11:40
10:50	4:30	2:50	8:30	6:50	Ar	Permanente	Lv	7:10	8:40	3:10	4:40	11:10

(2)
work are their privately owned automobiles and that as a result of the present tire situation and the efforts of the Federal Government to conserve the use of automotive facilities, the granting of the authority as sought will permit those employees to preserve their own equipment. It was also stated that the use of private automobiles has resulted in a congestion in the limited, available parking area at Permanente. The establishment of the proposed service will provide reliable, dependable schedule service which will be helpful to the users thereof in arriving at their employment on time.

After due consideration of applicants' proposal we are of the opinion and so find that there is a public need for the establishment and operation of the proposed service. No public hearing appears to be necessary.

O R D E R

Based upon the conclusions expressed in the foregoing opinion,

IT IS ORDERED that a certificate of public convenience and necessity is hereby granted to O. L. Harlan and J. K. Challen authorizing the establishment and operation of service as a passenger stage corporation, as defined in section 2 $\frac{1}{2}$ of the Public

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- (2) Palo Alto Transit operates a passenger stage service between Palo Alto and San Jose via Los Altos, Monta Vista and Cupertino. A portion of the route used is Stevens Creek Road. Permanente is something over one mile from this road.

Utilities Act, for the transportation of passengers between San Jose, Santa Clara, Meridian, Cupertino, Permanente and intermediate points provided that no passengers shall be transported except those whose point of origin or point of destination is Permanente, subject to the condition that O.L. Harlan and J. K. Challen, their 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 the foregoing certificate shall expire and be of no force or effect if not exercised within ninety (90) days from the effective date hereof, unless extended by further order of the Commission.

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) Applicants 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) Applicants shall comply with the rules of the Commission's General Order No. 79 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 ninety (90) days from the effective date hereof and on not less than five (5) days' 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, applicants shall conduct passenger stage service pursuant to the certificate herein granted over and along the following routes:
 - (a) Beginning at a point on Market Street opposite the City Hall at San Jose; thence via Market Street, San Carlos Street, Stevens Creek Road and Permanente Road to Permanente.

- (b) Beginning at a point in Market Street opposite the City Hall at San Jose; thence via Market Street, Santa Clara Street, The Alameda to Franklin Street in the city of Santa Clara; thence along Franklin Street, Lincoln Street, Market Street, Santa Clara-Saratoga Road to its intersection with Stevens Creek Road.
- (c) Applicants are authorized to turn their motor vehicle at termini, either in the intersection of the street or by operating around blocks contiguous to such intersection in either direction, and to carry passengers as traffic regulations of the municipality may require.

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

Dated at San Francisco, California, this 2nd day of June, 1942.

Justin F. Cooney
Ray A. Rice

Richard S. Baker
COMMISSIONERS