

ORIGINAL

Decision No. 35732

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
EDWARD A. MILLER for a certificate)
of public convenience and necessity)
to operate as a common carrier of)
passengers between Martinez and)
certain sections adjacent thereto)
known as the Alhambra Valley,)
Mountain View, Victory Village, and)
Fairview sections.)

Application No. 25065

HARRY A. ENCELL, for applicant.

K. K. ATKINSON, for Atkinson Transportation Co.,
protestant.

BY THE COMMISSION:

O P I N I O N

An application has been filed by Edward A. Miller for a certificate of public convenience and necessity to operate as a common carrier of passengers between Martinez and certain districts adjacent thereto, known as the Alhambra Valley, Mountain View, Victory Village and Fairview sections.

A public hearing was held before Examiner Gannon in San Francisco on July 23, 1942.

Three of the districts above named, to wit: Alhambra Valley, Mountain View and Victory Village, are outside the city limits and south of the main part of Martinez; the fourth, Fairview, lies wholly within the city limits and east of Martinez.

As justification for the granting of the certificate, applicant alleges that these communities have recently sprung up and are devoted to the construction of housing facilities for

employees of certain industries, notably oil companies, arsenals and other defense projects. With the gradual extension of residence tracts, there has been a demand for transportation facilities between the industrial plants and the homes of the workers. A government loan has been made for the construction of one hundred homes in the area known as Victory Village. No provision has so far been made for the transportation of employees to and from their places of employment and the number of workers is constantly increasing.

Applicant testified that he would establish a ten cent fare each way between Martinez and the three districts hereinabove referred to and that he was the owner of a Reo 21-passenger bus and a fleet of school buses, which he proposed to use as required during the peak hours.

Time schedules have been worked out to coordinate with the convenience and necessities of employees and the public. Applicant presently operates the Avon-Martinez Stage Line under authorization from the Commission. He called several witnesses, among them executives of the various oil companies, whose testimony was that the service was urgently needed, especially for large numbers of workers in the several defense plants. Forty residents of the Alhambra Valley signed petitions setting forth that the war emergency and the rubber shortage have interfered seriously with the use of their private automobiles in service between the Alhambra Valley and Martinez. The Martinez Chamber of Commerce, Martinez City Council and Mountain View Improvement Association urge the granting of the application.

The application was protested by K. K. Atkinson who holds a certificate from the Commission authorizing passenger

stage service between Martinez and Concord and intermediate points. ⁽¹⁾ Atkinson had theretofore acquired through purchase from Pacific Greyhound Lines, Inc. an operative right between Martinez and Benicia and intermediate points, and at the same time, as an extension and enlargement of such right, a certificate to operate between Benicia and Benicia Arsenal and Benicia Barracks. ⁽²⁾

In the operation between Martinez and Concord, Atkinson was restricted within the city of Martinez to the following routes:

- (1) Via Pacheco Boulevard, Jones Street, Pine Street and Ward Street,
- (2) Via Pacheco Boulevard, Brown Street, Alhambra Street and Ward Street.

He was further restricted against rendering any local service 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 Concord.

Atkinson testified that the only duplication of his right would be on the Martinez-Walnut Creek highway, a distance of about four-tenths of a mile, serving from Santa Fe Avenue to the city limits. This constituted the basis of his protest.

The Commission has given due consideration to this matter and is of the opinion that public convenience and necessity

(1) Decision No. 35376, dated May 19, 1941, on Application No. 24863.

(2) Decision No. 34619, dated September 23, 1941, on Application No. 24447.

require the establishment and operation of the service proposed by applicant. The application will be granted.

O R D E R

Application having been made as above entitled, a public hearing having been had, evidence having been received, the matter having been duly submitted, and the Commission now finding that public convenience and necessity so require,

IT IS ORDERED that a certificate of public convenience and necessity is granted to Edward A. Miller authorizing him to operate as a passenger stage corporation, as defined in section 2 $\frac{1}{2}$ of the Public Utilities Act, for the transportation of passengers between Martinez and Alhambra Valley, Mountain View, Victory Village and Fairview sections as an extension and enlargement of the operative rights created by Decisions Nos. 34619 and 35376, subject to the following condition:

Edward A. Miller, his successors or assigns, may never claim before this Commission, or any court or other public body, a value, for any purpose, for the authority herein granted in excess of the actual cost of securing the certificate.

IT IS FURTHER ORDERED that in the operation of said passenger stage service Edward A. Miller shall comply with and observe the following service regulations:

1. 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. 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 sixty (60) days from the effective date hereof and on not less than five (5) days' notice to the Commission and the public.
3. Conduct said passenger stage service over and along the following routes subject to the authority of the Commission to change or modify them at any time by further order:

ALHAMBRA VALLEY SECTION

Commencing at Main and Ferry Streets, thence along Main Street to Alhambra Avenue; southerly along Alhambra Avenue to "G" Street or the city limits; thence continuing southerly along Alhambra Avenue to "H" Street; thence westerly along "H" Street to State Highway No.108 or Franklin Canyon Road; thence southerly along State Highway No.108 to Arnold Industrial Highway; thence easterly along Arnold Industrial Highway to the junction of said highway with the Lafayette-Oakland County Highway; thence northerly along the Lafayette-Oakland County Highway to the junction of Gilger Avenue and Alhambra Avenue; thence along Alhambra Avenue and Main Streets to the junction of Main and Ferry Streets, the point of commencement;

MOUNTAIN VIEW AND VICTORY VILLAGE SECTIONS

Commencing at Main and Ferry Streets, thence easterly along Main Street to Pine Street; thence southerly along Pine Street to Jones Street; thence to Pacheco Boulevard; thence southeasterly along Pacheco Boulevard to Martinez Avenue; thence southerly along Martinez Avenue to Shell Avenue; thence southwesterly along Shell Avenue to Monterey Avenue; thence southerly along Monterey Avenue to Palm Avenue; thence northerly along Palm Avenue to Sycamore Street; thence easterly along Sycamore Street to Santa Fe Avenue; thence northerly along Santa Fe Avenue to Martinez-Walnut Creek Highway; thence westerly along Martinez-Walnut Creek Highway to Pacheco Boulevard; thence along Pacheco Boulevard to Jones Street and Pine Street to Main and Ferry Streets, the point of commencement;

And as a connecting link between Routes 1 and 2 hereinabove set forth, operating in a southwesterly direction along the extension of Shell Avenue to "D" Street; thence along "D" Street to the intersection of "D" Street and Alhambra Avenue;

FAIRVIEW SECTION

Commencing at Main and Ferry Streets; thence northerly along Ferry Street to Escobar Street; thence out Escobar Street to and along Laguna Street to Raymond Street; thence returning to Main and Ferry Streets over and along the route hereinabove set forth.

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

Dated at San Francisco, California, this 1st day of September, 1942.

Justin F. Casper
H. Baker
Francis R. Havenner

 COMMISSIONERS