

ORIGINAL

Decision No. 35763

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
PEERLESS STAGES, INC., a corporation,)	
for a certificate de novo in lieu of)	
all present operative rights re:)	Application No. 25206
Between Oakland, San Jose and Santa)	
Cruz and between Oakland and Palo)	
Alto, California and intermediate)	
points.)	

BY THE COMMISSION:

O P I N I O N

Peerless Stages, Incorporated is presently engaged in the operation of service as a passenger stage corporation transporting passengers, baggage and shipments of express weighing not in excess of one hundred pounds on its passenger stages in general between Oakland and Santa Cruz and intermediate points, via Hayward, Niles, San Jose, Saratoga and Los Gatos. Palo Alto and points intermediate thereto and Niles are also served on a route diverging from the main lines at Niles and Centerville. Operations are restricted between Oakland and Hayward and intermediate points; between Palo Alto and the U. S. Veterans Hospital nearby and intermediate points; between Saratoga and Los Gatos and intermediate points; between Saratoga and Los Gatos, on the one hand, and Los Gatos and Santa Cruz, on the other hand.

In the above-entitled application, applicant requests the Commission to grant to it a certificate de novo in lieu of the above generally described operative rights authorizing the same service between the same points and subject to the same restrictions now existing in its present operative rights.

The operations presently conducted by applicant are pursuant to numerous decisions creating those rights together with prescriptive operative rights held by its predecessor in interest, Peerless Stage Association. The purpose of this application is a clarification of those rights and a restatement thereof in modern form which will remove uncertainties and ambiguities with respect to the present status of those rights.

As there will be no changes, extensions or enlargements in the operative rights under consideration, there would be no necessity for the filing of new tariff and time schedules which will not be required of applicant.

After due consideration of this matter it is our judgment that the request of applicant is in the public interest and should be granted. The order will so provide. As no changes will be made in applicant's present operative rights no other carrier can be affected and a public hearing is not necessary.

O R D E R

An application having been filed, the Commission being duly informed therein and finding that public convenience and necessity so require:

IT IS ORDERED that a certificate of public convenience and necessity is hereby granted to Peerless Stages, Incorporated, a corporation, authorizing the establishment and operation of service as a passenger stage corporation, as defined in section 24 of the Public Utilities Act, for the transportation of passengers, baggage and shipments of express weighing not in excess of one hundred pounds on passenger vehicles only, as one consolidated and unified operation, between (a) Oakland and Santa Cruz and intermediate points via San Leandro, Hayward, Niles, Mission San Jose,

Centerville, Irvington, Warm Springs, Milpitas, San Jose, Campbell, Saratoga, Los Gatos and Inspiration Point; (b) Niles and Palo Alto and intermediate points via Centerville, Newark and Dumbarton Bridge, subject to the following restrictions:

- (1) No traffic may be transported the origin and destination of which are:
 - (a) Oakland, Hayward and intermediate points;
 - (b) Palo Alto, U. S. Veterans Hospital and intermediate points.

- (2) (a) No traffic may be transported between Los Gatos and Saratoga and intermediate points except school children riding upon school commutation tickets under tariffs lawfully on file with the Railroad Commission;
- (b) No traffic may be transported between Saratoga and points intermediate to Saratoga and Los Gatos, on the one hand, and Los Gatos, Santa Cruz and intermediate points, on the other hand.

IT IS FURTHER ORDERED that the foregoing certificate is granted, not in addition to, but in lieu of and shall supersede any and all passenger stage operative rights heretofore granted to or acquired by applicant Peerless Stages, Incorporated, between those points and said operative rights are hereby revoked and annulled. ⁽¹⁾

(1) Included in those operative rights revoked and annulled are those created or acquired by applicant under authority of the following decisions and decisions or orders supplementary thereto:

<u>Decision No.</u>	<u>Application No.</u>	<u>Decision No.</u>	<u>Application No.</u>
8828	6664	26265	18033
8859	6515	26298	18017
12129	1855(Case)	26645	18413
12674	9210	26800	19208
15517	10580	27352	"
19043	13179	28522	20346
19190	"	29032	18413
21853	15764	29102	"
21897	15787	29227	"
24629	18033	32358	22986
25589	18413	33147	23476
25692	18033		

Peerless Stages, Incorporated, its successors or assigns, shall never claim before this Commission, or any court or other public body, a value, for any purpose, for the authority hereby granted in excess of the actual cost thereof.

IT IS FURTHER ORDERED that, in the operation of 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. Subject to the authority of this Commission to change or modify them at any time by further order, applicant shall conduct said operations over and along the following routes:

Route No. 1 - Between Oakland and San Jose:

- (a) Commencing at the intersection of Castro Street and San Pablo Avenue, in the City of Oakland, thence along San Pablo Avenue, 20th Street, Franklin Street, 14th Street, Fallon Street, 12th Street, First Avenue, East 14th Street, through the City of San Leandro, along Castro Street in the City of Hayward, thence along State Legislative Route #5 (alternate U. S. Highway No. 101) through the towns of Niles and Mission San Jose, along State Highway #21, State Highway #17, through the towns of Warm Springs and Milpitas to the city limits of San Jose, thence along 13th Street, Santa Clara Street and San Pedro Street in the City of San Jose.
- (b) Commencing at the intersection of First Avenue and 12th Street (Oakland), thence along 12th Street and Fruitvale Avenue to its intersection with East 14th Street.
- (c) Commencing at the intersection of Castro Street and Jackson Street (Hayward), thence along Jackson Street and State Highway No. 17 to its intersection with State Route No. 21 (Warm Springs Jct.)
- (d) Between Niles and Centerville along Fremont Avenue.

Route No. 2 - Palo Alto:

Beginning at the intersection of Main Street and Thornton Avenue (Centerville), thence along Thornton Avenue (also known as Legislative Route #107) (Newark), Dumbarton Highway, Willow Road, Middlefield Road, Lytton Street, to Alma Street in the City of Palo Alto.

Route No. 3 - Between San Jose, Los Gatos and Saratoga:

- (a) San Jose - Los Gatos, via San Jose Avenue and Willow Glen: Commencing at San Pedro Street and West Santa Clara Street (U. S. 101) (San Jose), thence along West Santa Clara Street, Market Street, South First Street, Willow Street, Meridian Road, Hamilton Avenue, Central Avenue (Campbell), Campbell Avenue, Union Avenue, San Jose-Los Gatos Road, West Main Street, Santa Cruz Avenue and Nicholson Avenue in Los Gatos.
- (b) San Jose - Los Gatos, via San Jose Avenue and County Hospital: Commencing at San Pedro Street and West Santa Clara Street (U. S. 101) (San Jose), thence along West Santa Clara Street, Race Street, West San Carlos Street, San Jose-Los Gatos Road, San Jose Avenue, Alpine Avenue, West Main Street, Santa Cruz Avenue, Nicholson Avenue (Los Gatos).
- (c) Between San Jose and Los Gatos, via Santa Cruz Avenue and County Hospital: Commencing at the intersection of Central Avenue and Campbell Avenue, thence along Campbell Avenue, Santa Clara-Los Gatos Road (also known as Santa Cruz Avenue), thence to Nicholson Avenue in Los Gatos.
- (d) San Jose to Los Gatos and Saratoga, via Meridian Corner: Commencing at the intersection of San Carlos Street and Market Street, thence along San Carlos Street, San Jose-Los Gatos Road (also known as Stevens Creek Road), through Meridian Corner, Saratoga-Santa Clara Road, Saratoga-Sunnyvale Road through the town of Saratoga, thence along Saratoga-Los Gatos Road to Santa Cruz Avenue (Los Gatos).
- (e) San Jose to Los Gatos via Hicks and Minnesota: Commencing at the intersection of Lincoln Street and Willow Street, thence along Lincoln Street, Minnesota Avenue, Hicks Avenue, and Hamilton Avenue, to its intersection with Meridian Road.

Route No. 4 - Between Los Gatos and Santa Cruz:

Along Santa Clara-Los Gatos Road (Santa Cruz Avenue), State Highway No. 17 to Santa Cruz, thence along Ocean Street, Water Street, Front Street, thence to Pacific Avenue Extension to where it intersects with Washington Street in the City of Santa Cruz.

In operating over and along the foregoing routes, applicant may turn its motor vehicles at termini, stations 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 municipality may require.

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

Dated at San Francisco, California, this 15th day of September, 1942.

Justus F. Gaeuen

H. B. K.

Francis R. Haven

Richard Chase

COMMISSIONERS