

Decision No. 40529

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
STANLEY C. BROWN and ANNE S. BROWN,)
as co-applicants, for authority to)
establish passenger stage service)
in, near and for the City of Walnut)
Creek, California, to service (1))
Alamo and Saranap, (2) Walden area and)
Pleasant Hill district, and (3) Walnut)
Heights and Lakewood as stated in Sec-)
tion III below and as shown on Exhibit)
"A" hereof.)

Application No. 28548

ORIGINAL

O P I N I O N

Stanley C. Brown and Anne S. Brown seek a certificate authorizing the transportation of passengers between Walnut Creek and the adjacent suburban areas of Pleasant Hill, Walden, Walnut Heights, Lakewood Estates, Castle Hill and Saranap, and the town of Alamo and intermediate points.

At the outset applicants plan to use one modern Chevrolet bus of a seating capacity of 29 passengers and one standby unit. Initially only four round trips would be conducted daily, except Sundays, between 7:00 a.m. and 6:30 p.m. in order to determine the transportation needs of the places proposed to be served.

Under the plan of operation service would be performed over three routes between a terminal in the business district of Walnut Creek and the various points to be served. Applicants propose to establish a system of zone fares under which a charge of ten (10) cents would be made for a ride between points within any one zone on any one route. A charge of five (5) cents would be made for a transfer from one route to another in the same zone. The interzone charge would be fifteen (15) cents on the same route with a transfer charge of ten (10) cents to any point on another route. The Commission is informed that applicants also propose to establish a transfer charge of five (5) cents in connection with the interzone charge of fifteen (15) cents when the destination is a point on another route in the

inner zone. Reduced fares would be charged grammar school students, and small children accompanied by adults would be carried free.

In support of the authority sought, the application states that Pleasant Hill, Walden, Walnut Heights, Lakewood Estates, Castle Hill and Saranap are well populated residential areas near Walnut Creek in which many new homes have recently been constructed and are showing a continuing growth in population which, for the most part, is without public transportation between such areas and Walnut Creek. The only public transportation facilities are along State Highway No. 24 through Walnut Creek and adjacent to Pleasant Hills and Saranap, and along State Highway No. 21 between Walnut Creek and Alamo. Applicants assert that they have had numerous requests from residents of the various suburbs to establish the proposed service. The Commission has been informed by the City Attorney of Walnut Creek that the City Council is of the opinion that the proposal of applicants will meet the public need.

Gibson Lines and Pacific Greyhound Lines operate a passenger stage service over State Highway No. 24 through Walnut Creek. Pacific Greyhound Lines also operates between Walnut Creek and Danville via Alamo, over State Highway No. 21. Gibson Lines has waived protest to the application. Pacific Greyhound Lines has also waived protest provided that applicants terminate their Walnut Creek-Alamo proposal at an intermediate point where Hillgrade Avenue intersects State Highway No. 21. Applicants have agreed to this limitation.

Applicants' statement of record shows that they are financially able to establish and conduct the proposed service.

After full consideration it is our judgment and we find that public convenience and necessity require the establishment and operation of the proposed service. A public hearing is not necessary.

Stanley C. Brown and Anne S. Brown are hereby placed upon

notice that operative rights, as such, do not constitute a class of property which may be capitalized or used as an element of value in rate-fixing for any amount of money in excess of that originally paid to the State as the consideration for the grant of such rights. 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.

O R D E R

An application therefor having been filed and it having been found that public convenience and necessity so require,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is hereby granted to Stanley C. Brown and Anne S. Brown authorizing the establishment and operation of service as a passenger stage corporation, as defined in Section 2 $\frac{1}{2}$, Public Utilities Act, for the transportation of passengers between Walnut Creek, Pleasant Hill, Walden, Walnut Heights, Lakewood Estates, Castle Hill, Saranap and intermediate points.

(2) That in providing service pursuant to the certificate herein granted, applicants shall comply with and observe the following service regulations:

- a. Applicants shall file a written acceptance of the certificate herein granted within a period of not to exceed 30 days from the effective date hereof.
- b. Within 60 days from the effective date hereof and on not less than 5 days' notice to the Commission and the public, applicants shall establish the service herein authorized and comply with the provisions of General Order No. 79 and Part IV of General Order No. 93-A, by filing in triplicate and concurrently making effective, appropriate tariffs and time tables.
- c. Subject to the authority of this Commission to change or modify them by further order, applicants shall conduct operations pursuant to the certificate herein granted over and along the following routes:

Route No. 1

Beginning at terminal in Walnut Creek on Main Street, thence along Main Street, State Highway No. 21, Hill-grade Avenue, Ridge Road, Saranap Road, Boulevard Way, State Highway No. 24, Bonanza Street and Main Street (Walnut Creek).

Route No. 2

Beginning at terminal in Walnut Creek, thence along Main Street, State Highway No. 24, Walden Way, Walden Road, Hedgewood Road, State Highway No. 24, Boyd Road, Pleasant Hill Road, Oak Park Boulevard, Putnam Road, Geary Road, Larkey Lane, Fourth Avenue, Buena Vista Avenue, Oakland Avenue, Almond Avenue, Locust Avenue, Cypress Street and Main Street (Walnut Creek).

Route No. 3

Beginning at terminal in Walnut Creek, thence along Main Street, Railroad Avenue, San Miguel Road, Mountain View Boulevard, Walnut Boulevard, Homestead Avenue, Ignacio Avenue and Main Street (Walnut Creek).

Applicants may turn their motor vehicles at terminal or intermediate points either in the intersection of the street, or by operating around a block, in either direction, contiguous to such intersection.

The effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 22nd day of July, 1947.

Harold Kula
Justin F. Curran
Robert Powell
A. J. ...

COMMISSIONERS