

ORIGINAL

Decision No. 40849

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
San Jose City Lines, Inc., for authority)
to (A) extend and reroute the 15th and)
William portion of its #4 motor coach)
line, (B) to extend the northern leg of)
its #2 motor coach route, (C) to reroute)
its #6 - Airport route, (D) to abandon)
a portion and extend its motor coach)
route #7 - Park Avenue, (E) to enlarge)
a loop of its #1 Santa Clara route in)
the city of Santa Clara, all of which)
are described in this application and)
delineated on a map of the city of San)
Jose and environs, attached hereto as)
Exhibit "A".)

Application No. 28657

Campbell, Hayes & Custer by Frank V. Campbell for applicant.
O. W. Campbell, City Manager, and Michael H. Antonacci, City
Planning Engineer, for City of San Jose. Mrs. O. H. Speciale
for Catholic Parochial College, C. J. Schneider for Ballarmino
College Preparatory School, M. R. Brookwater for San Jose
Unified School District, William F. Peters for Notre Dame High
School, Cecil D. Hardesty, Superintendent of Schools, Thomas
E. Ryan, District Superintendent of Alum Rock Union High School,
Ellsworth Jackson, District Supervisor of San Jose School
District, Richard E. Conniff, Principal of Trace School and
James E. Dunn, Mrs. J. R. Garner, Mrs. R. W. Fisher, Mrs.
Gladys Sinnot, Mrs. Edith Huff, Mrs. A. M. Field and Mrs. Vera
Hagedorn, in propria persona, interested parties and protestants.

O P I N I O N

San Jose City Lines, Inc., operates motor coach service
in and between San Jose, Santa Clara and certain contiguous territory.
By this application, it seeks (1) a certificate of public convenience
and necessity authorizing the extension of certain routes and (2)
authority permitting the abandonment of service on portions of
existing routes in the event that the proposed extensions are approved.
A public hearing was held at San Jose before Commissioner Potter and
Examiner Bradshaw.

It is alleged that the city of San Jose conducted a

comprehensive study of its transportation needs, that it presented the results of the survey to applicant, and that applicant has agreed to seek authority to make certain changes in its routes as desired by the City. Applicant's vice-president and general manager testified to this effect at the hearing, but stated that to his knowledge the city council has not indicated its approval of the proposed routings. Under the proposals, the mileage to be operated and the frequency of service on the several routes would be approximately the same as at present. In applicant's opinion, public convenience and necessity require the contemplated changes because the proposed extensions will provide certain areas with public transportation which is not now available.

The City Planning Engineer presented testimony concerning an investigation of the transit facilities in San Jose, which is being undertaken at the request of the planning commission, with a view to developing a long-range plan which might meet the City's transportation requirements approximately 30 years hence. After a detailed explanation of these studies, which are only about one-third complete and have not yet been submitted to the city planning commission, local school board or city council, he characterized applicant's proposed extensions as being very closely in accord with the results of the studies thus far made. It was pointed out that outlying areas in which a considerable increase in population, or some industrial development, or both, has taken place would be served more adequately than at present and that a number of rapidly developing areas would be benefited. The witness further stated that in providing service to outlying areas the elimination as much as possible of loops along the routes was considered desirable.

No showing was made in support of applicant's proposal to

extend its so-called Route No. 1 in the city of Santa Clara and
 abandon operations over portions of certain streets in that city. ⁽¹⁾

Numerous residents and representatives of several schools protested the granting of the application insofar as it seeks authority to discontinue operating applicant's Park Avenue Line upon certain streets forming a loop in the Rose Garden district. ⁽²⁾ It was asserted that this proposed rerouting would leave that area without adequate service.

The City Planning Engineer expressed the view that the Rose Garden district is not adequately served but said that proposals with respect thereto will be covered in the over-all plan he expects to submit for the City's consideration. He also stated that he knew of no objection to maintaining a loop at the present time to serve the people in that area, but "in an over-all plan we try to develop our bus lines as directly as possible in order to facilitate more rapid coverage of districts."

According to applicant's vice-president and general manager, an average of less than two persons per trip ride to or from points in the loop. It is therefore contended that the amount of patronage does not justify continuing the service, especially when by doing so passengers traveling to or from points beyond the area are required to ride a considerably greater distance than would otherwise be necessary. Figures showing the total number of

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- (1) It is proposed to extend the present route from the intersection of Franklin and Monroe Streets along Franklin Street to Lincoln Street, thence along Lincoln Street to Lexington Street, thence along Lexington Street to Fallon Avenue, thence along Fallon Avenue to Market Street, thence along Market Street to Monroe Street and along Monroe Street to Franklin Street. Operations would be discontinued on Lincoln Street from Lexington Street to Santa Clara Street, thence along Santa Clara Street to Monroe Street.
 - (2) The streets over which it is proposed to discontinue operations are: Naglee Avenue from Park Avenue to Dana Street, Dana Street from Naglee Avenue to Emory Street and Emory Street from Dana Street to Park Avenue.

passengers carried to and from the loop during any specified period were not submitted. Nor does the record disclose the present or prospective volume of travel to and from points beyond the district in question.

A person engaged in business on Second Street in downtown San Jose, on behalf of herself and others similarly situated, protested the proposed discontinuance of the use of that street by buses operating on applicant's so-called Fifteenth and William Streets Line which serves a portion of the eastern part of the City. This protestant contended that the rerouting of buses in the manner proposed would cause numerous business establishments on Second Street to lose considerable business they now enjoy. An amended application has subsequently been filed, eliminating from applicant's proposals the abandonment of service on Second Street, and thereby removing the basis for the protest with respect to this phase of the application. The San Jose City Council has consented to the application being amended accordingly.

A careful examination of the evidence justifies the conclusion that, except as to the contemplated change in Route No. 1 in the city of Santa Clara, the public is entitled to the service proposed to be rendered in those areas to which applicant seeks to extend its routes. We are also of the view that a sufficient showing has not been made in support of the discontinuance of operations upon certain streets in the Rose Garden district. The Commission is, therefore, of the opinion and finds that public convenience and necessity require the granting of the application, as amended, to the extent herein indicated. It will be so ordered.

O R D E R

Application as above entitled having been made, a public hearing having been held thereon, the matter having been submitted, the Commission being fully advised in the premises, and having found that public convenience and necessity so require,

IT IS HEREBY ORDERED:

I. That a certificate of public convenience and necessity be and it is hereby granted to San Jose City Lines, Inc., authorizing the establishment and operation of a service as a passenger stage corporation, as defined in Section 2-1/4 of the Public Utilities Act, as an extension of and to be consolidated with its present operations, for the transportation of passengers between points and over the routes described as follows:

1. Extension of Present Fifteenth and William Streets Line (Route No. 4).

Commencing at the intersection of San Carlos and First Streets, thence east on San Carlos Street to Second Street, thence north on Second Street to Santa Clara Street, thence east on Santa Clara Street to Tenth Street, thence south on Tenth Street to San Carlos Street, thence east on San Carlos Street to Seventeenth Street, thence north on Seventeenth Street to San Antonio Street, thence east on San Antonio Street to Twenty-second Street, thence south on Twenty-second Street to William Street, thence west on William Street to Thirteenth Street, thence north on Thirteenth Street to San Carlos Street, and return over the same route.

That portion of the present route along Tenth Street between San Carlos Street and William Street, along William Street between Tenth Street and Thirteenth Street, along Fifteenth Street between William Street and San Antonio Street and along San Antonio Street between Fifteenth Street and Tenth Street shall be abandoned concurrently with the above extension.

2. Extension of North First Street Line (Route No. 2)

Commencing at the intersection of Burton Avenue and North First Street, thence north on north First Street to the intersection of Gish Road and North First Street.

That portion of the present route along Mission Street between North First Street and North Second Street, along North Second Street between Mission Street and Burton Avenue and along Burton Avenue between North Second Street and North First Street shall be abandoned concurrently with the above extension.

3. Extension of Airport Line (Route No. 6)

Commencing with a loop around the block bounded by First, Santa Clara, Second and St. Johns Streets, thence north on North First Street to Julian Street, thence west on Julian Street to Stockton Avenue, thence north on Stockton Avenue to Polhemus Street, thence east on Polhemus Street to Coleman Avenue, thence north on Coleman Avenue to Newhall Street, thence east on Newhall Street to Walnut Street, thence south on Walnut Street to Hamline Street, thence west on Hamline Street to Coleman Street, and return over same route.

That portion of the present route along West Taylor Street between North First Street and Coleman Avenue, along Spring Street between West Taylor Street and Newhall Street, and along Newhall Street between Spring Street and Walnut Street shall be abandoned concurrently with the above extension.

4. Extension of Park Avenue Line (Route No. 7)

Commencing at the intersection of Park Avenue and Newhall Street, thence west on Newhall Street to Alviso Street.

That portion of the present route forming a small loop at the end of the line along Newhall Street, Greenwood Avenue and Davis Street shall be abandoned concurrently with the above extension.

II. That in providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulations:

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 provisions of General Order No. 79 by filing in triplicate and concurrently making effective appropriate tariffs containing fares and rules substantially in accordance with the fares and rules set forth in the application, within sixty (60) days from the effective date hereof and on not less than five (5) days' notice to the Commission and to the public.

III. That, in all other respects, the application in the above-entitled proceeding be and it is hereby denied.

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

Dated at Los Angeles, California, this 28th day of October, 1947.

Harold D. Kule

Justus B. Cravens

R. T. Anderson

Herbert Patten

COMMISSIONERS