

Decision No. 44340

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 SYDE J. KALIL and WILLIAM E. MARTIN,)
 doing business under the fictitious)
 firm name and style of 21TRANSPORT)
 COMPANY for an alternate route.)

Application No. 31278

ORIGINAL

John R. Aye, for applicant.
Robert Maher and Horace Simmons, protestants, in
 propria persona.

O P I N I O N

Decision No. 44137, dated May 2, 1950, in Application No. 31278, granted ex parte, authorized applicants to use U. S. Highway No. 40 from its intersection with State Highway No. 21 to the city limits of Fairfield as an alternate in connection with their route, subject, however, to the restriction that no service shall be rendered over such alternate between Cordelia Junction and Fairfield. The effective date of such decision was stayed by a petition filed by Robert Maher and Horace Simmons on May 9, 1950, and thereafter the Commission by its order, dated May 23, 1950, directed that a hearing be held.

A public hearing was held on Friday, June 2, 1950, at Fairfield before Examiner Silverhart and the matter submitted for decision.

Applicants presently conduct a passenger stage service (1)
 between Benicia and Fairfield-Suisun Army Air Base and intermediate points. Applicant Martin testified that County Road No. 76, a portion of their authorized route, in part is extremely rough and contains holes therein. The witness stated that such road conditions

(1) The operative rights were created by Decision No. 43892, dated March 7, 1950, in Application No. 30923.

have caused damage to their bus. Applicant Kalil testified that County Road No. 76 is in very bad condition for a distance of approximately one and one-half miles, and operating thereover has caused damage to their equipment and discomfort to their passengers. Further, he testified that the county officials have not fixed a time in which to effect the necessary repairs. This witness stated that he was willing that the alternate route be restricted so that service shall not be furnished between Cordelia Junction and the city limits of Suisun.

Robert Maher and Horace Simmons, protestants, operate a passenger stage service between Fairfield and Fairfield-Suisun Air Force Base. (2) They do not possess authority to serve intermediate points. Robert Maher was the only protestant to testify. His testimony was not evidentiary in character and lacked probative value.

The Commission is of the opinion that the application should be granted, restricted, however, in the manner set forth in the following order.

O R D E R

A public hearing having been had and basing this order upon the evidence adduced therein,

IT IS ORDERED that ordering paragraph (1) of Decision No. 44137, dated May 2, 1950, is amended to read as follows:

(2) Decision No. 43819, dated February 14, 1950, in Application No. 30880, at ordering paragraph (3) (b) describes protestants route as follows: Beginning at Fairfield-Suisun Army Air Force Base thence via Walters Road, Hance Road, Old U. S. 40 to Pacific Greyhound Lines Depot, at the intersection of Texas and Jefferson Streets in the City of Fairfield, as an alternate to be used in connection with and as part of the route last above described; daily between the hours of 6:30 a.m. to 8 a.m. and 4 p.m. to 6 p.m.; beginning at Pacific Greyhound Lines Depot at the intersection of Texas and Jefferson Streets, in the City of Fairfield, thence south to State Highway 12, thence via State Highway 12 to South Gate of Fairfield-Suisun Army Air Base.

"(1) That ordering paragraph (2) c of Decision No. 43892, dated March 7, 1950, is amended by the addition of the following:

As an alternate to be used in connection with and as a part of the above route: Via U. S. Highway No. 40 from the point of its intersection with State Highway No. 21 to the city limits of Fairfield. No service shall be rendered over said alternate to, from or between Cordelia Junction and Fairfield, including all intermediate points. Applicants, shall not furnish service between Fairfield and Suisun nor between Fairfield and Fairfield-Suisun Army Air Base."

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

Dated at San Francisco, California, this 20th day of June, 1950.

R. E. Johnson

Lucas H. Lowell

Harold K. Kula

Herbert P. Patton
COMMISSIONERS