

Decision No. 44836**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 EMIL H. MILLER, doing business under)
 the name of EMIL H. MILLER TRANSIT)
 LINES for authority to extend his)
 operations into the Hayward-Tennyson)
 area, and along a portion of Hesperian)
 Blvd., and to reroute a portion of his)
 present operations, in the County of)
 Alameda, State of California.)

Application No. 31689

O P I N I O N

Emil H. Miller requests authority to extend and reroute
 his passenger stage operations ⁽¹⁾ within the City of Hayward and to
 serve the area known as the Tennyson District.

Applicant alleges that the area to which route extensions
 are proposed has experienced extraordinary residential development
 during the past year; that hundreds of new houses are now occupied
 and others are in the course of construction; that transportation
 presently available is inaccessible or inconvenient for residents
 of this area because of the location of the tracks of The Western
 Pacific Railroad; that the Hayward Area Chamber of Commerce, and
 residents of the territory involved have requested the proposed
 service.

(1) Operative rights between Hayward and Russell City were
 created by Decision No. 42733, dated April 19, 1949, in
 Application No. 30139, as amended by Decision No. 43869,
 dated February 28, 1950, in Application No. 30139, 1st
 Supplemental.

In the event the authority sought herein is granted, applicant will operate nine trips daily, from 6:00 a.m. to 6:00 p.m., with hourly service during morning and evening peak periods, six to eight trips daily from 7:00 a.m. to 5:00 p.m., and four trips daily, between Hayward and the Tennyson District, Hayward and Suerno Street via Hesperian Boulevard., and Russell City and Hesperian Boulevard on Russell City Road, respectively. Applicant proposes a one-way fare of 15¢ for adults and 10¢ for children between five and twelve years of age. Service will be performed with the 27-passenger modern transit type motor coach presently in use and a similar unit will be obtained as traffic warrants. A financial statement attached to the application indicates applicant possesses a net worth of \$32,000, of which \$1,000 is in cash and \$2,200 in equipment.

Upon full consideration of the facts, the Commission is of the opinion and finds that public convenience and necessity require the establishment and operation of the proposed passenger stage service. No protests to the granting of the application were received. A public hearing is not necessary.

In order to clarify applicant's operating rights, the Commission will grant applicant a new certificate of public convenience and necessity in lieu of the certificate heretofore granted.

O R D E R

Application having been made and the Commission having found that public convenience and necessity so require,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is granted to Emil H. Miller, 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, for the transportation of passengers between Hayward, Russell City, Tennyson, and intermediate points.

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

- (a) Applicant 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, applicant 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, applicant shall conduct operations pursuant to the certificate herein granted over and along the following routes:

Route 1. Beginning at the intersection of B and Watkins Streets, in the city of Hayward, thence via Watkins Street, Jackson Street, Minton Avenue, and Russell City Road. Also, along Hesperian Boulevard between Winton Avenue and Suerno Street.

Route 2. Beginning at the intersection of A and First Streets in the city of Hayward, thence via First, C, Watkins, Jackson Streets, Soto Road, Harder Road, Western Boulevard, Tennyson Road, to Cole Place. Return via the same route to the intersection of Watkins and C Streets, thence via Watkins Street, A Street, to the point of beginning.

Applicant is authorized to turn his motor vehicles at termini and intermediate points, in either direction, at intersections of streets or by operating around a block contiguous to such intersections, or in accordance with local traffic rules.

(3) That the foregoing certificate is granted in place and stead of, and shall supersede all operative rights heretofore granted by Decision No. 42733 in Application No. 30139 as amended by Decision No. 43869 in Application No. 30139, 1st Supplemental, and said operative rights are revoked and annulled.

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

Dated at San Francisco California, this 26th day of September, 1950.

R. E. Anderson
James J. Casper
Earl H. Lowell
Samuel P. Hill
Herbert H. Potts
COMMISSIONERS