

ORIGINAL

Decision No. 48720

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
KEY SYSTEM TRANSIT LINES, a corporation,)
for authority to reroute a portion of)
its No. 78 Carlson Boulevard-13th Street) Application No. 33987
passenger stage line in the City of San)
Pablo, State of California.)

Donahue, Richards, Rowell & Gallagher, by George E. Thomas, for applicant.
Marquam C. George, for Beninger Transportation Service, Inc., protestant.
Martin Wallen, for the City of Richmond, interested party.

O P I N I O N

In the above entitled application Key System Transit Lines requests authority to reroute a portion of its No. 78 Carlson Boulevard-13th Street passenger stage line within the City of San Pablo. A public hearing thereon was held before Examiner Paul at San Francisco on March 23, 1953 and the matter was submitted.

The part of the route here involved over which applicant now operates is along Broadway, 17th Street and Rumrill Boulevard. In lieu of operating over 17th Street, applicant proposes to extend operations along Broadway from its junction with 17th Street to and thence along Rumrill Boulevard to its junction with 17th Street. The parts of the three streets involved in the rerouting form a triangle. The length of the portion of the route to be abandoned is about 900 feet while the proposed new routing is approximately 1,500 feet.

The witness for applicant stated that the proposal was based upon a request of the officials of the City of San Pablo

which in turn was based upon petitions said to have been received by the city officials from residents along 17th Street that the stage operations be discontinued thereover because of the inherent danger to residents and particularly to children along that street and that operation over the proposed new routing would serve a greater area and population. The witness further stated that the route proposed to be abandoned is improved with a light weight pavement and few sidewalks.

On cross examination the witness stated that applicant had been operating in the area involved about seven years; that the pavement consisted of a gutter and sidewalk combination without curbs; that the rerouting proposed would continue to serve the applicant's present stops at Broadway and 17th Street and the intersection of 17th Street and Rumrill Boulevard and that in addition one stop would be made at the intersection of Broadway and Rumrill Boulevard. According to the witness revenues from the No. 78 Carlson Boulevard line approximately equals the expense of the operation; that it is not expected that the rerouting would originate any additional traffic but would render the route more accessible to some of the present passengers and that the principal reason for the proposed rerouting is to remove operations from 17th Street.

The president of protestant Beninger Transportation Service, Inc. stated that the proposal of Key System would bring its operations within approximately 250 feet of protestant's operation in the El Portal area thereby having an adverse effect upon its operations; that a passenger traffic check made in the El Portal area at the principal loading point on February 26 showed that a total of 40 passengers were transported over that

route yielding a revenue of \$6.30; that protestant's present operation between El Sobrante and Richmond via El Portal is yielding a very small annual profit; that the costs of the system-wide operations exceed the total operating income and that if applicant were permitted to reroute its operations as proposed it would attract traffic from the El Portal area presently served by protestant to an extent to render that operation unprofitable to protestant. Protestant's witness testified as to the physical characteristics of the routes involved. He stated that whereas the development along 17th Street is approximately 100 per cent with no vacant lots the area along Rumrill Boulevard over which applicant proposes to operate is only about 50 per cent developed.

While the record shows that applicant has never been involved in any traffic accidents along 17th Street during the seven years of its operation thereover, it contends that it is concerned with the exposure to such accidents because of the relative density of the population and the general physical characteristics of the improvements of that street. Applicant indicates that it has been urged by the City of San Pablo to reroute its operation as proposed in order to serve an area with greater population. However, protestant points out and contends that the population over applicant's present route is greater than that over the proposed route. There was no representation made for the City of San Pablo.

In view of the inconsistencies developed in the record we find that applicant has failed to show that public convenience and necessity require the rerouting as proposed. Therefore, the application will be denied.

O R D E R

An application therefor having been filed, a public hearing held thereon and the evidence of record having failed to establish that public convenience and necessity require the proposed rerouting,

IT IS ORDERED that Application No. 33987 is hereby denied.

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

Dated at San Francisco, California, this 16th day of June, 1953.

Commissioner KENNETH POTTER, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner ROBERT E. MITCHELL, being necessarily absent, did not participate in the disposition of this proceeding.

[Signature]
President
[Signature]
[Signature]

Commissioners