

ORIGINALDecision No. 50939

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

CITY OF HAYWARD,
Complainant,

vs.

KEY SYSTEM TRANSIT LINES,
Defendant.

Case No. 5566

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 as a passenger stage
corporation.

Application No. 35801
(As Amended)

Marquam C. George, for applicant.
John W. Scanlon for City of Hayward, complainant
and an interested party in Application No. 35801.
Frank S. Richards for Key System Transit Lines,
defendant and interested party in Application
No. 35801.
John F. Balaam for Peerless Stages, Inc., interested
party.
Charles E. Bridgett, for the Commission staff.

O P I N I O N

The City of Hayward by complaint filed with the Commission August 11, 1954, seeks an order requiring Key System to extend its service along Castro Street to Tennyson Road, thence along Tennyson Road, Western Boulevard, Harder Road, Cypress Street, and Jackson Street to said Castro Street, and along Hesperian Boulevard as an extension of its present 81-A Line between A Street and the point where Russell Road and Hesperian Boulevard intersect.

By application filed September 22, 1954, and as amended November 27, 1954, Emil H. Miller requests authority to extend his service by commencing at the Eastshore Freeway, thence along Tennyson Road, Railroad Avenue, Harder Road, Underwood Avenue, Inglewood Street, Stanwood Avenue, Harder Road, Jackson Street, to a point on Jackson Street where his present service is conducted,

thence along said Jackson Street, Watkins Street and C Street. Watkins Street is one block westerly of Castro Street served by the Key System's 82 Line.

Public hearing was held before Examiner John Rowe on December 2, 1954, in Hayward. By stipulation both matters were heard on a consolidated record. Oral and documentary evidence was received and both matters were duly submitted for decision.

The area along Castro Street between Pinedale Court and Tennyson Road is presently being served by Peerless Stages which along that area can serve the public locally or may carry them on into Oakland. Peerless Stages also operates along Harder Road where the city wishes Key System to institute service. The area east of Hesperian Boulevard and between A Street and Winton Avenue has a rather satisfactory service as applicant Miller presently operates along Winton Avenue, and Key System operates its 81-A Line along A Street. Peerless operates in this area to the east of Hesperian Boulevard. The operation which the city requested Key System be ordered to institute along Hesperian Boulevard could draw only from the area to the east because the west side of the boulevard is occupied by Hayward Municipal Airport.

While the evidence was convincing that the Hayward area is growing rapidly it does not appear that extensions requested by the city would result in any net revenue to Key System after payment of expenses. In fact the uncontradicted evidence submitted by Key System was that it would result in an annual out-of-pocket loss amounting to \$19,449.

Most of the witnesses expressed a preference for the service of Key System. However, this was not universally the case. The manager of the Hayward Area Chamber of Commerce and a representative of the Hayward High School P.T.A. stressed the need for more service but indicated no choice as between Key System and applicant Miller.

The witness for the Key System stated that his company would be willing to work out some method of transfer or exchange with applicant Miller so that passengers originating or terminating on his line and coming from or going to points on Key System lines would be required to pay no more than if Key performed the entire service itself. This is due to the fact that if Key extended its lines in this area according to its testimony it would be compelled to set up an additional fare zone. Key System offered no objection to the service proposed by applicant Miller, and its witness further testified that in his opinion the service proposed by Miller could be carried on more economically by him since Hayward is the center of his operations.

Key System and applicant Miller will be expected to establish joint fares no higher than the additional zone basis which would be applicable were Key System to perform the through service.

In view of the foregoing the Commission finds that the City of Hayward should be denied the relief sought in its complaint, and that public convenience and necessity require the institution of the service requested by applicant Emil H. Miller doing business as Emil H. Miller Transit Lines.

O R D E R

Complaint as above entitled having been filed against Key System Transit Lines and application as above entitled having been filed by Emil H. Miller, public hearing having been held and the Commission being fully advised in the premises,

IT IS ORDERED:

(1) That the City of Hayward be, and it hereby is, denied the relief requested in its complaint filed in Case No. 5566 and that said complaint be and it hereby is dismissed.

(2) That a certificate of public convenience and necessity be, and it hereby is, granted to Emil H. Miller, doing business as Emil H. Miller Transit Lines, authorizing him to establish and operate a service as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, for the transportation of passengers between the Eastshore Freeway at Tennyson Road, on the one hand, and the intersection of Jackson Street and Winton Avenue, on the other hand, and intermediate points, as an extension and enlargement of, and to be consolidated with, applicant's present operating rights in this area.

(3) That in providing service pursuant to the certificate herein granted, the following service regulations shall be complied with:

(a) Within thirty days after the effective date hereof, applicant Emil H. Miller shall file a written acceptance of the certificate herein granted.

(b) Within sixty days after the effective date hereof, and upon not less than five days' notice to the Commission and to the public, applicant shall establish the service herein authorized and applicant and Key System Transit Lines shall file in triplicate, and concurrently make effective, tariffs and time schedules satisfactory to the Commission.

(c) Subject to the authority of this Commission to change or modify such at any time, Emil H. Miller, doing business as Emil H. Miller Transit Lines, shall conduct said passenger stage operation over and along the following described route:

From Eastshore Freeway over and along Tennyson Road, Railroad Avenue, Harder Road, Underwood Avenue, Inglewood Street, Stanwood Avenue, Harder Road, and Jackson Street to its intersection with Winton Avenue.

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 intersection, or in accordance with local traffic rules.

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

Dated at San Francisco, California, this 4th day of JANUARY, 1951.

Edmund J. ...
President

Justin J. ...

Rafael ...

Commissioners