

Decision No. 53437**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 NORMAN W. HOLMES, an individual doing)
 business under the name of MAYFAIR BUS)
 LINES, for a certificate of Public) Application No. 37946
 Convenience and Necessity to operate)
 motor coach transportation over)
 extensions of applicant's present)
 route.)

Norman W. Holmes in propria persona.
John F. Balaam and George H. Hook for San Jose
 City Lines, protestant.
Richard K. Karren for the City of San Jose,
 protestant.
Charles E. Bridgett for the Commission's staff.

O P I N I O N

By this application filed April 19, 1956, Norman W. Holmes seeks authority to extend his passenger stage operation to serve several new subdivisions lying to the east and northeast of San Jose. The changes proposed in applicant's route will actually reduce the round trip mileage from 19 miles to 17 miles. It will serve more people and will be operated by two 45-passenger buses recently acquired from the City and County of San Francisco. One bus will leave downtown San Jose, making a loop over the entire route proceeding out Story Road and returning on McKee Road. The second bus will leave 30 minutes later, operating in the reverse direction. The operating time for the loop is approximately one hour.

The fares to be charged are those which are in effect on applicant's present route with the establishment of a fare zone at King and McKee Roads.

Public hearing was held in San Jose on June 6, 1956, before Examiner Rowe, at which time evidence was received and the matter duly submitted.

The evidence in support of the application consisted of the testimony of a builder who described the extensive development along McKee Road both in the City and to the northeast thereof, and of a lady who resided on McKee Road between 25th and 26th Streets in San Jose, and a petition signed by over 300 residents in the areas to be served, and also the testimony of applicant. A portion of this petition had first been submitted to protestant San Jose City Lines, which had, however, not sought to extend its lines to serve these people.

This protestant stated at the hearing that if applicant would restrict its operative rights so as not to transport passengers locally in the city it would have no objection to the granting of the rights requested. Counsel for the protestant city offered no evidence but indicated that the city feared that the business which applicant would take away from San Jose City Lines might have a tendency to curtail its operations.

The Commission finds from the evidence of record that public convenience and necessity require applicant to institute the service as proposed. Some revenue may be lost to protestant San Jose City Lines but the evidence does not justify the imposing of any restriction upon applicant. Applicant is qualified to carry on this service in view of his experience and his ownership of the necessary equipment.

The application will be granted by redefining applicant's interurban operative rights in and around the City of San Jose. The right recently granted applicant to operate between San Jose and

the San Francisco International Airport will not be affected by this decision and will not be included in the route descriptions in Appendix A attached hereto. Because applicant's present rights issued by Decision No. 48750, dated June 23, 1953, in Application No. 34226 as amended by Decision No. 49883, dated April 6, 1954, in Application No. 35235 will be superseded by the certificate hereinafter issued, the former certificate granted by said decision will be revoked.

O R D E R

A public hearing having been held, the Commission being fully advised in the premises and having found that public convenience and necessity so require,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is granted to Norman W. Holmes authorizing the establishment and operation of service as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, for the transportation of passengers between the points and over the routes more particularly set forth in Appendix A attached hereto and made a part hereof.

(2) That in providing service pursuant to the certificate herein granted, there shall be compliance with the following service regulations:

- (a) Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted.
- (b) Within sixty days after the effective date hereof, and on not less than five days' notice to the Commission and the public, applicant shall establish the service herein authorized and file in triplicate and concurrently make effective tariffs and time schedules in accordance with the application and testimony in this proceeding.

(3) That upon the acceptance of the certificate granted by ordering paragraph (1) hereof, the certificate issued by Decision No. 48750, dated June 23, 1953, in Application No. 34226 as amended by Decision No. 49883, dated April 6, 1954, in Application No. 35235 shall be canceled and annulled.

(4) That applicant is authorized to temporarily alter any of his routes so as to comply with any applicable one-way street requirement as provided in any city or county ordinance hereafter adopted, provided applicant shall file an application with the Commission within thirty days after such temporary route change requesting that such change become permanent.

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

Dated at San Francisco, California, this 16th day of July, 1956.

John E. Mitchell
 President

Justin J. Caswell

Roy E. Lutermeier

Margaret Doolan

Th. Hardy
 Commissioners

Norman W. Holmes, by the certificate of public convenience and necessity granted in the Decision as hereinafter numbered in Application No. 37946, is authorized to transport passengers between points in the City of San Jose and Santa Clara County serving intermediate points, all as hereinafter stated.

Motor vehicles may be turned at termini or intermediate points, in either direction, at intersections or by operating around a block contiguous to such intersections, or in accord with local traffic regulations.

When route descriptions are given in one direction, they apply to operations in either direction, unless otherwise indicated.

Subject to the authority of this Commission to change or modify such at any time, Norman W. Holmes shall conduct said passenger stage operations between the following points and over and along the following described routes:

Issued by California Public Utilities Commission.

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San Jose Area Interurban Route

Beginning at the intersection of Santa Clara Street and First Street in San Jose, thence along Santa Clara Street, North 13th Street, Saint James Street, North 19th Street, Julian Street, McKee Road, Toyon Avenue, San Pablo Avenue, Linda Vista Avenue, San Mardo Avenue, Gridley Street, Golf Drive, Toyon Avenue, McKee Road, White Road, Woodhaven Drive, Athene Drive, Jerilyn Drive, Meadow Lane, Story Road, Griffith Street, Lochner Drive, Candler Avenue, White Road, Story Road, Lindale Avenue, Highwood Drive, Capital Avenue, Story Road, South 10th Street, Santa Clara Street to First Street; returning via the reverse thereof to the intersection of Julian Street and North 19th Street, thence along Julian Street, North 13th Street and Santa Clara Street to First Street, the point of beginning.

End of Appendix A

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