

Decision No. 53781

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of S.H.S. Enterprises, Inc., doing business under the name of ALMADEN STAGE LINES, for a Certificate of Public Convenience and Necessity to operate motor coach transportation over extensions of Applicant's present route, with route changes involving minor discontinuances of service.

Application No. 38202

Norman W. Holmes for applicant.
John F. Balaam for Peerless Stages, Inc., protestant.
Charles W. Overhouse for the Commission Staff.

O P I N I O N

S.H.S. Enterprises, Inc., is presently engaged as a passenger stage corporation operating an urban service between San Jose and New Almaden and intermediate points. By this application filed June 28, 1956, authority is requested to extend its operation by abandoning service along Kirk Road, and instead to operate from the intersection of Kirk Road and Foxworthy Avenue along Foxworthy Avenue, Custer Drive, Potrero Drive, New Jersey Avenue, Foxworthy Avenue, Ross Road and Branham Lane.

Applicant would also abandon operations along West Alma Avenue and Almaden Road where it is restricted, and substitute service along San Jose Avenue between Almaden Road and Monterey Road.

It is alleged that many requests have been made for these changes and that they would enable applicant to extend service to approximately nine hundred new homes. No changes in fares, personnel or equipment are contemplated. Copies of the application were served

on the City Manager of San Jose, the Board of Supervisors of Santa Clara County, Peerless Stages, Inc., and San Jose City Lines, Inc. Notice of hearing was also served upon these parties.

Public hearing was held in San Jose before Examiner Rowe on August 13, 1956 at which time evidence both oral and documentary was adduced and the matter submitted for decision.

Counsel for protestant, Peerless Stages, Inc., stated that should applicant operate along Lexford Avenue and eliminate operations to the west along Potrero Drive.

it would have no objection to the application. No one else appeared in opposition.

Seven public witnesses appeared in support of the application. Most of these witnesses preferred the proposed operation to the west, although they conceded that personally none would be inconvenienced should applicant operate along Lexford Avenue. Applicant's general manager testified to the public need for the requested changes, and said that applicant would accept a certificate of public convenience and necessity authorizing substitute service along Lexford Avenue should the Commission so limit it.

From the evidence of record the Commission finds that public convenience and necessity requires granting operative rights as hereinafter provided. The Commission is of the opinion and finds, however, that in fairness to protestant the route as extended in the Glenwood Manor area should be along Lexford Avenue rather than to the west thereof as proposed. In order that the service as modified may be commenced in time to serve school children the effective date of this decision will coincide with the commencement of the fall semester, or September 11, 1956. The application will be granted by issuing to applicant a new certificate of public convenience and necessity

defining all of the routes modified as requested except that service along Lexford Avenue will be required instead of operating to the west thereof.

O R D E R

Application as above entitled having been filed, public hearing having been held and basing its decision upon the findings in the above opinion,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is granted to S.H.S. Enterprises, Inc., 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 as 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 the proceedings, and acceptable to the Commission.

(3) That upon the acceptance of the certificate granted by ordering paragraph (1) hereof, the certificate issued by Decision No. 40558 dated July 22, 1947 in Application No. 28284 as modified, and as acquired by applicant pursuant to the authority of Decision No. 52105 dated October 18, 1955 in Applications Nos. 37077 and 37244, shall be canceled and annulled.

(4) That applicant is authorized to temporarily alter any of its routes so as to comply with any 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 the date hereof.

Dated at San Francisco, California, this 18th day of September, 1956.

John E. Bishop
President

Justin J. Casella

Paul L. Lutterer

Wm. J. Dool

B. Hardy
Commissioners

S.H.S. Enterprises, Inc., by the certificate of public convenience and necessity granted in the decision as hereinafter numbered in Application No. 38202, 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, S.H.S. Enterprises, Inc., shall conduct said passenger stage operations between the following points:

Beginning at the Almaden Post Office, Almaden Road, Almaden, California; thence along Almaden Road, Epperly Avenue, San Jose Avenue, Monterey Road, South First Street, Market Street, San Fernando Street and San Pedro Street to the Greyhound Bus Depot in San Jose, California.

Also beginning at the intersection of First and Keyes Streets; thence along Keyes Street, Seventh Street and Tully Road to Monterey Road.

Also beginning at the intersection of Branham Lane and Almaden Road; thence along Branham Lane, Ross Avenue, Foxworthy Avenue, Lexford Avenue, Potrero Drive, Custer Drive, Foxworthy Avenue to its intersection with Almaden Road.

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Also beginning at the intersection of Foxworthy and Plummer Avenues; thence along Plummer Avenue and Curtner Avenue to its intersection with Almaden Road.

Also beginning at the intersection of Hillsdale Avenue and Almaden Road; thence along Hillsdale Avenue, Monterey Road, Fehren Drive, Pfeifle Avenue, Sylvandale Avenue, Potts Drive, Singleton Road, Water Street, Southside Drive and Monterey Road to its intersection with San Jose Avenue.

Restrictions

Applicant shall not pick up any passengers between the intersections of Almaden Road and Curtner Avenue and Plummer and Curtner Avenues, not including said intersections, whose destinations are between said intersections, or between said intersections, on the one hand, and between the intersections of Bellvue Avenue and Monterey Road and the Greyhound Bus Depot, San Jose, California, on the other hand. No passengers shall be carried locally between the intersection of Bellvue Avenue and Monterey Road and the Greyhound Bus Depot, San Jose, California.

End of Appendix A

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