

ORIGINALDecision No. 58954

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 Emil H. Miller Transit Lines for an)
 ex parte order for authority to in-)
 crease fares, to extend service and)
 for an "in lieu" certificate.)

Application No. 40967

O P I N I O N

By this application filed March 25, 1959, Emil H. Miller Transit Lines, a California corporation, requests authority to increase its passenger fares to twenty-five cents, to make minor route changes, and in the downtown area of Hayward to extend operations for approximately four city blocks. Copies of this application were served upon the City of Hayward, Key System Transit Lines and Peerless Stages, Inc. No protests have been received.

An on the spot investigation has been made by staff members who have recommended that the requested route changes and extensions be authorized. The other staff recommendations were as follows:

1. That the fare on the Russell City route be increased to twenty cents, the same fare now in effect on applicant's Palma Ceia route.
2. That applicant be required to equip its bus with destination signs.
3. That applicant be required to print and distribute public timetables showing the service provided and the routes traversed.
4. That applicant be required to install and use a fare box on the bus for the collection of all fares.

5. That applicant be required to operate schedules at 1:40 p.m. and 5:40 p.m. from "B" and Main Streets, Hayward, to the Sears store at Winton Avenue and the Freeway.

6. That applicant be required to keep accurate records of all revenues and expenses.

On July 9, 1959, an amendment to the application was filed in which the request for fare increase was withdrawn except that on the Russell City route a fare of twenty cents was requested, instead of the twenty-five cents appearing in the original application. This is in conformity with the staff recommendation. By letter received July 16, 1959, applicant agreed to the staff recommendations except for minor details.

The City of Hayward has indicated that it has no objection to the modified request for fare increase nor to the route changes and extensions proposed. The city did, however, express an objection to the establishment of a terminal at "B" and Main Streets. Instead it recommends that applicant establish its terminal in front of the Grand Auto Store. The city manager's office indicated that a bus zone will be marked with paint on the pavement at this point. Applicant will be expected to use this facility as its terminal unless specifically otherwise directed by the Commission.

In view of the fact that fare boxes have not been used and the applicant's records have not appeared to be sufficiently accurate, a detailed analysis of this operation and its revenues and expenses, as well as definite findings thereof, appear infeasible. However, considering the evidence available and drawing upon the general knowledge of the Commission as to operative costs and probable

revenues, the Commission is of the opinion and finds that the fare increase as now requested is reasonable and is justified and consequently will be authorized. This determination, however, is not to be considered in any respect as prejudicing a subsequent request for a further increase or for a decrease after a reasonable period of experience under accurate records.

The requested route changes and extensions appear to be required by public convenience and necessity and will be granted by the issuance of a new certificate accurately defining applicant's operative rights, and, the authority contained in the following order number 4 shall supersede all passenger stage operative rights held by applicant. A public hearing does not appear to be necessary. Because of the urgent need for the increased fares applicant will be authorized to publish the fares on five days' notice.

Application having been made, and based upon the above findings,

IT IS ORDERED:

(1) That Emil H. Miller Transit Lines is authorized to establish in its tariff, on not less than five days' notice to the Commission and to the public, the proposed fares as set forth in the amended application.

(2) That in addition to the tariff filings required by this order, applicant shall post in its buses continuously for at least five days before such fare changes become effective, a suitable explanatory notice describing the fare increase.

(3) The authority herein granted shall expire unless exercised within sixty days after the effective date hereof.

(4) That a certificate of public convenience and necessity is granted to Emil H. Miller Transit Lines, a corporation, authorizing the establishment and operation of service as a passenger stage corporation, as that term is defined in Section 226 of the Public Utilities Code, for the transportation of passengers between the points and intermediate points described in Appendix A which is attached hereto and made a part hereof, subject to the provisions, limitations and specifications contained therein.

(5) 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. By accepting the certificate of public convenience and necessity herein granted, applicant is placed on notice that it will be required, among other things, to file annual reports of its operations and to comply with and observe the safety rules and other regulations of the Commission's General Order No. 98. Failure to file such reports, in such form and at such time as the Commission may direct, or to comply with and observe the provisions of General Order No. 98, may result in a cancellation of the operating authority granted by this decision.

(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 timetables satisfactory to the Commission.

(6) That the operative rights acquired by Emil H. Miller Transit Lines, a corporation, pursuant to the authority granted by the order of Decision No. 54024, dated November 5, 1956, in Application No. 38456 and issued by Decision No. 44836, dated September 26, 1950, in Application No. 31689 and amended by Decision No. 45766,

dated May 29, 1951, in Application No. 32383 and those issued by Decision No. 50939, dated January 4, 1955, in Application No. 35801, shall stand revoked and annulled, said revocation and annulment to take effect concurrently with the effective date of the tariff filings required by paragraph (5 b) hereof.

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

Dated at San Francisco, California, this 1st day of September, 1959.

Ernest R. Long
President

W. H. Mitchell

W. H. Foster

E. L. Fox

Theodore J. Jensen
Commissioners

By the certificate of public convenience and necessity granted in the decision noted in the margin, Emil H. Miller Transit Lines, a corporation, is authorized to transport passengers in each direction between Hayward, California, on the one hand and on the other hand the two separate points of Russell City and Palma Ceia Village, serving all intermediate points on each such route hereinafter described subject to such conditions and restrictions as may hereinafter be prescribed:

ROUTE NO. 1 - WEST WINTON AVENUE-RUSSELL CITY

Commencing at "B" and Main Streets, via Main Street, Foothill Boulevard, Jackson Street, Winton Avenue, West Winton Avenue to Louisiana Street. Return via same route to Jackson and Watkins Streets, thence via Watkins Street and "B" Street to Main Street.

ROUTE NO. 2 - TENNYSON ROAD-PALMA CEIA VILLAGE

Commencing at "B" and Main Streets, via Main Street, Foothill Boulevard, Jackson Street, West Jackson Street, Harder Road, Underwood Avenue, Roosevelt Avenue, Patrick Avenue, West Tennyson Road, Calaroga Avenue, Florida Avenue, Miami Avenue, Calaroga Avenue, West Tennyson Road, Huntwood Avenue, Harder Road, West Jackson Street, Jackson Street, Watkins Street and "B" Street to Main Street.

Issued by California Public Utilities Commission.

Decision No. 58954, Application No. 40967.