

ORIGINAL

Decision No. 82792

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of )  
ROY L. ARLEDGE, an individual, doing )  
business as UNITED TRANSIT, for )  
authority to extend passenger stage )  
service from United Airlines Maintenance ) Application No. 54409  
Base to include Cupertino, Sunnyvale, ) (Filed October 26, 1973)  
Santa Clara, Los Gatos, San Jose and )  
Mountain View and to Lockheed Missile )  
and Space Co., Sunnyvale from the )  
San Jose area )

Roy Lee Arledge, for himself, applicant.  
Robert M. Kaiser, Attorney at Law, for  
West Valley Charter Lines, protestant.  
Peter Arth, Jr., Attorney at Law, for  
the Commission staff.

O P I N I O N

Applicant is currently authorized to provide passenger stage service to the United Air Lines Maintenance Base (UALMB) at the San Francisco International Airport along two specified routes through the Cities of Santa Clara, Sunnyvale, Cupertino, Los Altos, Mountain View, and Palo Alto. By this application, he requests authority to provide passenger stage service to the UALMB along several additional routes.<sup>1/</sup>

The application is protested by Lois J. Habr (Kohler), doing business as West Valley Charter Lines, who, by Decision No. 81099 in Application No. 53816, was authorized to provide passenger stage service to the UALMB from the Cities of San Jose, Santa Clara, Sunnyvale, Campbell, Cupertino, and Milpitas. Protestant's authority

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<sup>1/</sup> The application also requested authority to increase fares and to extend service from the San Jose area to Lockheed Missile and Space Co. in Sunnyvale. During the course of hearing applicant amended his application by deleting the request for a fare increase. The request to extend service to Lockheed Missile and Space Co. was unprotested and, because of an immediate need for service, was granted by Decision No. 82416 on January 29, 1974.

contains no specific route descriptions and authorizes service from any point within said cities to the Maintenance Base via any and all appropriate routes. Public hearings on this application were held in San Francisco on January 4, 1974, at which time the matter was submitted.

Applicant requests authority to provide passenger stage service in the West San Jose area (proposed Routes 7 and 8). These routes would constitute direct competition with service which protestant operates pursuant to Commission authority. The record here is insufficient to find that public convenience and necessity require such additional service at this time.

Applicant requests authority to provide additional passenger stage service in Sunnyvale (proposed Route 9) which will closely parallel his present Route 1 to a considerable extent. Although protestant is authorized to operate passenger stage service from Sunnyvale, she does not, in fact, provide passenger stage service to most of the area proposed Route 9 would serve. Public convenience and necessity require service along proposed Route 9. Protestant, however, does serve the intersection of El Camino Real and Wolfe Road. Applicant will, therefore, not be granted authority to serve this intersection, but will be authorized to provide passenger stage service along proposed Route 9 commencing at the intersection of Wolfe Road and Reed Avenue.

Applicant requests authority to provide passenger stage service in the Los Gatos - Blossom Hill area (proposed Route 10). The record indicates that public convenience and necessity require this service. Neither applicant nor protestant is presently authorized to operate passenger stage service between Los Gatos, on the one hand, and the UALMB, on the other hand. The nearest service actually provided by protestant is approximately one and a half miles distant from this proposed route.

The authority granted herein will permit applicant to travel directly to the UALMB by the most expeditious routing to and along the freeway network once a bus is filled. This same degree of flexibility is extended to all of the applicant's other routes. It is essential, however, that each authorized route receives proper and adequate service in its entirety. This should be provided with supplementary equipment as necessary.

The record indicates that applicant conducted portions of the proposed passenger service sought herein prior to filing this application and in the absence of appropriate Commission authority. Applicant is hereby admonished to refrain from operating any service for which Commission authority is required prior to conducting such operations.

It is our view that the public interest would be best served by authorizing applicant to provide new service notwithstanding the record of unauthorized operations in the past. Applicant is, however, placed on notice that future infractions of Commission regulations may subject him to penalties prescribed by law.

This application was bitterly contested. Previous applications involving these same parties have been similarly contentious. There is a pending formal complaint case before the Commission between applicant and protestant. The Commission feels that part of this problem may be the area-type authority enjoyed by the protestant, though her service routes are not coextensive with her operating authority. Another part of this problem is that the applicant and other carriers have operated on other than routes authorized by the Commission. By an Order Instituting Investigation to be issued this day, the Commission intends to review the entire home-to-work bus service to UALMB from Santa Clara County. All passenger stage carriers providing such service will be made respondents, and their present service and future operating rights will be at issue before the Commission.

After consideration, the Commission finds that:

1. Applicant is presently authorized to operate as a passenger stage corporation along two specified routes in Santa Clara, Sunnyvale, Cupertino, Los Altos, Mountain View, and Palo Alto, on the one hand, and the UALMB, on the other hand, as well as along several specified routes to the Lockheed Missile and Space Company in Sunnyvale.

2. Protestant is presently authorized to operate as a passenger stage corporation between the Cities of San Jose, Campbell, Santa Clara, Sunnyvale, Cupertino, and Milpitas, on the one hand, and the UALMB, on the other hand, via any and all appropriate routes.

3. Protestant is not currently restricted to operating along specified routes as is the applicant.

4. Protestant is presently operating passenger stage service to the UALMB from the territories associated with proposed Routes 7 and 8, as described in the application. The record here is insufficient to find that the public convenience and necessity require an additional service in these neighborhoods.

5. Applicant is presently operating passenger stage service to the UALMB from most of the neighborhoods associated with proposed Route 9, as described in the application. Protestant does not, in fact, serve most of these neighborhoods. The public convenience and necessity required service to these neighborhoods.

6. Neither applicant nor protestant, in fact, provides passenger stage service to the UALMB from the territories associated with proposed Route 10, as described in the application. The nearest service actually provided by protestant is approximately one and a half miles distant. The public convenience and necessity require this proposed service.

7. It would be in the public interest to permit applicant's buses on all routes to travel by the most expeditious route to the UALMB when filled, provided, however, that the full length of each route receives proper and adequate service.

8. Through an oversight, Decision No. 82416 failed to cancel Appendix B previously granted by Decision No. 82357. This oversight will be corrected.

9. The project involved in this proceeding will, with reasonable certainty, not have a significant effect on the environment.

The Commission concludes that this application should be granted to the extent provided in the following order.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Roy L. Arledge, an individual doing business as United Transit, authorizing him to operate as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, between the points and over the routes particularly set forth in Appendices A and B attached hereto and made a part hereof.

2. The portion of the application requesting routes to United Air Lines Maintenance Base not granted by Ordering Paragraph 1 as set forth in Appendix A attached to this decision is hereby denied.

3. The certificate of public convenience and necessity granted by this order shall supersede the certificates previously granted by Decisions Nos. 78483 and 82356 which certificates are revoked effective concurrently with the effective date of the tariff and timetable filings required by Ordering Paragraph 5. ✓

4. The certificates of public convenience and necessity set forth in Appendix B of Decision No. 82357 and Appendix B of Decision No. 82416 are revoked. ✓

5. In providing service pursuant to the authority granted by this order, applicant shall comply with the following service

regulations. Failure so to do may result in a cancellation of the authority.

- (a) Within thirty days after the effective date of this order, applicant shall file a written acceptance of the certificates granted. Applicant is placed on notice that if he accepts the certificates he will be required, among other things, to comply with the safety rules of the California Highway Patrol, the rules and other regulations of the Commission's General Order No. 98-Series and the insurance requirements of the Commission's General Order No. 101-Series.
- (b) Within one hundred twenty days after the effective date of this order, applicant shall establish the authorized service and file tariffs and timetables, in triplicate, in the Commission's General Order No. 101-Series.
- (c) The tariff and timetable filings shall be made effective not earlier than ten days after the effective date of this order on not less than ten days' notice to the Commission and the public, and the effective date of the tariff and timetable filings shall be concurrent with the establishment of the authorized service. (Timetables filed shall indicate points of loading and unloading of passengers along authorized routes).
- (d) The tariff and timetable filings made pursuant to this order shall comply with the regulations governing the construction and filing of tariffs and timetables as set forth in the Commission's General Orders Nos. 79-Series and 98-Series.
- (e) Applicant shall maintain his accounting records on a calendar-year basis in conformance with the applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission and shall file with the Commission, on or before March 31 of each year, an annual

report of his operations in such form, content,  
and number of copies as the Commission, from  
time to time, shall prescribe.

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

Dated at San Francisco, California, this 30<sup>th</sup>  
day of APRIL, 1974.

William L. Sturgeon President  
[Signature]  
[Signature]  
[Signature] Commissioners

Commissioner Vernon L. Sturgeon, being  
necessarily absent, did not participate  
in the disposition of this proceeding.

JMS /lmm \*

Appendix A

Roy L. Arledge  
dba  
UNITED TRANSIT  
(United Air Lines Maintenance Base Service)

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CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY

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Showing passenger stage operative rights, restrictions, limitations,  
exceptions and privileges applicable thereto.

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All changes and amendments as authorized by  
the Public Utilities Commission of the State of California  
will be made as revised pages or added original pages.

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82792  
Issued under authority of Decision No. \_\_\_\_\_,  
dated APR 30, 1974, of the Public Utilities Commission  
of the State of California on Application No. 54409.



VP/lmm \*

Appendix A

Roy L. Arledge

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UNITED TRANSIT

(United Air Lines Maintenance Base Service)

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9	Wolfe Road-Fair Oaks to United Air Lines Maintenance Base. . . . .	4
10	Blossom Hill Road -Los Gatos to United Air Lines Maintenance Base . . . . .	5

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Appendix A

Roy L. Arledge  
dba

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UNITED TRANSIT  
(United Air Lines Maintenance Base Service)

SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS,  
AND SPECIFICATIONS.

The certificate hereinafter noted supersedes all operative authority heretofore granted to Roy L. Arledge, dba United Transit, to serve the United Air Lines Maintenance Base at the San Francisco International Airport.

ROY L. ARLEDGE dba UNITED TRANSIT

by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers and baggage between the United Air Lines Maintenance Base at the San Francisco International Airport, on the one hand, and the Cities of Santa Clara, Sunnyvale, Cupertino, Los Altos, Mountain View, Los Gatos and Palo Alto, on the other hand, over and along the routes hereinafter described, subject, however, to the authority of this Commission to change or modify said routes at any time and subject to the following provisions:

- (a) Only passengers destined to or originating at the United Air Lines Maintenance Base shall be transported.
- (b) Service will be operated at times necessary to meet employee shift needs on regular working days.
- (c) When route descriptions are given in one direction, they apply to operation in either direction unless otherwise indicated.
- (d) Where the boundary between cities is on a street, both sides of the street will be considered to be in both cities.
- (e) Service will not be operated during strikes or other work shutdowns at the Maintenance Base.

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- (f) On Route 10, no stop to discharge or pick up passengers shall be made at a point where both sides of the street, or, if an intersection, are four quadrants within the City of San Jose.

SECTION 2. ROUTE DESCRIPTIONS.

Route 1 - Santa Clara Route:

Commencing at the intersection of Kiely Boulevard and Homestead Road in the City of Santa Clara thence via Kiely Boulevard, Benton Street, Los Padres Boulevard, El Camino Real, Bowers Avenue, Monroe Street, Reed Lane, North Fair Oaks Avenue, U. S. Highway 101 (Bayshore Freeway) and the most direct and convenient route to the United Air Lines Maintenance Base.

Route 2 - Cupertino-Mountain View-Palo Alto Route:

Commencing at the intersection of Saratoga Avenue and Stevens Creek Boulevard thence via Stevens Creek Boulevard, Lawrence Station Expressway, Homestead Road, Hollenbeck Avenue, West Fremont Avenue, Grant Road, El Camino Real, San Antonio Road, U. S. Highway 101 (Bayshore Freeway) and the most direct and convenient route to the United Air Lines Maintenance Base.

Route 9 - Wolfe Road - Fair Oaks Route:

Commencing at the intersection of Wolfe Road and Reed Avenue in Sunnyvale, then via Wolfe Road and Fair Oaks Avenue to US Highway 101 and the United Air Lines Maintenance Base.

Route 10 - Blossom Hill Road-Los Gatos Route:

Beginning at the corner of Blossom Hill Road and Harwood Avenue, then via Blossom Hill Road, Union Avenue, Los Gatos - Almaden Road, Los Gatos Boulevard and Lark Avenue to its intersection with Freeway 17, then via the most convenient route to the United Air Lines Maintenance Base.

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Appendix A

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UNITED TRANSIT  
(United Lines Air Lines Maintenance Base Service)

Alternate Routings:

1. Any route providing service for the "swing shift" may be diverted from U.S. Highway 101 (Bayshore Freeway) at Marsh Road to Florence Street and return.

2. Operations over above routes may be diverted to the nearby freeway network of Interstate 280, Highway 85, Highway 17, or U. S. Highway 101 at any practical location to provide for express type service on those occasions when the vehicle is filled to or near capacity with passengers. This provision does not remove the requirement that the entire route receive service.

Appendix B

Roy L. Arledge  
dba  
UNITED TRANSIT  
(Lockheed, Sunnyvale Service)

Original Page 1

CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY

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Showing passenger stage operative rights, restrictions, limitations,  
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VP \*

Appendix B

Roy L. Arledge  
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UNITED TRANSIT  
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Roy L. Arledge  
dba  
UNITED TRANSIT  
(Lockheed, Sunnyvale Service)

SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS, AND SPECIFICATIONS.

The certificate hereinafter noted supersedes all operative authority heretofore granted to Roy L. Arledge, dba United Transit, to serve Lockheed Space and Missile Co., Inc. plant.

Roy L. Arledge, dba United Transit, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers and baggage from Aptos, Santa Cruz, Scotts Valley, and southern San Jose to Lockheed Space and Missile Co., Inc. in Sunnyvale and certain territories intermediate and adjacent thereto, over and along the routes hereinafter described, subject, however, to the authority of this Commission to change or modify said routes at any time and subject to the following provisions:

- (a) When route descriptions are given in one direction, they apply to operation in either direction unless otherwise indicated.
- (b) Only passengers destined to or originating at the Lockheed Space and Missile Co., Inc. shall be transported.
- (c) Service will be operated only at times necessary to meet employee needs for the day shift only on regular working days.
- (d) Service will not be operated during strikes or other work shutdowns at Lockheed.
- (e) The transportation of baggage shall be on passenger-carrying vehicles and shall be incidental to the transportation of passengers and limited to a weight of not more than one hundred (100) pounds per shipment.

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Appendix B

Roy L. Arledge  
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(Lockheed, Sunnyvale Service)

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SECTION 2. ROUTE DESCRIPTIONS

Route No. 12 - Blossom Hill and Snell to Lockheed

Beginning at the corner of Blossom Hill Road and Snell Road, thence via Snell Road and Monterey Road to Senter Road (Seven Trees Shopping Center), thence via Monterey Road and Capital Expressway to Quimby Road, thence via Capital Expressway, McKee Road, U.S. 101 Freeway and the most direct and appropriate route to Lockheed Space and Missile Co., Inc. in Sunnyvale.

Route No. 13 - Aptos-Santa Cruz to Lockheed

Commencing in the City of Aptos at the intersection of Rio Del Mar and State Highway 1, thence via State Highway 1, State Highway 17, and U.S. 101 Freeway and the most direct and appropriate route to Lockheed Space and Missile Co., Inc. in Sunnyvale. Service territory is limited to one-half mile on either side of this route.

Route No. 20 - Blossom Hill and Almaden Expressway to Lockheed

Beginning at the corner of Blossom Hill Road and Almaden Expressway via Blossom Hill Road, Kooser Road, Camden Avenue, Highway No. 17, and U.S. Highway 101 and the most direct and appropriate route to Lockheed Space and Missile Co., Inc. in Sunnyvale.

Operations over above routes may be diverted to the nearby freeway network of State Highway 1, Highway 17, Interstate 280, U.S. Highway 101 at any practical location to provide for express type service on those occasions when the vehicle is filled to or near capacity with passengers. This provision does not remove the requirement that the entire route receive service.

Issued by California Public Utilities Commission.

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