

ORIGINAL

Decision No. 85713

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of )  
 BUFORD L. SMITH, dba SMITH'S CHARTER )  
 SERVICE and JOANNE D. SMITH, to trans- ) Application No. 55617  
 fer a Certificate of Passenger Stage ) (Filed April 11, 1975)  
 Operation pursuant to the California )  
 Public Utilities Code. )

O P I N I O N

Buford L. Smith requests authority to transfer to Joanne D. Smith, his Certificate of Public Convenience and Necessity to operate as a Passenger Stage Corporation between United Airlines Maintenance Base at or near San Francisco International Airport, on the one hand, and Newark, Fremont, Union City, Hayward, Redwood City, Milpitas, Sunnyvale, Santa Clara, San Jose and Cupertino, including all points and places within a radius of three (3) air miles of the corporate city limits of Newark, Fremont, Union City and Hayward, on the other hand; and between Lockheed Aircraft Plant at Sunnyvale, on the one hand, and Hayward, Union City and Fremont, on the other hand; and between Fairchild at Sunnyvale, on the one hand, and Fremont and Newark, on the other hand.

The applicants, acting upon the Dissolution of Marriage granted on March 17, 1975 by the Alameda County Superior Court, mutually agreed that Buford L. Smith, the transferor, grant Joanne D. Smith, the transferee, all control and ownership of Smith's Charter Service.

Joanne D. Smith states that prior to the Dissolution of Marriage, she managed, controlled and operated the bus company and alleges that she conducted extensive and successful business activities concerning the carrier's operations.

The application was listed on the Commission's Daily Calendar of April 14, 1975. The Commission's Transportation Division staff has reviewed the application and recommends that in the absence of protest or request for public hearing it be granted

by ex parte order. No protest or request for hearing has been received.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest and concludes that it should be authorized. We further find with reasonable certainty that the project involved in this proceeding will not have a significant effect on the environment.

A public hearing is not necessary and the application should be granted.

By Decision 85057 in Case 9725, Buford L. Smith was granted certain changes in his operating authority. The Certificate of Public Convenience and Necessity granted in appendix form inadvertently included service between Lockheed Aircraft at Sunnyvale on one hand, and Newark and Union City, on the other hand, and omitted authority to serve between Lockheed Aircraft and San Lorenzo and between Fairchild at Sunnyvale and Newark. Applicants, however, have not been serving and do not intend to transport passengers between Fairchild and Newark. The certificate will be corrected in the attached Appendix A to reflect the foregoing changes.

The order which follows will provide for, in the event the transfer is completed, the revocation of the certificate presently held by Buford L. Smith, doing business as Smith's Charter Service, and the issuance of a certificate in appendix form to Joanne D. Smith, doing business as Smith's Charter Service.

Transferee is placed on notice that operative rights, as such, do not constitute a class of property which may be capitalized or used as an element of value in rate fixing for any amount of money in excess of that originally paid to the State as the consideration for the grant of such rights. Aside from their purely permissive aspect, such rights extend to the holder a full or partial monopoly of a class of business. This monopoly feature may be modified or cancelled at any time by the State, which is not in any respect limited as to the number of rights which may be given.

O R D E R

IT IS ORDERED that:

1. On or before July 1, 1976, Buford L. Smith, doing business as Smith's Charter Service, may transfer the operative rights referred to in the application to Joanne D. Smith, doing business as Smith's Charter Service.

2. Within thirty days after the transfer the transferee shall file with the Commission written acceptance of the certificate and a true copy of the bill of sale or other instrument of transfer.

3. Transferee shall amend or reissue the tariffs and timetables on file with the Commission, naming rates and rules governing the common carrier operations transferred to show that she has adopted or established, as her own, the rates and rules. 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 transfer. The tariff and timetable filings made pursuant to this order shall comply in all respects with the regulations governing the construction and filings of tariffs and timetables set forth in the Commission's General Orders 79-Series and 98-Series. Failure to comply with the provisions of General Orders 79-Series and 98-Series may result in a cancellation of the operating authority granted by this decision.

4. On or before the end of the third month after the transfer, the transferee shall cause to be filed with the Commission, in such form as the Commission may prescribe, an annual report, or reports, related to the operations of the transferor for the period commencing with the first day of the current year to and including the effective date of the transfer.

5. In the event the transfer authorized in Paragraph 1 is completed, effective concurrently with the effective date of the tariff filing required by Paragraph 3, a Certificate of Public

Convenience and Necessity is granted to Joanne D. Smith, doing business as Smith's Charter Service, authorizing her to operate as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, between the points and over the routes set forth in Appendix A, attached hereto and made a part hereof.

6. The Certificate of Public Convenience and Necessity granted by Paragraph 5 of this order shall supersede the Certificate of Public Convenience and Necessity granted by Decision 82155 issued November 20, 1973 in Application 52871 and Decision 85057 issued October 28, 1975 in Case 9725 as set forth in Appendix E, which certificate is revoked effective concurrently with the effective date of the tariff filings required by Paragraph 3 hereof.

7. Transferee shall comply with the safety rules administered by the California Highway Patrol, the rules and other regulations of the Commission's General Order 98-Series and the insurance requirements of the Commission's General Order 101-Series.

8. Transferee shall maintain her 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 her 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 20<sup>th</sup> day of APRIL, 1976.

\_\_\_\_\_  
President  
*William J. ...*  
\_\_\_\_\_  
*...*  
\_\_\_\_\_  
*Robert ...*  
\_\_\_\_\_  
Commissioners

DDM

Appendix A

Jeanne D. Smith  
dba  
SMITH'S CHARTER SERVICE

Original Title Page

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY

---

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

---

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.

---

Issued under authority of Decision No. 85713, dated APR 20 1976,  
of the Public Utilities Commission, State of California, in  
Application No. 55617.

SMITH'S CHARTER BUS SERVICE

INDEX

Page No.

SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS,  
LIMITATIONS AND SPECIFICATIONS . . . . . 2

SECTION 2. ROUTE DESCRIPTIONS

<u>Route</u>	<u>Route Name</u>	
1	Fremont - UAL . . . . .	3
2	Fremont - UAL . . . . .	4
3	Fremont - UAL . . . . .	4
4	Redwood City - UAL . . . . .	5
5	San Lorenzo - Lockheed Aircraft Plant . . . . .	5
6	Fremont - Fairchild . . . . .	6

Issued by California Public Utilities Commission.

Decision No. 85713, Application No. 55617.

## SMITH'S CHARTER SERVICE

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

The certificate hereinafter noted supersedes all operative authority heretofore granted to Buford L. Smith, dba Smith's Charter Service, or his predecessors.

Joanne D. Smith, dba Smith's Charter Service, is authorized to transport passengers and their baggage between United Airlines Maintenance Base at or near San Francisco International Airport, on the one hand and the Cities of Newark, Fremont, Union City, Hayward, Redwood City, Milpitas, Sunnyvale, Santa Clara, San Jose and Cupertino, including all points and places within a radius of three (3) air miles of the corporate limits of the Cities of Newark, Fremont, Union City and Hayward, on the other hand; and between Lockheed Aircraft Plant at Sunnyvale, on the one hand, and the Cities of San Lorenzo, Fremont and Hayward, on the other hand; and between Fairchild at Sunnyvale, on the one hand, and the City of Fremont, 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) Motor vehicles may be turned at termini and intermediate points, in either direction, at intersections of streets or by operating around a block contiguous to such intersections, in accordance with local traffic regulations.
- (b) When route descriptions are given in one direction, they apply to operation in either direction unless otherwise indicated.
- (c) All points and places located within the unincorporated areas referred to hereinabove shall take the same fare as the closest city.
- (d) Service shall be restricted to persons originating at or destined to United Airlines Maintenance Base at or near San Francisco International Airport or Lockheed Aircraft Plant at Sunnyvale or Fairchild at Sunnyvale.

Issued by California Public Utilities Commission.

Decision No. 85713, Application No. 55617.

## SECTION 1. - (Continued)

- (e) Transportation of passengers between the United Airlines Maintenance Base at the San Francisco Airport, on the one hand, and the service area within Santa Clara County, on the other hand, are further restricted to and from the points hereinafter described in Section 2A.

## SECTION 2. ROUTE DESCRIPTIONS.

Route 1 - Fremont-UAL

Commencing at the intersection of Blacow Road and Grimmer Blvd. in the City of Fremont; thence via Blacow Road to Omar, to Hilo, to Stevenson Blvd., to Coco Palm Drive; thence continuing on Blacow Road to Mowry Avenue; thence along Mowry Avenue to Farwell Drive; thence via Mowry Avenue, Nimitz Freeway (State Highway 17), Decoto Road, Alvarado-Niles Road to "H" Street; thence continuing along Alvarado-Niles Road to Baker Road (Westview Estates); thence along Nimitz Freeway (State Highway 17) to West Jackson Street; thence along West Jackson Street to Hesperian Blvd.; thence via the most appropriate and direct route to United Airlines Maintenance Base and return via the same routing.

Issued by California Public Utilities Commission

Decision No. 85713, Application No. 55617.



## SECTION 2. - (Continued)

Route 2 Fremont-UAL

Commencing at the intersection of Mintwood Street and Doane Street in the City of Fremont; thence via Doane Street, Mayfair Park Avenue, Seneca Park Avenue, Yellowstone Park, Butano Park Drive, Omar Street, Stevenson Blvd., Farwell Drive, Coco Palm Drive, Blacow Road, Mowry Avenue, Farwell Drive to Nimitz Freeway (State Highway No. 17); thence via the most appropriate and direct route to United Airlines Maintenance Base and return via the same routing.

Route 3 Fremont-UAL

Commencing at Bryant Street and Lemarc Street in the City of Fremont; thence via Jerome Avenue, Washington Blvd., Palm Avenue to Mission Blvd.; thence continuing along Mission Blvd. to West Tennyson Road; thence via West Tennyson Road, Whitman Street, Harder Road, Santa Clara Street, Winton Avenue, Hesperian Blvd., Depot Road, Gettysburg to State Highway No. 92; thence via the most direct and appropriate route to the United Airlines Maintenance Base and return via the same routing.

Issued by California Public Utilities Commission.

Decision No. 85713, Application No. 55617.

## SECTION 2. - (Continued)

Route 4 Redwood City-UAL

Commencing at the intersection of Bay Road and 9th Avenue, in the City of Redwood City (North Fair Oaks); thence via Bay Road, Woodside Road, Massachusetts Avenue, Hampton Avenue, Valota Road, Roosevelt Avenue, Hudson Street, Jefferson Avenue, Arguello Street, Brewster Avenue, Veterans Blvd. to Bayshore Freeway (United States Highway No. 101); thence via the most direct and appropriate routes to the United Airlines Maintenance Base and return via the same routing.

Route 5 San Lorenzo-Lockheed Aircraft Plant

Commencing at the intersection of Via Alamos and Bockman Road in the City of San Lorenzo; thence via Bockman Road, Hesperian Blvd. to "A" Street; thence continuing along Hesperian Blvd. to Winton Avenue; thence continuing along Hesperian Blvd. to Jackson Street to Calaroga Avenue to Mowry Avenue and Farwell Drive; thence via the most appropriate and direct route to Lockheed Aircraft Plant at Sunnyvale and return via the same routing.

Issued by California Public Utilities Commission.

Decision No. 85713, Application No. 55617

## SECTION 2. - (Continued)

Route 6 Fremont-Fairchild

Commencing at the intersection of Argonaut Way and Mowry Avenue in the City of Fremont; thence via Mowry Avenue, Fremont Blvd., Stevenson Blvd., Blacow Road, Fremont Blvd. to Nimitz Freeway (State Highway No. 17); thence via the most direct and appropriate routes to Fairchild in Sunnyvale and return via the same routing.

## SECTION 2A. - DESCRIPTION OF POINTS SERVED.

Service for specific pickup and discharge points in Santa Clara County further restricted to Day Shift only (white collar) shall be between the United Airlines Maintenance Base and the following points:

Brave Bull Bowling Alley, Saratoga Avenue  
Prospect Road & Saratoga Avenue  
Prospect Road & Johnson Avenue  
Miller Avenue & Janary Way  
Bollinger Road & Blaney Avenue  
Blaney Avenue & Merritt Drive  
Hollenbeck Avenue & Homestead Road  
Mary Avenue & Helena Drive  
Fremont Avenue & Mary Avenue  
Bernardo Avenue & Lynn Way  
Bernardo Avenue & El Camino Real  
Camino Del Ray & Caliente Way  
S. Park Victoria Drive & Yellowstone Avenue  
S. Park Victoria Drive & Canton Drive  
Cuesta Drive and Leona Lane  
Middlefield Road & Sterlin Road  
Middlefield Road at Charleston Road  
Middlefield Road & Colorado Avenue  
Louis Rd. & Embarcadero Rd.

Issued by California Public Utilities Commission.

Decision No. 85713, Application No. 55617