

Decision No. 22702.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of BAKERSFIELD AND KERN)
ELECTRIC RAILWAY COMPANY)

(a) For authority to abandon its South Chester Avenue)
street railway line in the City of Bakersfield.)

(b) For authority to establish and operate a "pas-)
senger stage" line in substitution of its South Chester)
Avenue street railway line over extended route within)
City of Bakersfield, but as an extension of its existing)
Oildale bus line operating within the City of Bakersfield)
and territory contiguous thereto in the County of Kern;)

Application
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(c) For certificate of public convenience and neces-)
sity to establish and operate a new "passenger stage")
line from the Southern Pacific Station at Summer and)
Baker Streets in the City of Bakersfield to Kern County)
General Hospital and through Primavera Park and East)
Niles Tract located in Kern County contiguous to the)
City of Bakersfield.)

F. H. PEARSON, for Applicant

BY THE COMMISSION:

C O P I N I O N

In this proceeding Bakersfield and Kern Electric Railway Company requests authority to abandon street car service on its so-called South Chester Avenue street car line and substitute therefor passenger stage service, all in the City of Bakersfield. Furthermore applicant requests permission to operate a passenger stage service from Southern Pacific Company's station in Bakersfield to the area in the vicinity of Kern County General Hospital, contiguous to the City of Bakersfield.

A public hearing was held before Examiner Hall in Bakersfield on May 31, 1939, at which time the matter was submitted for determination.

Applicant now operates two street car lines in Bakersfield - one between The Atchison, Topoka and Santa Fe Railway Company's depot

and Southern Pacific Company's depot in Bakersfield, and the other southerly along Chester Avenue from 19th Street to 8th Street, thence along 8th Street, "P" Street, and 11th Street to Chester Avenue. This latter line is proposed to be discontinued and replaced by passenger stage service as hereinafter described in Part I of Exhibit "A."

Applicant also operates two passenger stage services - one to the Oildale district from 16th Street and Chester Avenue, and one from Southern Pacific depot to the Nile Street area. All the existing street car and passenger stage lines are shown on the map marked Exhibit "A" attached to the application.

The City of Bakersfield is contemplating the resurfacing of Chester Avenue south of 19th Street, which will involve the raising of the street grade about two inches. The cost involved to raise applicant's tracks this amount would be prohibitive as the rails are laid in concrete. An arrangement has been entered into between applicant and the City whereby applicant will pay to the City \$1,952.41 in return for which the City will take possession of and remove the track structure; applicant will remove all overhead construction and poles.

The substitute passenger stage service proposed will cover not only the same territory as the street car line but will extend to Brundage Lane, some six blocks south of 8th Street. The record shows that this is a growing area and needs local transportation service.

The City of Bakersfield, by resolution⁽¹⁾ passed on March 27, 1939, approved this plan of change in service.

(1) A copy of said resolution is attached to the application, marked Exhibit "C", which provides the terms upon which street rail abandonment shall be placed in effect.

It is proposed to connect this new route with the existing Oildale passenger stage route operating north on Chester Avenue from 19th Street. This consolidated route will provide a thirty-minute service to both the Oildale district and the South Chester Avenue area, thus increasing the Oildale service from a forty-minute headway to a thirty-minute headway.

Applicant also desires to establish a new passenger stage service into the area adjacent to the Kern County General Hospital and Primavera Park areas from Southern Pacific Company's depot, the route of which is hereinafter described in Part I of Exhibit "A" attached hereto. The districts proposed to be served are largely east of the east city limits of Bakersfield and are building up rapidly as residential areas. Furthermore, a high school has been established just east of the General Hospital which will require transportation for its students.

Applicant also proposes to cancel all its tariffs, both temporary and permanent, and to establish a permanent rate structure, as set forth in Exhibits "J," "K," and "L" attached to the application. This tariff provides for a basic 5-cent rate within the city limits of Bakersfield, with a 2-cent transfer charge; also a 10-cent fare between points within the city and points outside the city. No increase in fares is involved.

Other than applicant no one appeared at the hearing to support or to oppose the granting of the application, although appropriate notice was given.

A review of the record clearly shows that the granting of this application is in public interest and that the placing in effect of the proposed service will provide an improved local service for the City of Bakersfield and the surrounding unincorporated areas. The application will therefore be granted.

Bakersfield and Kern Electric Railway Company is hereby placed upon notice that "operative rights" do not constitute a class of property which should be capitalized or used as an element of value in determining reasonable rates. Aside from their purely permissive aspect they extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be changed or destroyed at any time by the state which is not in any respect limited to the number of rights which may be given.

O R D E R

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the establishment and operation by applicant, as a passenger stage corporation, as defined in Section 2-1/4 of the Public Utilities Act, of an automotive passenger service for the transportation of passengers upon and along the routes described in Exhibit "A" attached hereto and made a part hereof, and to consolidate the same with the remainder of its operating rights.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity for such service is hereby granted to Bakersfield and Kern Electric Railway Company, subject to the following conditions:

- (1) Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed fifteen (15) days from date hereof.
- (2) Applicant shall commence the service herein authorized within a period of not to exceed one hundred and twenty (120) days from the effective date hereof. Service on the South Chester Avenue line shall be commenced concurrently with the abandonment of street car service as hereinafter authorized.

- (3) Applicant shall file, in duplicate, and make effective within a period of not to exceed one hundred and twenty (120) days after the effective date of this order, on not less than five (5) days' notice to the Commission and the public, time schedules covering the service herein authorized in a form satisfactory to the Commission.
- (4) The rights and privileges herein authorized may not be discontinued, sold, leased, transferred, nor assigned unless the written consent of the Commission to such discontinuance, sale, lease, transfer, or assignment has first been obtained.
- (5) No vehicle may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by applicant under a contract or agreement on a basis satisfactory to the Commission.
- (6) Applicant is authorized to turn its motor vehicles at termini or intermediate points, either in the intersection of the streets or by operating around a block contiguous thereto in either direction, and to carry passengers as traffic regulations of the municipality may require.

IT IS HEREBY FURTHER ORDERED that Bakersfield & Kern Electric Railway Company is authorized to abandon street car service and remove tracks and appurtenances thereto upon its South Chester Avenue street car line, as described in Part II of Exhibit "A" attached hereto and made a part hereof, subject, however, to the following conditions:

- (1) Said street car service shall be abandoned concurrently with the establishment of passenger stage service upon South Chester Avenue route, as hereinbefore authorized.
- (2) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the abandonment of the facilities authorized herein and of its compliance with the conditions hereof.

IT IS HEREBY FURTHER ORDERED that Bakersfield and Kern Electric Railway Company is authorized, on not less than five (5) days' notice to the Commission and the public, to cancel all tariffs now on file with the Commission by proper supplement, and concurrently and in lieu thereof file and make effective tariffs constructed in accordance with the requirements of the Commission's

General Orders and containing rates, rules, and regulations which, in volume and effect, shall be identical with the rates, rules, and regulations shown in Exhibits "J," "K," and "L" attached to the application.

The effective date of this Order shall be the date hereof.

Dated at San Francisco, California, this 13th day of June, 1959.

R. D. [Signature]
Frank [Signature]
A. L. [Signature]
[Signature]
Justice J. [Signature]
Commissioners

EXHIBIT "A"

PART I - DESCRIPTION OF PASSENGER STAGE ROUTES

OILDALE-SOUTH CHESTER AVENUE LINE:

Beginning at the intersection of Chester Avenue and 19th Street, thence south along Chester Avenue to California Avenue, east on California Avenue to "P" Street, south on "P" Street to 8th Street, west on 8th Street to "H" Street, south on "H" Street to Brundage Lane, east on Brundage Lane to "I" Street, north on "I" Street to 8th Street, east on 8th Street to "P" Street, north on "P" Street to California Avenue, west on California Avenue to Chester Avenue, north on Chester Avenue to 19th Street, all within the City of Bakersfield, and thence along the route to the existing Oildale-Highland Park Line.

KERN-GENERAL-PRIMAVERA PARK LINE:

Commencing at Southern Pacific Company's depot at Sumner and Baker Streets, thence northerly on Baker Street to Niles Street, easterly on Niles Street to Orange Drive, northerly on Orange Drive to Flower Street, easterly on Flower Street to Vernon Avenue, south on Vernon Avenue to Oregon Street, easterly on Oregon Street to Locust Street, south on Locust Street to Niles Street, easterly on Niles Street to Barlow Street, south on Barlow Street to Lake Street, west on Lake Street to Vernon Avenue, south on Vernon Avenue to Kentucky Street, west on Kentucky Street to Baker Street, and thence south on Baker Street to the point of beginning, all within the City of Bakersfield and territory adjacent thereto.

All of the above is shown on the map marked Exhibit "B" attached to and made a part of Application No. 22702.

PART II - DESCRIPTION OF STREET CAR ROUTE
TO BE ABANDONED

Beginning at the intersection of 19th Street and Chester Avenue, thence southerly along Chester Avenue to 8th Street, easterly along 8th Street to "P" Street, northerly along "P" Street to 11th Street, and westerly along 11th Street to Chester Avenue.