

Decision No. 35001

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BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of FRESNO TRACTION COMPANY, now FRESNO CITY LINES, INC., (a) For authority to abandon all of its street railway lines in the City of Fresno and in unincorporated territory in the vicinity thereof, all in Fresno County, California; (b) For certificate of public convenience and necessity for the exercise of a general franchise from the City of Fresno for the operation of a comprehensive motor coach system in substitution for the street railway lines so to be abandoned; and (c) For certificate of public convenience and necessity for the transportation of passengers by motor coach in the City of Fresno and in unincorporated territory in the vicinity thereof, all in Fresno County, California.

ORIGINAL

Application No. 22255

PILLSBURY, MADISON & SUTRO by Hugh T. Fullerton, for applicant.

C. M. OZIAS, City Attorney, for City of Fresno.

AL BRAVERMAN, for citizens protesting abandonment.

IRMA V. JENNER, on behalf of residents of West End, Kearny Boulevard and Cliauder Avenue.

S. M. ALBARIAN, for himself and fellow neighbors.

MRS. B. E. MAHER, for residents south of Roeding Park District.

C. I. CHRISMAN, for Fresno Union Academy.

GLEN E. BEAL, for residents of Palm Grove Tract.

EDNA KOHLMAN, for Better Service after nine o'clock in the Evening.

EDWARD PIFER, against service on the Fresno line.

V. BARTMAN, property owner, for himself.

PERCY C. CHURCH, attorney for property owners.

BY THE COMMISSION:

O P I N I O N

Fresno City Lines, Inc., formerly Fresno Traction Company, filed its supplemental application in the above matter for an Order supplemental to Decision No. 31962 (Second Supplemental Order), dated April 25, 1939, wherein motor coach routes of applicant's local passenger transportation service within the City of Fresno and territory immediately adjacent thereto were authorized.

In said Second Supplemental Order provision was made for future adjustment of the routes provided therein in the following words:

"It appears that the routings now proposed will reasonably well serve the City of Fresno and its immediate surrounding territory. However, if, after the operation has been in effect for a reasonable period of time, it should develop that certain changes should be made in the routing so as to better serve the public, such changes will be approved by supplemental order. The authority requested herein will therefore be granted with this understanding."

In its instant request applicant alleges that it has subsequently made a study of the passenger transportation problems of the Fresno area and that certain modifications in the routing prescribed by Decision No. 31962 are desirable, the nature of said changes being specifically set forth in Exhibits Nos. "B," "C," "D," and "E," attached to the application.

On September 1, 1939, a hearing was held in Fresno before Examiner Jenkins and the matter was taken under submission on that date.

At the hearing applicant stated that subsequent to date of filing further consideration of the matter indicated the desirability of slight revision in the routes as proposed in the application and submitted Exhibits "B," "C," "D," and "E" in amended form.

The composite routing plan as finally proposed does not depart materially from the routing now in effect. The major changes consist of discontinuance of service along Olive Avenue between Blackstone Avenue and Ferger Avenue, a distance of approximately one mile in an east and west direction; provision of a new service between the intersection of Divisadero Street and North Fulton Street, and the intersection of Olive Avenue and Ferger Avenue, a distance slightly in excess of one mile, the route running generally north and south; provision of a new service on a trial basis in the western part of the city along "D" Street between Fresno Street and El Dorado

Street; and discontinuance of service in the southern area along Tulare Street, "F" Street and Ventura Street.

Revised routes as proposed will not, except to a very minor extent, place any of the area now situated within one-quarter mile of service at a greater distance, and will provide more accessible service to an appreciable portion of the city.

Protests were voiced at the hearing, primarily directed toward the alleged inadequacy of existing routes. The record indicates, however, that with two exceptions, as described below, change in existing or proposed routes in satisfaction of protests is unwarranted.

One of the exceptions referred to above involves the desire for an enlargement of the terminal loop on the Huntington Boulevard line to embrace the County Hospital. Applicant expressed willingness to comply with that request and to amend its application accordingly.

The other exception involved the residential area immediately south of Roeding Park which is at present situated at considerable distance from transportation. In order to relieve the condition to some extent applicant expressed willingness to move the route proposed to be established on Wilson Avenue between Olive Avenue and Belmont Avenue one block westward to Fenger Avenue, and amended the application accordingly.

The record appears to be complete in justification of the rerouting as finally proposed and specified in the following order. It is of such design as to at this time and under present conditions most satisfactorily serve the population residing in and adjacent to the City of Fresno, and is in accordance with a more efficient pattern from an operational standpoint; however, in the future the passenger transportation requirements in the area affected may necessitate

further consideration of re-routings and with the understanding that such future developments may be satisfied by further order, request of applicant should be granted.

Fresno City Lines 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.

ORDER

A public hearing having been held and the Commission being fully apprised of the facts,

IT IS HEREBY ORDERED that Fresno City Lines, Inc., be and it is hereby authorized to change its motor coach routes in and adjacent to the City of Fresno in accordance with Appendix "A" attached hereto and made a part hereof, and operate the same as a consolidated system, subject, however, 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 thirty (30) days from the effective date hereof, and shall file in triplicate and concurrently make effective on not less than two days' notice to the Railroad Commission and the public a tariff or tariffs constructed in accordance with the requirements of the Commission's General Orders and containing rates and rules which in volume and effect, shall be identical with the rates and rules shown in the exhibit attached to the application in so far as they conform to the certificate herein granted, or rates and rules satisfactory to the Railroad Commission.
- (3) Applicant shall file, in duplicate, and make effective within a period of not to exceed thirty (30) days after the effective date of this order, on not less than two days' notice to the Railroad Commission and the public, time schedules covering

the service herein authorized in a form satisfactory to the Railroad Commission.

- (4) The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad 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 Railroad Commission.
- (6) Applicant is authorized to turn its motor vehicles at termini, either in the intersection of the streets or by operating around a block contiguous to such intersection in either direction and to carry passengers, as traffic regulations of the municipality may require.

For all other purposes the effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 7th day of September, 1939.

Raymond J. Quinn

Ray J. Quinn

Justus F. Cooney

APPENDIX "A"

REGULAR SERVICE

1. WISHON AVENUE LINE: Starting at Fresno and Fulton Street, thence North on Fulton Street to Olive, West on Olive to Wishon, thence North on Wishon to Brown, West on Brown to Van Ness Boulevard, North on Van Ness Boulevard to Dayton Avenue, East on Dayton to Wishon, South on Wishon to Shields, thence East on Shields to Van Ness Boulevard.

Starting at Wishon and Weldon, West on Weldon to Palm Avenue, thence North on Palm Avenue to Shields, thence East on Shields to Van Ness Boulevard.

2. RECREATION PARK: Starting at the intersection of Fulton and Fresno Streets Southeasterly to Ventura Avenue, thence North-easterly and East on Ventura Avenue to First Street, thence North on First Street to Huntington Boulevard, thence East on Huntington Boulevard to Twelfth Street, thence South on Twelfth Street to Ventura Avenue, thence East on Ventura Avenue to Barton Avenue, thence North on Barton Avenue to Mono Avenue, thence East on Mono Avenue to Maple Avenue, thence North on Maple Avenue to Huntington Avenue, thence West on Huntington Avenue to First Street, thence South on First Street to Ventura Avenue, thence West and Southwesterly on Ventura Avenue to Fulton Street, thence Northwesterly on Fulton Street to point of beginning.
3. BLACKSTONE: Starting at Fresno and Fulton Street, thence North on Fulton to Stanislaus, East on Stanislaus to Blackstone, North on Blackstone to Home Avenue, West on Home Avenue to Delmar, South on Delmar to Floradora, East on Floradora to Blackstone.
4. McKENZIE: Starting at Fresno and Fulton, thence South on Fulton to Tulare, East on Tulare Street to First Street, North on First Street to McKenzie, thence East on McKenzie to Ninth Street, South on Ninth Street to Nevada, West on Nevada to Eighth Street, North on Eighth Street to McKenzie.

Starting at Ninth and McKenzie, thence East on McKenzie to Twelfth Street, South on Twelfth Street to Illinois, thence East on Illinois to Sierra, thence North on Sierra to Grant, West on Grant to Twelfth Street, South on Twelfth Street to McKenzie.

5. OLIVE AVENUE: Commencing at the intersection of Fresno and Fulton Streets Northwesterly on Fulton to Divisadero, West on Divisadero to Echo, thence North on Echo to Belmont, West on Belmont to Ferger, thence North on Ferger to Olive, thence West on Olive to Fruit, North on Fruit to West Floradora, East on West Floradora to Arthur, South on Arthur to Olive and back to point of beginning and thence:

Regular Service: Southeasterly on Fulton to Kern Street, thence North-easterly on Kern Street to Van Ness, thence South-easterly on Van Ness to Inyo, thence Southwesterly on Inyo to Fulton, thence Northwesterly on Fulton to Fresno Street.

90-day Trial Service: Southwesterly on Fresno to "D" Street, thence Northwesterly on "D" Street to El Dorado, thence Southwesterly on El Dorado to Trinity, thence South on Trinity to "C" Street, thence Southeasterly on "C" Street to Sacramento Street, thence Northeasterly on Sacramento to "D" Street, thence Southeasterly on "D" Street to Fresno Street, thence Northeasterly on Fresno Street to Fulton Street.

6. HARVEY AVENUE: Starting at Fresno and Fulton, thence East on Fresno Street to Fresno Avenue, North on Fresno Avenue to Belmont, East on Belmont to Millbrook, thence North on Millbrook to Harvey, thence West on Harvey to First Street, thence South on First Street to Belmont.
7. HAZELWOOD: Starting at Fresno and Fulton, thence South on Fulton to Hamilton, East on Hamilton to Third Street, thence North on Third Street to Butler, East on Butler to Eighth Street, North on Eighth Street to Lowe, thence West on Lowe to Third Street, South on Third Street to Butler.
8. EAST FRESNO: Starting at Fresno and Fulton Street, thence East on Fresno Street to Fresno Avenue, North on Fresno Avenue to Hedges, thence West on Hedges to Thesta, South on Thesta to Hammond, East on Hammond to Fresno.
9. WEST FRESNO: Starting at the intersection of Fresno and Fulton Streets, thence Southwesterly on Fresno Street to Jones Street, thence Southeasterly on Jones Street to California Avenue, thence East on California Avenue to Ventura Avenue, thence Northeasterly on Ventura Avenue to "C" Street, thence Southeasterly on "C" Street to California Avenue; thence East on California Avenue to and around a loop around the block bounded by California, Kirk, Lorena and Lilly Avenues, and thence returning by same route to point of beginning.

OCCASIONAL SERVICE

1. Between the intersection of Home Avenue and Blackstone Avenue, and the intersection of Wishon Avenue and Weldon Avenue, via Blackstone Avenue and Weldon Avenue.
2. Between the intersection of Weldon Avenue and Van Ness Boulevard, and the intersection of McKinley Avenue and Wishon Avenue, via Echo Avenue and McKinley Avenue.
3. Between the intersection of Olive Avenue and Fruit Avenue, and the intersection of North Fulton Street and Belmont Avenue, via Olive Avenue, West Avenue and Belmont Avenue, and thence to the Crematory.
4. On Hammond Avenue between Thesta Avenue and Blackstone Avenue.
5. On Olive Avenue between Blackstone Avenue and Ferger Avenue.

TRIAL SERVICE

Service for 90-day Trial Period: From the intersection of Fresno and Fulton Streets southwesterly on Fresno to "D" Street, thence Northwesterly on "D" Street to El Dorado, thence Southwesterly on El Dorado to Trinity, thence South on Trinity to "C" Street, thence Southeasterly on "C" Street to Sacramento Street, thence Northeasterly on Sacramento to "D" Street, thence Southeasterly on "D" Street to Fresno Street, thence Northeasterly on Fresno Street to Fulton Street.

DISCONTINUANCE OF SERVICE

Streets from which present motor-coach routes will be diverted on proposed re-routing.

1. From the intersection of Olive Avenue and Roosevelt Avenue, South on Roosevelt Avenue to Dudley Avenue, thence West on Dudley Avenue to Harrison Avenue, thence North on Harrison to Olive Avenue.
2. From the intersection on Olive Avenue and Palm Avenue, North on Palm to McKinley Avenue, thence West on McKinley Avenue to Harrison Avenue, thence South on Harrison to West Hedges Street, thence West on West Hedges to Fruit Avenue.
3. Vagedes Avenue between Olive Avenue and West Hedges.
4. San Pablo Avenue between Floradora Avenue and Home Street.
5. From the intersection of East Tulare Street and Orchard Street, North on Orchard to McKenzie Avenue, thence East on McKenzie to North First Street.
6. From the intersection of Fulton Street and Cherry Avenue South on Cherry Avenue to California Avenue, thence West on California to Rose Avenue, thence South on Rose Avenue to Belgravia Avenue, thence West on Belgravia Avenue to Lilly Avenue, thence North on Lilly Avenue to Lorena Avenue.
7. From the intersection of Fulton and Tulare Streets Southwesterly on Tulare Street to "F" Street, thence Southeasterly on "F" Street to Ventura Avenue, thence Westerly on Ventura Avenue to "C" Street.
8. From the intersection of Ventura and Mayor Avenues Southeasterly on Mayor Avenue to California Avenue, thence East on California Avenue to "C" Street.
9. From the intersection of Fresno and Jones Avenues, Southwesterly on Fresno Street to Irwin Avenue, thence Northwesterly on Irwin Avenue to Merced Street, thence Northeasterly on Merced Street to Jones Avenue, thence Southeasterly on Jones Avenue to Fresno Street.
10. Barton Avenue between Huntington Boulevard and Mono Avenue.