

Decision No. 2389

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of	)	
ELIZABETH HENSLEY, doing business as	)	
LEE'S AUTO STAGE LINE, for an In Lieu	)	Application No. 23894
Certificate of Public Convenience and	)	
Necessity.	)	

BY THE COMMISSION:

**ORIGINAL**

O P I N I O N

Elizabeth Hensley by the above-entitled application, as amended, requests authority to conduct the passenger stage service formerly operated by Walter D. Lee, doing business as Lee's Auto Stage Line, which was awarded to her by the Decree of Distribution of the Superior Court of the State of California, in and for the County of San Bernardino, in the matter of the Estate of Walter D. Lee, deceased. Applicant also seeks authority to make certain minor changes in the routes used in conducting such operation and to extend service from Rialto to Bloomington for a trial period of sixty days.

Mr. Lee, by passenger stage operations conducted prior to May 1, 1917, acquired a prescriptive operative right to serve San Bernardino and Rialto. Such service was operated continuously by Mr. Lee until his death March 21, 1940.

Mr. Lee's daughter, Mrs. Hensley, the applicant herein, was appointed executrix of his estate and as such conducted the operation of Lee's Auto Stage Line during the period of probate. By the terms of Mr. Lee's will, she was bequeathed and devised said passenger stage operative right together with all of the equipment, property and assets of the business. Upon final

settlement of the estate, said operative right and the property used in conducting the business thereunder were distributed to Mrs. Hensley.

Applicant seeks authority to change the present route employed when performing service in San Bernardino. Now the line of travel is westerly along Fifth Street to Mt. Vernon Avenue, thence southerly to Foothill Boulevard, thence westerly to the extension of Fifth Street. It is proposed to operate west along Fifth Street to the intersection with Foothill Boulevard.

It is alleged in the application that if the rerouting is authorized two highway stop signs will be avoided as well as a dangerous left turn.

Applicant requests permission to extend service from Rialto to Bloomington, a distance of about three miles, for a trial period of sixty days. It is stated in the application that meetings have been held in Bloomington which resulted in a request for such extension from the Chamber of Commerce and from various citizens. It is asserted that all transportation facilities by common carriers, between Bloomington, Rialto, and San Bernardino, have been abandoned and as a result the inhabitants of Bloomington lack a means of public transportation. Applicant states that she has considered the proposed extension and believes there is a reasonable possibility that it will produce a sufficient revenue to pay at least the operating cost. Therefore, she is willing to inaugurate service on a temporary basis as an experiment. Although it is doubtful whether a passenger operation between Rialto and Bloomington will be a financial success, apparently there is some demand for service and applicant is

willing to render it tentatively. Hence, she should be permitted to do so. After the trial period has expired, if such operation has not proven remunerative, the Commission will entertain an application for authority to abandon it.

Full consideration has been given to this matter. The Commission is of the opinion that a public hearing is unnecessary and the application should be granted.

O R D E R

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA having fully considered Application No. 23894, and the evidence pertaining thereto, hereby declares that public convenience and necessity require the operation by Elizabeth Hensley of the automotive passenger stage service acquired by Walter D. Lee through operations prior to May 1, 1917, the rerouting of such service in San Bernardino, and the extension thereof from Rialto to Bloomington.

IT IS ORDERED that Elizabeth Hensley be and she is authorized hereby to continue the operation of the passenger stage service between San Bernardino and Rialto formerly conducted by Walter D. Lee, deceased.

IT IS FURTHER ORDERED that Elizabeth Hensley be and she is granted a certificate to operate an automotive passenger stage service as that term is defined in section 2 $\frac{1}{4}$  of the Public Utilities Act, for the transportation of passengers, between Bloomington and Rialto, to be connected with her existing service between San Bernardino and Rialto and operated either locally or as a through route.

IT IS FURTHER ORDERED that in the operation of said passenger stage service, hereinbefore authorized and certificated, Elizabeth Hensley shall comply with and observe the following service regulations:

- (1) Written acceptance of the certificate herein granted shall be filed within a period of not to exceed thirty (30) days from the date hereof.
- (2) Subject to the authority of this Commission to change or modify such at any time by further order, Elizabeth Hensley shall conduct such passenger stage operation over and along the following described routes:

Through San Bernardino, thence generally along Foothill Boulevard to Rialto, through Rialto, thence generally along Riverside, Bloomington and Cedar Avenues to Bloomington, with the option to use any appropriate route or routes within and immediately adjacent to the municipalities served.

- (3) File, in triplicate, within sixty (60) days from the date of this order and on not less than five (5) days' notice to the Commission and the public, a supplement to the tariffs now on file with the Commission in the name of Lee's Auto Stage Line, showing the withdrawal of Walter D. Lee and the adoption and establishment of such tariffs by Elizabeth Hensley as her own.
- (4) File, in triplicate, and concurrently make effective on not less than five (5) days' notice to the Commission and the public, a tariff or tariffs constructed in accordance with the requirements of the Commission's General Order and containing rates, rules and regulations which shall conform to the certificate and authority herein granted, or rates, rules and regulations satisfactory to the Commission.
- (5) File, in triplicate, and make effective within a period of not to exceed sixty (60) days from the date of this order, on not less than five (5) days' notice to this Commission and the public, time schedules covering the service herein authorized in a form satisfactory to this Commission.

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

Dated at San Francisco, California, this 11<sup>th</sup> day of February, 1941.

[Signature]  
[Signature]  
[Signature]  
[Signature]  
[Signature]  
COMMISSIONERS