

ORIGINAL

Decision No. 34416

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of FRESNO CITY LINES, INC. for a certificate of public convenience and necessity to extend its motor bus service for the transportation of passengers between the business section of the City of Fresno and the United States Army Air Base now in course of construction adjacent to Shields Avenue, between Winery and Clovis Avenues, in the County of Fresno east of the City of Fresno, over certain routes described in this application.

)
)
)
)
)
)
) Application No. 24224
)
)
)
)

In the Matter of the Application of D. MOYERS dba MOYERS STAGES, for a certificate of public convenience and necessity between Fresno and Friant via Fresno Air Base and Clovis, and to consolidate same with applicant's system.

)
) Application No. 24297
)
)
)
)

STEWART MOORE and E. A. DEVEREUX, for applicant Fresno City Lines, Inc.

ARTHUR C. SHEPARD, for Engineers Limited, in support of Application No. 24224.

G. LEVIN AYNESWORTH, for applicant Moyers Stages.

J. D. SMITH, for Fresno General Defense Committee, interested party.

BY THE COMMISSION:

O P I N I O N

In Application No. 24224 Fresno City Lines, Inc., asks for a certificate of public convenience and necessity to extend bus service for the transportation of passengers between the business section of Fresno and the United States Army Air Base adjacent to Shields Avenue between Winery and Clovis Avenues in the County of Fresno and situated about eight miles east of the City of Fresno. In Application No. 24297 D. Moyers dba Moyers Stages asks for a certificate of public convenience and necessity to operate passenger stage service between Fresno and Friant via the United States Army Air Base.

A public hearing was held in these matters before Examiner Hall on June 27, 1941, in Fresno, at which time it was stipulated that the matters would be consolidated for hearing.

Fresno City Lines, Inc., now operates the local passenger stage service within the City of Fresno and adjacent territory and it proposes to operate to the United States Army Air Base in coordination with and as an addition to its existing services. The record shows that the United States Army Air Base is now under construction and it is expected that during the month of July it will be occupied by army personnel consisting of about 3,000 men.

Applicant Fresno City Lines, Inc., in addition to serving the air base also proposes to serve locally that area along North Fresno Avenue and Shields Avenue. A large number of residences have been constructed or are under construction adjacent to North Fresno Avenue which is now without local transportation.

Applicant Moyers now operates various inter-city passenger stage services radiating from Fresno to Friant, Sanger, Los Banos, Gilroy, and various other distant points and proposes this new service as an enlargement of its present operative rights.

Both applicants propose to use the same route between Fresno and the air base except that Fresno City Lines, Inc., proposes a terminal point in Fresno at the intersection of Van Ness Avenue and Mariposa Street, whereas Moyers' proposed terminal is at Pacific Greyhound Lines Depot at the intersection of E Street and Mariposa Street. The fare structures of both applicants between Fresno and the air base are substantially the same except Fresno City Lines proposes transfers to the remainder of its system. Moyers' proposal includes, in addition, service to Clovis and Friant coordinated with the remainder of his system and joint tariffs with connecting long distance passenger stage carriers.

Fresno City Lines, Inc., showed that it has been requested to install this service by the authorities at the air base and numerous residents in the area adjacent to North Fresno Street. The record shows that this territory is building up rapidly with homes for civilian population and for officers to be stationed at the air base.

Witnesses were produced to show that a service is desirable between Friant and Fresno via Clovis and the air base in order that residents may reach both the air base and Fresno. The representative of Clovis believes that many of the personnel of the air base will use such a service in order to spend time off duty in Clovis. Furthermore, Moyers expects that his proposed service will increase sightseeing demands with the double attraction of the air base and Friant dam.

It is clear from the record that passenger stage service is highly desirable between the air base and Fresno, that the service through to Clovis and Friant will be of value, but of themselves cannot support a service, that the service between the air base and Fresno more nearly approaches urban service, while the service east of the air base is inter-city in character, and that without the air base business neither proposal would be successful ventures.

Both of these carriers have been successful operators in their respective services, Fresno City Lines, Inc., as a local carrier, and Moyers Stages as an inter-city carrier. It is clear that Fresno City Lines, Inc., could best handle the local traffic between Fresno and the air base, whereas, on the other hand, Moyers Stages is best equipped to handle that service between the air base and Friant.

After a review of this record we are of the opinion that both applicants should be authorized to serve the air base, that Fresno City Lines, Inc., should be authorized to provide a complete

local service between Fresno and said air base, but that Moyers should not be authorized to provide a local service in Fresno or local service to or from points intermediate to Fresno and the air base. Such will be the order.

O R D E R

A public hearing having been held and the matter duly submitted

IT IS ORDERED

I. That a certificate of public convenience and necessity be and it is hereby granted to Fresno City Lines, Inc., authorizing the establishment and operation of an automotive passenger stage service for the transportation of passengers as a passenger stage corporation, as defined in Section 2-1/4 of the Public Utilities Act, between the City of Fresno and the United States Army Air Base located on Shields Avenue between Winery and Clovis Avenues, County of Fresno, as an extension and enlargement of the operative rights created by Decision No. 31739, dated February 14, 1939, and amendments thereto on Application No. 22255.

II. That in the operation of said passenger stage service, pursuant to the foregoing certificate, Fresno City Lines, Inc., shall comply with and observe the following service regulations:

- (1) File a written acceptance of the certificate herein granted within a period of not to exceed thirty (30) days from the effective date hereof.
- (2) Subject to the authority of this Commission to change or modify such at any time in the future, conduct such passenger stage operation over and along the following route:

"Commencing at Mariposa Street and Van Ness Avenue in the City of Fresno; thence northwesterly on Van Ness Avenue

to Fresno Street; thence northerly on Fresno Street to Fresno Avenue, thence north on Fresno Avenue to Shields Avenue; thence east on Shields Avenue to a point about 1/4 of a mile west of Clovis Avenue, opposite the Air Base, returning via the same route. Route distance about eight miles."

- (3) Comply with the provisions of General Order No. 79 and Part IV of General Order No. 93-A, by filing in conformity therewith tariffs and time schedules in triplicate within sixty (60) days from the effective date of this order and upon not less than five (5) days' notice to the Commission and the public.
- (4) 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 to such intersection in either direction and to carry passengers as traffic regulations of the political subdivision may require.

III. That a certificate of public convenience and necessity be and it is hereby granted to D. Moyers dba Moyers Stages authorizing the establishment and operation of an automotive passenger stage service for the transportation of passengers, baggage, and shipments of express weighing not in excess of one hundred pounds on passenger carrying vehicles only, as a passenger stage corporation, as defined in Section 2-1/4 of the Public Utilities Act between the City of Fresno and the City of Friant via the United States Army Air Base and Clovis, all in the County of Fresno, as an extension and enlargement of the operative rights created by Decision No. 28868, dated June 8, 1936 on Application No. 20397, subject, however, to the restriction that no passengers may be picked up or discharged at any point intermediate to the City of Fresno and the United States Army Air Base, except when traveling from or to a point beyond the City of Fresno or the United States Army Air Base, and that no passengers may be carried locally within the City of Fresno.

IV. That in the operation of said passenger stage service, pursuant to the foregoing certificate, D. Moyers dba Moyers Stages, shall comply with and observe the following service regulations:

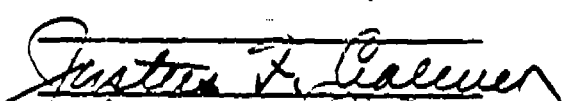
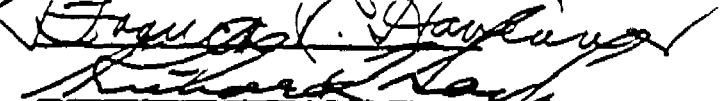

- (1) File a written acceptance of the certificate herein granted within a period of not to exceed thirty (30) days from the date hereof.
- (2) Subject to the authority of this Commission to change or modify such at any time by further order, conduct such passenger stage operations over and along the following route:

"From Pacific Greyhound Lines terminal in the City of Fresno, thence via H Street to Fresno Avenue; thence via Fresno Avenue to Shields Avenue, thence via Shields Avenue to Clovis Avenue; thence via Clovis Avenue to Willow Avenue; thence via Willow Avenue to State Route 41; and thence via State Route 41 to Friant. Return route to be reverse."

- (3) Comply with the provisions of General Orders Nos. 79 and 80 and Part IV of General Order No. 93-A by filing in conformity therewith tariffs and time schedules in triplicate within sixty (60) days from the effective date of this order and upon not less than five (5) days' notice to the Commission and the public.
- (4) Applicant is authorized to turn its motor vehicles at termini and intermediate points 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 political subdivision may require.

V. That the effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 18th day of July, 1941.




Commissioners