

ORIGINAL

Decision No. 35514

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
W. PAUL BUTLER, doing business under )  
the firm name and style of RIVERSIDE )  
RAPID TRANSIT LINES, for a certificate )  
of public convenience and necessity to )  
operate an automotive stage service for )  
the transportation of passengers and )  
baggage between Riverside and Corona, ) Application No. 24977  
California, serving the Town of La )  
Sierra, the United States Naval Hospital )  
near the Town of Norco by diversion )  
from the regular route, and to abandon )  
service between Riverside and La Sierra, )  
California, via Magnolia and Hole Avenues. )

LEONARD DIFANI, for Applicant.

C. H. JONES, for Pacific Electric Railway Company, Protestant.

J. F. SEAWELL, doing business as Riverside Transit, Protestant.

LOREN W. SMITH, doing business as Citrus Belt Lines, Interested Party.

BY THE COMMISSION:

O P I N I O N

W. Paul Butler, applicant herein, doing business as Riverside Rapid Transit Lines, now provides a passenger stage service between the intersection of Seventh and Market Streets, his terminal in Riverside, and the community of La Sierra Heights situated approximately one mile westerly of Arlington, a suburb of Riverside. The route of this operation is along Market Street Magnolia Avenue and Hole Avenue. This service is provided subject

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(1) Butler also serves two other suburban communities of Riverside over routes which are not involved in this proceeding.

to a local restriction along Market Street and Magnolia Avenue between the intersection of Seventh and Market Streets and the intersection of Hole and Magnolia Avenues which is presently served by Pacific Electric Railway Company.

In the above-entitled application Butler requests a certificate of public convenience and necessity authorizing the operation of a passenger stage service between La Sierra Heights and Corona and intermediate points, via Norco and the United States Naval Hospital near Norco, as an extension of his present operative right between Riverside and La Sierra Heights. He also proposes to abandon service over the route above described between Riverside and La Sierra Heights and to establish service over a new route between these points which would parallel his present route as described hereinafter. (2)

A public hearing was had before Examiner Paul at Riverside on June 11, 1942 when evidence was taken and the matter submitted.

The application was protested by Pacific Electric Railway Company and by J. F. Seawell, doing business as Riverside Transit. Loren W. Smith, doing business as Citrus Belt Lines, was an interested party.

It was shown that the portion of the proposed new route from Riverside Terminal over Eighth Street, Walnut Street and

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(2) The proposed route is via Eighth Street, Walnut Street, Brockton Avenue, Beatty Drive, Arch Way, Sierra Street, Valencia Street, Arlington Avenue, Hole Avenue and Chino-Corona Road. Diversion to La Sierra Heights would be over Tyler Avenue, Wells Avenue and Hole Avenue.

Brockton Avenue to the intersection of Brockton Avenue and Beatty Drive, a distance of about two miles, would closely parallel applicant's present route and that of Pacific Electric Railway, the intervening distance varying, but not exceeding, about one-fourth mile. From that intersection to the intersection of Valencia Street and Arlington Avenue, a distance of approximately one mile, the proposed route would also parallel those referred to and the intervening distance for the most part was shown to be slightly more than one-fourth mile.

From the intersection of Valencia Street and Arlington Avenue, the proposed new route is westerly along Arlington Avenue to Tyler Avenue, thence over Tyler Avenue to Wells Avenue to La Sierra Heights, the terminus of his present operation. The latter portion of the proposed new routing varies in distance from Magnolia Avenue from approximately 2,000 feet at the intersection of Valencia Avenue and Arlington Avenue to about two and one-half miles at the intersection of Tyler Avenue and Orange Avenue. The route along Wells Avenue would be something over a mile from the present terminus of Pacific Electric Railway's operation at the intersection of Magnolia and Hole Avenues.

It was stated that the Naval Hospital is located approximately four miles northerly of Corona. The distance between applicant's terminal in Riverside and the Naval Hospital via the proposed direct routing is about 14.5 miles. The community of La Sierra Heights would be served by diversion from the direct route. The distance between the Riverside terminal and the Naval Hospital via La Sierra Heights would be approximately 18.5 miles.

Applicant proposes to operate 29 daily round-trip schedules between his Riverside terminal and the intersection of

Arlington and Streeter Avenues, between 6:00 A.M. and 12:00 midnight. Six daily round-trip schedules would be operated between Riverside and the Naval Hospital at Norco, four of which would serve La Sierra Heights by diversion. Between Corona and the Naval Hospital it is proposed to operate 19 daily round-trip schedules. The rates to apply between the points involved are set forth in the margin. (3)

The record discloses that under applicant's proposal he would continue service between La Sierra Heights and Riverside but over a different route which, if authorized, would eliminate service along Hole Avenue between its intersection with Wells Avenue and its intersection with Magnolia Avenue. This last intersection is the Arlington terminus of Pacific Electric Railway's local passenger service. Applicant asserted that there

(3)	River- side	Arlington & Streeter	Arlington & Tyler	La Sierra	6th St. Norco	Naval Hos- pital
Riverside	0					
Arlington & Streeter	10	0				
Arlington & Tyler	15	5	0			
La Sierra	20	10	5	0		
Sixth St., Norco	30	20	15	10	0	
Naval Hospital	35	25	20	15	5	0

Non-transferable Commuters Books - Riverside Naval Hospital only:

50 ride book good for 31 days \$12.00  
24 ride book good for 15 days 7.00

One-way fares between Corona and United States Naval Hospital 10¢

It is contemplated to issue non-transferable commuters' books of 14 rides, good for 7 days, at \$1.00 per book, to officers, enlisted men and civil service employees at the United States Naval Hospital.

No round-trip fares will be issued.

is insufficient traffic along the portion of Hole Avenue proposed to be abandoned to justify a continuance of this service. No one opposed this abandonment.

In support of applicant's request to extend service to the United States Naval Hospital near Norco and to Corona, it was shown that the former Lake Norconian Hotel, near Norco, is being converted into a permanent United States Naval Hospital at which there are quartered medical officers and enlisted personnel of the United States Navy. This is one of the principal Naval Hospitals in Southern California, located in an ideal situation for its planned use. Evidence was adduced showing that its staff and personnel are in immediate need of a transportation service to and from Riverside and Corona to avail themselves of housing and other facilities at these towns.

J. F. Seawell provides a local passenger stage service within the corporate limits of Riverside. One of the routes operated serves the district which applicant proposes to serve on that portion of his route approximately between his Riverside terminal and the vicinity near the intersection of Beatty Drive and Arch Way. Seawell stated that he would not oppose the proposed operation if any authority granted would restrict applicant from providing service in the district served by him.

The position of protestant Pacific Electric Railway is similar to that of Seawell with regard to the proposal of applicant to render local service within Riverside over that portion of the proposed route which closely parallels Pacific Electric Railway, as hereinabove described, in its operation between Riverside and Arlington Station.

Citrus Belt Lines, operated by Loren W. Smith, is the only other carrier in the territory involved. He offered no opposition to the proposal of applicant. Smith has a passenger stage certificate between Pomona, Ontario, Chino and Corona via Norco and the Naval Hospital. He has applied for authority to abandon his service between Chino and Corona which is having the consideration of the Commission. (Application No. 24976).

This record clearly demonstrates that a public need exists for the establishment of a passenger stage service to meet the requirements of those desiring transportation between Riverside, La Sierra Heights, Norco, the Naval Hospital and Corona and intermediate points. However, no need was shown to exist, nor was any evidence adduced, tending to show a need for any additional local service within Riverside between the intersection of Beatty Drive and Arch Way and applicant's present Riverside terminal at Seventh and Market Streets. We therefore find that public convenience and necessity require the establishment and operation by W. Paul Butler of service as a passenger stage corporation, between Riverside and Corona and intermediate points via La Sierra Heights, Norco and the United States Naval Hospital, subject to a local restriction within Riverside.

#### O R D E R

Application having been made as above entitled, a public hearing having been had, evidence having been received, the matter submitted and the Commission having found that public convenience and necessity so require:

IT IS ORDERED that a certificate of public convenience and necessity is hereby granted to W. Paul Butler authorizing the establishment and operation of service as a passenger stage corporation, as defined in section 2½ of the Public Utilities Act, for the transportation of passengers and baggage between Riverside and Corona and intermediate points, via La Sierra Heights, Norco and the United States Naval Hospital, subject to the following restriction and condition:

1. No passengers or baggage may be transported locally in Riverside between the intersection of Seventh and Market Streets and the intersection of Beatty Drive and Arch Way, provided that passengers and baggage may be transported to or from points within such restricted area to or from points outside such area.
2. W. Paul Butler, his successors or assigns, shall never claim before this Commission or any court or other public body, a value for the authority hereby granted in excess of the actual cost thereof.

IT IS FURTHER ORDERED that W. Paul Butler is hereby authorized to abandon passenger stage service between Riverside and La Sierra Heights, via Market Street, Magnolia Avenue and Hole Avenue, and the operative right therefor, heretofore created by Decision No. 34756, in Application No. 24543, is hereby revoked and annulled.

IT IS FURTHER ORDERED that in the operation of passenger stage service pursuant to the foregoing certificate, the following service regulations shall be observed:

1. Applicant shall 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. Applicant shall comply with the provisions of the Commission's General Order No. 79 and Part IV of General Order No. 93-A by filing, in triplicate, and concurrently making effective tariffs and time schedules satisfactory to the Commission within sixty (60) days from the effective date hereof and on not less than one (1) day's notice to the Commission and the public.
3. Applicant shall conduct passenger stage service pursuant to the certificate herein granted over and along the following routes, subject to the authority of the Commission to change or modify them at any time by further order:

Beginning at the intersection of Seventh and Market Streets, Riverside, thence along Market Street, Eighth Street, Walnut Street, Brockton Avenue, Beatty Drive, Arch Way, Sierra Avenue, Valencia Street, Arlington Avenue, Hole Avenue, and county roads to Norco Naval Hospital, in Corona. Diversion to La Sierra Heights shall be over Tyler Avenue from Arlington Avenue, thence over Wells Avenue and Hole Avenue to Arlington Avenue.

4. Applicant shall 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.

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

Dated at San Francisco, California, this 23<sup>d</sup> day of June, 1942.

Ray A. Kiley  
H. L. Baker  
Richard L. Baker

COMMISSIONERS