

Decision No. 35787

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of W. PAUL )  
BUTLER and LEONARD J. DIFANI, doing business )  
under the firm name and style of ARLINGTON )  
MOTOR SERVICE, for a certificate of public )  
convenience and necessity to operate an )  
automotive stage service for the transpor- )  
tation of passengers and baggage between )  
Arlington, California, and the United )  
States Army Staging Depot located in the )  
County of Riverside immediately west of )  
Arlington Avenue and Van Buren Street, )  
north of Arlington, California. )

Application  
No. 25147

ORIGINAL

In the Matter of the Application of PACIFIC )  
ELECTRIC RAILWAY COMPANY, a corporation, )  
for authority to discontinue rail passenger )  
service on the Riverside-Arlington Line. )

Application  
No. 25214

In the Matter of the Application of PACIFIC )  
ELECTRIC RAILWAY COMPANY, a corporation, )  
for an in lieu certificate of public con- )  
venience and necessity. )

57th Suppl.  
Application  
No. 17984

In the Matter of the Application of W. PAUL )  
BUTLER, doing business under the firm name )  
and style of RIVERSIDE RAPID TRANSIT LINES, )  
for an alternate and/or additional revised )  
routing. )

1st Suppl.  
Application  
No. 24977

LEONARD J. DIFANI for Applicants in Application  
No. 25147 and for Applicant in Supplemental  
Application No. 24977; Protestant in Appli-  
cation No. 25214 and 57th Supplemental  
Application No. 17984.

C. W. CORNELL for Applicant in Application No.  
25214 and 57th Supplemental Application No.  
17984; Interested Party in Application No.  
25147 and Supplemental Application No. 24977.

MIGUEL ESTUDILLO, City Attorney of Riverside.

WALTER C. DAVISON, Mayor of Riverside in propria  
persona.

JOSEPH SEYMOUR for the Transportation Committee  
of the Arlington Chamber of Commerce.

J. F. SEAWELL for Riverside Bus Line.

BY THE COMMISSION:

O P I N I O N

This decision deals with four applications the subject matter of which is related. Due to the community of interest between them they were consolidated for consideration. Public hearing was held at Riverside September 2, 1942 before Examiner Howard. Evidence was received and the applications submitted on the record thus made.

W. Paul Butler and Leonard J. Difani, doing business as Arlington Motor Service, filed Application No. 25147 requesting a certificate of public convenience and necessity authorizing them to operate passenger stage service between Arlington and the United States Army Staging Depot which is situated outside of, but near, the westerly city limits of Riverside opposite the intersection of Van Buren Street and Arlington Avenue. The distance between Arlington and such depot is approximately two miles.

Pacific Electric Railway Company filed Application No. 25214 and 57th Supplemental Application No. 17984 as a single petition asking authority to discontinue present rail operations between Riverside and Arlington and to substitute motor coach service therefor, and also seeking a certificate of public convenience and necessity authorizing it to operate passenger stage service between Arlington and the United States Army Staging Depot, as an extension of the proposed substituted motor coach operations.

Supplemental Application No. 24977 was filed by W. Paul Butler, doing business as Riverside Rapid Transit Lines, requesting

authority to employ an alternate route between Riverside and the United States Army Staging Depot restricted as to local service in a portion of Riverside.

The evidence shows that the United States Army Staging Depot is in the process of construction. Numerous civilians now are employed in completing the project. Many of them require public transportation to and from the depot. The Government plans to use the depot as a pre-embarkation station. It is estimated that there will be a considerable demand for passenger common carrier facilities when the depot is in operation. The extent of such need is unknown and it cannot be estimated with any degree of accuracy. Consequently, it is impossible to foresee how many carriers or how much equipment will be required to provide adequate service.

Butler and Difani were the first to apply for a certificate to serve the depot from Arlington. Butler now serves the depot from Riverside. The record shows that he has had experience as a common carrier passenger operator. Difani is an attorney and as such represents several public carriers. The evidence indicates that Butler and Difani have sufficient financial backing and practical experience to successfully conduct the proposed operation. Butler testified that he could obtain enough suitable equipment under lease to inaugurate the proposed operation without delay and that he was leaving for Washington D. C. immediately to purchase six buses.

Pacific Electric Railway Company, through its passenger traffic manager, stated that the discontinuance of rail service and substitution of motor coach operations therefor was in pursuance of a general plan for improving the transportation

facilities afforded throughout the area surrounding Riverside. The rail cars now used between Arlington and Riverside are needed more elsewhere in applicant's system. The proposed motor coach service will make available additional seating accommodations due to an increase in the number of schedules and will provide a more flexible, efficient operation.

The Mayor of the City of Riverside testified in favor of the Pacific Electric Railway Company's plan. The City Council of Riverside passed a resolution authorizing discontinuance of rail service and inauguration of bus operations in Riverside, a copy of which was received in evidence.

The testimony of Pacific Electric Railway Company's passenger traffic manager shows that, while the company offered to extend the proposed motor coach service to the United States Army Staging Depot, it was not anxious to do so. The witness expressed his opinion that there would not be sufficient normal business for two carriers. He thought only one certificate should be issued, either to Butler and Difani or to Pacific Electric Railway Company. He said if the Commission concluded that Butler and Difani could render the necessary passenger stage service between Arlington and the staging depot the application of Pacific Electric Railway Company to perform a similar service should be denied.

It appears from the evidence of record that Butler and Difani are able to and desirous of conducting bus operations between Arlington and the United States Army Staging Depot. Butler now operates a bus service between Riverside and such depot and is ready to provide the additional transportation facilities between the depot and Arlington in association with Difani. Their application will be granted.

Pacific Electric Railway Company has not secured approval of the Office of Defense Transportation for its contemplated change from rail to bus, but it is in the process of preparing an application designed to secure such approval. It is not known, of course, whether the Office of Defense Transportation will sanction such change but it appears to this Commission that the substitution is in the general public interest and hence it will be authorized subject to the securing by applicant of appropriate approval from the Office of Defense Transportation.

Butler, as part of his operation under the name of Riverside Rapid Transit Lines, serves between Riverside and the United States Army Staging Depot over a somewhat devious route through the city of Riverside. His operative rights contain certain restrictions prohibiting local service within the city at points competitive with the line of the Pacific Electric Railway Company. He desires to continue to render this service but by Supplemental Application No. 24977 he seeks authority to use a more direct route through Riverside when operating between the city and the United States Army Staging Depot if his buses are loaded with passengers all destined to or coming from the staging depot. He suggests that the alternate route, if authorized to be used, contain restrictions corresponding with those contained in his present operations. This appears to be a reasonable request designed to afford better service and conserve equipment. It will be authorized.

#### O R D E R

After full consideration of the evidence of record and based upon the findings and conclusions contained in the foregoing opinion, the Commission being of the opinion and now finding that public convenience and necessity so require,

IT IS ORDERED as follows:

(1) That a certificate of public convenience and necessity is granted to W. Paul Butler and Leonard J. Difani, doing business as Arlington Motor Service, authorizing them to operate as a passenger stage corporation, as defined in Section 2 $\frac{1}{2}$ , Public Utilities Act, between Arlington and the United States Army Staging Depot located outside of, but adjacent to, the westerly city limits of Riverside opposite the intersection of Van Buren Street and Arlington Avenue.

Said certificate is granted subject to the following condition:

W. Paul Butler and Leonard J. Difani, their successors or assigns, may never claim before this Commission, or any court or other public body, a value, for any purpose, for the certificate herein granted in excess of the actual cost incurred by them in securing said operative authority.

(2) That in the operation of a passenger stage service pursuant to the foregoing certificate the following service regulations shall be observed:

- (a) Applicants 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.
- (b) Applicants shall comply with the rules 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.
- (c) Subject to the authority of this Commission to change or modify them at any time by further order, applicants shall conduct said passenger

stage operations over and along the most appropriate route or routes between the points herein authorized to be served.

(3) That Pacific Electric Railway Company is authorized to discontinue its existing rail service between Riverside and Arlington and to substitute therefor motor coach service.

Said authority is granted subject to the condition that Pacific Electric Railway Company first secure approval of the proposed change in method of operation from the Office of Defense Transportation and give the usual notice to the public before placing it in effect.

(4) That the application of Pacific Electric Railway Company for a certificate of public convenience and necessity authorizing it to operate as a passenger stage corporation between Arlington and the United States Army Staging Depot is denied.

(5) That W. Paul Butler, doing business as Riverside Rapid Transit Lines, is authorized to use an alternate route in conducting his present operations between Riverside and the United States Army Staging Depot as follows:

Commencing at 3755 Market Street in Riverside, south on Market Street to Magnolia Avenue, south on Magnolia Avenue to Arlington Avenue, west on Arlington Avenue to the staging depot and return via the reverse of said route.

The use of said route is authorized subject to the restriction that no passengers or baggage may be transported locally in Riverside between the intersection of Seventh and Market Streets and the intersection of Valencia Street and Arlington Avenue, provided, however, that passengers and baggage

may be transported to or from points within said restricted area  
to or from points outside of said area.

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

Dated at San Francisco California, this 22<sup>nd</sup> day  
of September, 1942.

Justin J. Cooney

J. J. Baker

Francis J. Havens

Richard Baker

COMMISSIONERS