

Decision No. 35889

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

**ORIGINAL**

In the Matter of the Application of )  
W. M. MONTGOMERY for certificate of )  
public convenience and necessity to )  
operate transportation and stage serv- )  
ice, as a common carrier, between )  
Adelanto and San Bernardino, in the )  
County of San Bernardino, State of )  
California. )

Application No. 25321

BY THE COMMISSION:

**ORIGINAL**

O P I N I O N

W. M. Montgomery is presently providing passenger stage service between Victorville, Adelanto and the United States Army Flying School near Adelanto, commonly known as the Victorville Army Flying School, under the authority of the Commission's Decision No. 34661.

In the above-entitled application W. M. Montgomery requests a certificate of public convenience and necessity authorizing the establishment and operation of a passenger stage service between San Bernardino, Adelanto, the United States Army Flying School near Adelanto, and intermediate points, provided, however, that no service would be performed for passengers having both origin and destination between San Bernardino and the junction of U. S. Highways Nos. 395 and 66 and intermediate points.

In support of that request applicant asserts that many men, both military and civilian, are either stationed or employed at the United States Army Flying School at Adelanto; that a large number of the civilian employees at that school reside at San Bernardino and that because of a rubber shortage an increasing

proportion of those employees are being deprived of private transportation. Applicant further asserts that there is no other common carrier providing a direct through transportation between San Bernardino, Adelanto or the Army Flying School adjacent thereto.

The one-way and round-trip fares proposed between San Bernardino and the Flying School are 65 cents and \$1.17, respectively. It is also proposed to sell a commutation ticket for \$4.20 which would be good for six round trips.

Other carriers operating over a portion of the route involved have indicated that they do not oppose the granting of the authority sought.

After full consideration of this matter applicant's proposal appears to be in the public interest and the application will be granted. No public hearing appears to be necessary.

#### O R D E R

After due consideration of this matter and it being hereby found that public convenience and necessity so require:

IT IS ORDERED that a certificate of public convenience and necessity is hereby granted to W. M. Montgomery authorizing the establishment and operation of service as a passenger stage corporation, as defined in Section 2 $\frac{1}{2}$  of the Public Utilities Act, for the transportation of passengers and their baggage between San Bernardino, Adelanto and the United States Army Flying School near Adelanto and intermediate points, subject to the following restriction and condition:

1. No passengers or baggage shall be transported having both origin and destination between San Bernardino and the junction of U. S. Highways Nos. 395 and 66 and points intermediate thereto.

2. W. M. Montgomery, his 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 him in securing said operative authority.

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 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.
3. Subject to the authority of this Commission to change or modify it at any time by further order, applicant shall conduct the service herein authorized over and along the following route:

Beginning at the main gate of the Victorville Army Flying School, thence via the county highway, U. S. Highway No. 395 and U. S. Highway No. 66 to San Bernardino.

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

Dated at Los Angeles, California, this 20<sup>th</sup> day of October, 1942.

Justin J. Gammes  
Ray H. Wiley  
W. H. Park  
Frederic L. Henderson  
Richard L. ...  
 COMMISSIONERS