

ORIGINAL

Decision No. 36287

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of	)	
M. H. ROWLAND and FLORA ROWLAND for	)	
certificate of public convenience	)	
and necessity to operate passenger	)	Application No. 25387
bus service between Bakersfield,	)	
Kern County, California, and sub-	)	
urban districts south of Bakersfield.)	)	

W. C. DORRIS, for Applicant.

W. M. WICKELBERRY, for Bakersfield & Kern Electric Railway Company, interested party.

CRAEMER, Commissioner:

O P I N I O N

This is an application by M. H. Rowland and Flora Rowland, husband and wife, for a certificate of public convenience and necessity to operate a passenger bus service between Bakersfield and two suburban districts south of the city limits of Bakersfield.

A public hearing was held at Bakersfield on January 29, 1943.

The area which it is proposed to serve lies immediately south of the city of Bakersfield and might generally be described as embraced in the territory between Brundage Lane, U. S. Highway No. 99, Ming Avenue and Stine Road.

(1) That portion of the area lying to the east of Chester Avenue is known as Casa Loma and the portion to the west as Four E Orchard.

Applicants allege that there are approximately 17,000 persons residing in the area proposed to be served and that they have no means of transportation to and from Bakersfield other than private cars.

The bus line of Bakersfield & Kern Electric Railway Company, hereinafter referred to as Bakersfield & Kern, extends along Chester Avenue, southerly to Terrace Way and thence northerly on Oleander Avenue, returning to the business section of Bakersfield via California Avenue and Chester Avenue. This operation extends through the northern portion of the area which applicant proposes to serve.

It is the proposal of applicants to pick up passengers only beyond the territory served by Bakersfield & Kern and transport them to a central point in the city of Bakersfield, to wit: the intersection of Chester Avenue and Seventeenth Street. On the return trip, passengers would be picked up only at said intersection and transported to various points in the suburban area above described lying beyond the route of Bakersfield & Kern bus service.

Applicant and his wife testified as to the alleged need for the service proposed. Their equipment is limited to two buses of eight and sixteen passenger capacity, respectively. Only one public witness testified as to the need for the service.

The record shows that applicants are now conducting a common carrier operation, substantially identical with the one proposed herein, without any operative right therefor, and without having made application for a certificate of public convenience and necessity for such right.

The operation as presently conducted is not only unlawful, but of doubtful value to the residents of the community served. Two separate bus lines are being operated, the southeast route of 9.6 miles by Rowland and the southwest route of 10.5 miles by Mrs. Rowland. The testimony shows that the average daily revenue is approximately \$12. To secure this revenue 18 round trips are operated on the first route and 14 on the second, which is the equivalent of 323 miles per day. Thus the operation provides a gross earning of less than 4 cents per mile which is obviously unremunerative.

There is nothing in the record, or in the facts as they exist, that would substantiate applicants' testimony of an estimated population of 17,000 in the area, and which produced only one witness in support of the application. The territory outside that served by the Bakersfield & Kern bus line through which applicants propose to operate is sparsely settled.

Applicants are unlawfully rendering service for which they are herein requesting authorization. The proposed operation duplicates service already rendered by Bakersfield & Kern on Chester Avenue between Terrace Way and the intersection of Chester Avenue and Seventeenth Street, a distance of  $1\frac{1}{2}$  miles. Applicants carry no insurance and made no definite commitment that they can or will do so. Their equipment is limited in capacity and they have no standby equipment in case of accident or breakdown. No evidence was offered to indicate that the Office of Defense Transportation would approve authorization for either tires or gasoline.

The record shows that 95 per cent of the residents in the territory involved are within a radius of one mile of the intersection of Oleander Avenue and Terrace Way, which is a point

on the line of the Bakersfield & Kern bus operation. Under present conditions it would not appear to be a hardship on such residents to avail themselves of the Bakersfield & Kern bus service at its nearest contact point.

In view of these circumstances it appears to us that a sufficient showing of public convenience and necessity has not been made and that the application should be denied.

The following form of order is recommended.

O R D E R

The above application having been filed, a public hearing having been held, and the Commission being duly advised,

IT IS ORDERED that the above application is hereby denied.

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

Dated at San Francisco, California, this 30<sup>th</sup> day of March, 1943.

James L. Havens

Justus F. Coe

Richard H. Hays

Frank W. Coe

COMMISSIONERS