

ORIGINAL

Decision No. 38302

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the Application of
 Fontana Bus Line, for certificate of
 public convenience and necessity to
 operate, "Passenger" service, between
 the City of Fontana, San Bernardino,
 and Fontana and Riverside, and Fontana
 and Ontario, Fontana, and Upland,
 California, rendering passenger's
 service for the worker's of the Kaiser
 Industries, located at the City of
 Fontana, California. } Application No. 26804

WALDO WILLEHFT for applicant.

RICHARD J. GLASSCOCK for San Bernardino Valley
 Transit Company, Air Service Transit Inc.,
 and McKinley Transportation Company; ELIZABETH
 HENSLEY and CHAS. P. HENSLEY for Lee's Auto
 Stage Line; R. R. BACON for Kaiser Company Inc.;
 K. W. ALEXANDER for Colton Chamber of Commerce;
 MRS. WILLIAM FAIR for Women's Club of Fontana;
 MRS. B. B. COAL for Parent-Teachers Association
 of Fontana; and L. E. OUTMAN; all interested
 parties.

BY THE COMMISSION:

O P I N I O N

Applicants Frank J. Barko and A. C. Hauer, copartners,
 doing business as Fontana Bus Line, by this application, as
 amended, request authority to establish service as a common
 carrier for the transportation of persons between the Kaiser
 plant, located near Fontana, and Colton, and intermediate
 points.

Public hearing in this proceeding was held before
 Examiner Chiesa at Colton on August 29, 1945, at which time
 the matter was duly submitted and it is now ready for decision.

The operative right which applicant seeks would also serve the communities of Fontana and Bloomington. The proposed route covers a distance of approximately 15 miles, the principal highways and streets to be traversed being San Bernardino Avenue, Fontana Avenue, Sierra Avenue, and Valley Boulevard.

It is proposed to establish four six-cent fare zones with fare break points at the intersections of Valley Boulevard and Riverside Avenue, Valley Boulevard and Alder Street, and San Bernardino Avenue and Fontana Avenue, the distances between said points being approximately three to four miles. The fare for travel between any two adjoining zones will be 10 cents; for three zones 15 cents, and for four zones 20 cents¹. Commutation fares slightly lower than the proposed one-way fares will be made available. Transfer arrangements, subject to the approval of this Commission, with the lines of San Bernardino Valley Transit Company, Air Service Transit Inc., and McKinley Transportation Company, carriers serving Colton, San Bernardino and vicinity, are in the process of negotiation (Exhibit No. 5).

The proposed schedule is on an hourly headway between approximately 8:00 a.m. and midnight, except that one earlier trip from Fontana to Colton and from Colton to Kaiser plant will be operated.

The motor bus equipment proposed to be used in the operation of said service consists of three city type 1942 Fords seating 27 passengers each, one school type 1940 Ford seating 24 passengers, and one intercity type 1930 Yellow Coach seating 21 passengers.

Applicants have had some experience in this type of business having transported employees for the Kaiser Company.

1. The proposed fare to San Bernardino, by transfer to the lines of the San Bernardino Valley Transit Company, will be an additional five cents except from Colton zone which will be an additional four cents.

They are also financially responsible. As of July 31, 1945, the financial condition of applicant partnership, as reflected by statements filed in support of the application, was as follows: tangible assets, \$14,552.22; liabilities, \$3,854.58; or a net tangible worth of \$10,697.64 (Exhibit No. 2, Sheet 3). The partners individually own substantial additional assets (Exhibit No. 2, Sheets 1 and 2).

In addition to the above evidential data the record also contains much evidence of need for the proposed service. No other carrier serves these communities along the proposed route. Of the several thousand present employees of Kaiser Company Inc., a considerable number of them require a service as proposed. It was testified that employee personnel at this plant may increase considerably in the near future. The evidence also shows that the population along the proposed route, including that of the towns of Fontana and Bloomington, is in the neighborhood of 15,000 and that a considerable portion of said population needs and desires bus service between their homes or businesses and other points on the proposed route. A detailed recitation of the evidence showing that the proposed service is required and would be in the public interest is not deemed necessary. There is an abundance of evidence showing a need for this transportation service.

Several written protests to the granting of this application were received prior to the hearing. However, as the application was amended eliminating two of the originally proposed three routes, the protesting parties, having entered appearances as interested parties, withdrew their protests. All other interested parties favored the granting of the application.

Having considered the application and the proceedings herein, we are of the opinion and find that public convenience

and necessity require the establishment of the proposed service and, therefore, the application will be granted.

Frank J. Barko and A. C. Hauer, copartners, are hereby placed upon notice that operative rights, as such, do not constitute a class of property which may be capitalized or used as an element of value in rate-fixing for any amount of money in excess of that originally paid to the State as the consideration for the grant of such rights. Aside from their purely permissive aspect, they extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be changed or destroyed at any time by the State, which is not in any respect limited to the number of rights which may be given.

O R D E R

Public hearing having been held in the above-entitled proceeding, the Commission being fully advised, and it having been found that public convenience and necessity so require,

IT IS ORDERED as follows:

(1) That a certificate of public convenience and necessity be and it is hereby granted to Frank J. Barko and A. C. Hauer, copartners, authorizing the establishment and operation of a service as a "passenger stage corporation", as defined in Section 24 of the Public Utilities Act, for the transportation of persons between the Kaiser Company plant near Fontana and Colton, and intermediate points including the towns of Fontana and Bloomington;

(2) That in providing service pursuant to the certificate herein granted, applicants shall comply with and observe the following service regulations:

- (a) 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.

- (b) That applicants herein shall comply with the provisions of General Order No. 79 and Part IV of General Order No. 93-A by filing, in triplicate, and concurrently making effective, appropriate tariffs and time schedules 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 the route at any time by further order, applicant shall conduct operations over and along the following streets, highways, or routes:

Beginning at the Kaiser Company plant, near Fontana, thence east to Cherry Street, thence along Cherry Street, San Bernardino Avenue, Fontana Avenue, Merrill Avenue, Sierra Avenue, Spring Street (in Fontana), Nuevo Street, Arrow Boulevard, Sierra Avenue, Valley Boulevard, 8th Street (Colton) to J Street, its terminus.

Applicants are authorized to turn their motor vehicles at termini or intermediate points either in the intersection of the street or by operating in either direction around a block contiguous to such intersection.

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

Dated at San Francisco, California, this 16th day of October, 1945.

David Anderson
Justin J. Carlson
Francis E. ...
Frank ...
 COMMISSIONERS