

Decision No. 38373

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of MARIO PASTRONE doing business as VICTORY TRANSIT COMPANY for abandonment of franchises Decision No. 33604 (Application # 25752); Decision No. 37376 (Application # 26260); Decision No. 36516 (Application # 25707).

ORIGINAL

Application No. 27034

Mario Pastrone, applicant

J. C. Brandt, for La Verne College, interested party

Lieut. Commander H. E. Hand, for United States Naval Hospitals at Corona and Spadra, interested parties

Walker W. Downs, for James E. Calloway and Finis A. Farr, interested parties

BY THE COMMISSION:

O P I N I O N

In this proceeding applicant, Mario Pastrone, doing business as Victory Transit Company, seeks authority to abandon all of his passenger stage operations performed under certificates issued by the Commission. Three certificates are presently in effect under which applicant operates passenger stage service, namely, between the City of Pomona and the General Hospital at Spadra; ⁽¹⁾ between the Cities of Pomona and La Verne; ⁽²⁾ and between the United States Naval Hospital at Norco and the Cities of Pomona and Ontario. ⁽³⁾

A public hearing was held before Examiner Jacobsen at Pomona on October 30, 1945, evidence was submitted and the matter is now ready for decision. No one appeared in protest to the application.

The operation between Pomona and the General Hospital at Spadra is intended to serve civilian and military personnel located

(1) Decision No. 36516, dated July 27, 1943.

(2) Decision No. 36604, dated September 14, 1943, erroneously referred to as Decision No. 33604 in the heading of the application.

(3) Decision No. 37376, dated October 3, 1944.

at the latter establishment, known as Naval Hospital Unit No. 4. Service is rendered to provide transportation for patients on liberty and certain others of the staff residing in the City of Pomona. Principal liberty privileges are granted at 1:00 P.M. on Wednesdays and Saturdays and as a result, the major service need is highly irregular and in this instance, not conducive to an economic operation.

Witness Hand testified that certain of the patients and staff desired the transportation if it could be practically rendered, but at the same time he recognized the inherent difficulties from an operating standpoint and offered no protest to the proposed discontinuance.

The certificate issued by the Commission authorizing Victory Transit Company to operate a passenger stage service between the Cities of Pomona and La Verne was predicated upon an acute need for transportation between these two cities and the Pomona Ordnance Base, located at the Pomona Fair Grounds at a time when the Base was actively engaged in furtherance of the war effort. This Base performed mechanical repairs for the armed forces stationed in the nearby desert area. To meet the need for transportation of employees and avoid conflict with the existing service of Pacific Electric Railway Company between the Cities of Pomona and La Verne, the application included certain restrictions intended to confine transportation primarily to serve the Ordnance Base. (4)

The record shows that the Pomona Ordnance Base is being discontinued as a repair base and the need for which this transportation

(4) In Decision No. 36604, restriction 3(a) provides that no passengers shall be carried between 4th and "D" Streets, La Verne, and Walnut and "E" Streets, both points inclusive, to points south of the Pomona Ordnance Base Main Entrance. Restriction 3(b) provides that no passengers shall be carried from points between Franklin and Carey Avenues, Pomona, and Walnut Street and Huntington Boulevard, both points inclusive, to points north of the Army Hospital Main Entrance on "B" Street just north of Walnut Street.

service was established no longer exists.

On the line operated between the United States Naval Hospital at Norco and Pomona, the experience of applicant has shown an unbalanced operation wherein a substantial number of passengers are carried in one direction only. Such a one-way movement has been influenced through a somewhat similar service currently rendered by Riverside Rapid Transit Lines. (5)

The evidence shows that applicant has operated at a loss of \$6210.21 for the first eight months of 1945. As this figure includes a non-certificated contractual operation which resulted in a profit for the period, applicant's certificated operations would, therefore, indicate a more unfavorable result. Applicant further testified he was unable to meet current financial obligations.

Viewing the entire record, it appears that the continuation of these operations, under the existing circumstances, is unwarranted and that the application should be granted.

O R D E R

Public hearing having been held in the above-entitled proceeding, the matter having been submitted, and the Commission being fully advised,

IT IS ORDERED that Mario Pastrone, doing business as Victory Transit Company, be and he is hereby authorized to discontinue and abandon operation as a passenger stage corporation as authorized by Decisions Nos. 36516, 36604 and 37376.

(5) Authority contained in Decision No. 37113, dated June 6, 1944, as amended by Decision No. 37376.

IT IS FURTHER ORDERED that the operative rights issued to this applicant as created by said decisions be and they are hereby revoked and annulled and all tariffs and time schedules of said applicant filed thereunder are cancelled.

IT IS FURTHER ORDERED that applicant shall give not less than five days' notice of abandonment to the public by posting notice at his main terminal or stop and in his buses.

The effective date of this order shall be five days from the date hereof.

Dated, San Francisco, California, this 6th day of November, 1945.

David Rubin

Justus F. Carner

Francis D. ...

David Paul
COMMISSIONERS.