

ORIGINALDecision No. 38665

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of Application of
F. M. SNELL, dba SAN BERNARDINO
HIGHLAND PATTON MOTOR COACH LINE
for permission to start new line
as shown below.

Application No. 26974

In the Matter of the Application
of AIR SERVICE TRANSIT, INC., for
a Certificate of Public Convenience
and Necessity to operate a passenger
stage line between Del Rosa,
California, and San Bernardino,
California.

Application No. 27018

WALDO WILLEHFT, for applicant in Application
No. 26974; protestant in Application No. 27018

WM. GUTERIE, for applicant in Application
No. 27018; protestant in Application
No. 26974; also for San Bernardino Valley
Transit Company and McKinley Transportation
Co., protestants in Application No. 26974

HERBERT CAMERON, for Gate City Bus Line,
protestant in Applications No. 26974
and No. 27018

CARL B. HILLIARD, for Base Line Commercial Club,
interested party

BY THE COMMISSION:

O P I N I O N

Applicant Air Service Transit, Inc., hereinafter
referred to as Air Service, requests authority to establish an
east-west cross-town passenger stage service in the city of
San Bernardino and vicinity by operating along Base Line Street
between Mt. Vernon and Del Rosa Avenues and along Del Rosa
Avenue to Del Rosa post office, a distance of approximately
5.3 miles.

Applicant F. M. Snell, doing business as the San Bernardino-Highland-Patton Motor Coach Line, hereinafter referred to as Snell, seeks permission to establish a new bus line between the downtown business district of San Bernardino and the intersection of Pacific and Del Rosa Avenues, along E Street, Base Line Street, County Hospital Drive, Gilbert Street, Pacific Avenue to Del Rosa Avenue.

The applications were consolidated and hearings were held at San Bernardino on November 6, and December 10, 1945, before Examiner Chiesa. Evidence having been adduced and matters submitted, they are now ready for decision.

Both applicants are now operating as "passenger stage corporations" in San Bernardino and vicinity, with authority from this Commission. Air Service presently operates between San Bernardino and East Highland (Decisions Nos. 34800 and 37279) and Snell between San Bernardino and Highland and Patton (Decisions Nos. 31751 and 37617).

At present there is no cross-town bus service on Base Line Street between Mt. Vernon and Del Rosa Avenues nor any service on Del Rosa Avenue between Base Line Street and Del Rosa post office. A business district, located at the intersection of E and Base Line Streets, is not now conveniently accessible to residents along the route proposed by Air Service. The record shows that there are several hundred residents in the community of Del Rosa and vicinity and along Del Rosa Avenue who do not now have public transportation either to the Base Line business district or to downtown San Bernardino. The evidence also shows that at Del Rosa there are numerous Mexican residents who need and desire cross-town service between Del Rosa and the Mt. Vernon Avenue district.

The Base Line Commercial Club, an organization of business and professional men, through its attorney, called numerous witnesses who testified to the need for a cross-town bus service as proposed by Air Service. Applicant Air Service called additional witnesses who testified that a cross-town service would be convenient and is required by them and members of their families for business, shopping, and other needs.

The route proposed by Air Service would run east and west on Base Line Street and cross the bus lines of McKinley Transportation Company at G Street and of San Bernardino Valley Transit Company at E and D Streets and Sierra Way, thus enabling passengers to transfer to said lines for downtown and other San Bernardino points.⁽¹⁾

Said route would duplicate the present route of Gate City Bus Line on Base Line Street between Mt. Vernon Avenue and I Street and that of Snell, also on Base Line Street, between Mountain View and Del Rosa Avenues. Air Service is amenable to restrictions where its line will coincide with that of applicant Snell.⁽²⁾

Air Service proposes a fare of six cents between Mt. Vernon Avenue and the intersection of Del Rosa and Pacific Avenues, and ten cents to points beyond said intersection. An hourly schedule between 7:00 a.m. and 7:00 p.m. would be

(1) Air Service Transit, Inc., San Bernardino Valley Transit Company, and McKinley Transportation Company are associated companies and transfer privileges such as now exist between them would be provided.

(2) In view of the proposed sale of operating rights by Gate City Bus Line to San Bernardino Valley Transit Company (Application No. 27146) the latter and applicant Air Service request that no traffic restrictions be imposed where their lines would coincide. Gate City Bus Line has withdrawn its protest.

established, using equipment of modern type and design.

The route proposed by applicant Snell would serve a new residential section along Pacific Avenue between the County Hospital and Del Rosa Avenue. The record shows a need for bus transportation along Pacific Avenue, particularly for a service to the main business district in downtown San Bernardino. Applicant Snell could provide the required service by extending his present line from the intersection of Base Line Street and Hospital Drive to the intersection of Pacific and Del Rosa Avenues as proposed. Service to Base Line and E Streets will require an extension of his service westerly from the intersection of Mountain View Avenue and Base Line Street to E Street, a distance of three blocks, thence southerly on E Street to his present terminal on 3rd Street in the downtown business district of San Bernardino. The latter extension will serve the needs of those persons living along Snell's present bus line and the Pacific Avenue area who may desire to transact business, or attend church or school in the Base Line business district and along E Street. Snell does not propose a local service on E Street between Base Line and 3rd Streets, as this street is now served by San Bernardino Valley Transit Company. The evidence shows a need for his proposed service to the Base Line business district and along E Street. With the establishment of service as proposed by applicant Air Service, and the proposed extensions of Snell's service, adequate transportation would be made available. Snell's patrons cannot now conveniently travel to the Base Line and E Street district.

Snell proposes a fare of six cents to the intersection of Garden Drive and Pacific Avenue and eleven cents to points east of said intersection, and a schedule between 7:00 a.m.

and 9:30 p.m. on a half-hourly basis. Busses similar to those now used will be provided.

The city of San Bernardino did not enter an appearance in these proceedings.

Upon consideration of the entire record in these proceedings we are of the opinion and find that public convenience and necessity require the establishment and operation of a passenger stage service as proposed by applicants Air Service Transit, Inc. and F. M. Snell. Therefore, their applications will be granted subject to certain restrictions.

Air Service Transit, Inc. and F. M. Snell 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.

ORDER

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

IT IS ORDERED as follows:

I

(1) That a certificate of public convenience and necessity be, and it hereby is, granted to Air Service Transit, Inc., a corporation, 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 between San Bernardino and Del Rosa, County of San Bernardino, subject to the following restriction:

- (a) No passenger having both origin and destination along Base Line Street between Mountain View and Del Rosa Avenues, both inclusive, shall be transported.

(2) That in providing service pursuant to the certificate herein granted, Air Service Transit, Inc. shall comply with and observe the following regulations:

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, within sixty (60) days from the effective date hereof and upon not less than one (1) day's notice to the Commission and the public, establish the service herein authorized and 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, tariffs and time schedules satisfactory to the Commission.
3. Subject to the authority of this Commission to change or modify such at any time, Air Service Transit, Inc. shall conduct said passenger stage operation over and along the following described route:

Beginning at the intersection of Mt. Vernon Avenue and Base Line Street, thence along Base Line Street, Del Rosa Avenue to the Del Rosa post office.

Applicant is authorized to turn his motor vehicles at terminal and intermediate points, in either direction, at intersections of streets, or by operating around a block contiguous to such intersection, or in accordance with local traffic rules.

II

(1) That a certificate of public convenience and necessity be, and it hereby is, granted to F. M. Snell, authorizing the establishment and operation of service as a "passenger stage corporation" as defined in Section 2½ of the Public Utilities Act, for the transportation of passengers between the intersection of Base Line Street and County Hospital Drive in San Bernardino, and the intersection of Pacific and Del Rosa Avenues in the County of San Bernardino, and between the intersection of Base Line Street and Mountain View Avenue and the intersection of E. Street and 4th Street, in the city of San Bernardino, as an extension and enlargement of applicant's existing right and consolidated therewith, subject to the following restriction:

- (a) No passenger having both origin and destination along E Street and Base Line Street between the intersection of E and 4th Streets, and the intersection of Mountain View Avenue and Base Line Street, both inclusive, shall be transported.

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

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, within sixty (60) days from the effective date hereof and upon not less than one (1) day's notice to the Commission and the public, establish the service herein authorized and 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, tariffs and time schedules satisfactory to the Commission.
3. Subject to the authority of this Commission to change or modify such at any time, F. M. Snell shall conduct said passenger stage operation over and along the following described routes:

Beginning at the intersection of Base Line Street and County Hospital Drive, thence along County Hospital Drive, Gilbert Street, Pacific Avenue to its intersection with Del Rosa Avenue. Also, beginning at the intersection of Base Line Street and Mountain View Avenue, thence along Base Line Street, E Street to its intersection with 4th Street.

Applicant is authorized to turn his motor vehicles at termini and intermediate points, in either direction, at intersections of streets or by operating around a block contiguous to such intersection, or in accordance with local traffic rules.

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

Dated at San Francisco, California, this 5th day of February, 1946.

Harold Anderson
James J. Coe
Frank W. Coe
Dr. W. Paul
Harold P. Kula
COMMISSIONERS