

Decision No. 38805**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 Fontana Bus Line for a certificate)
 of public convenience and necessity)
 to extend and enlarge its present) Application No. 27259
 passenger service in and between the)
 City of Fontana, Bloomington and)
 Colton, in the County of San Bernar-)
 dino, California)

BY THE COMMISSION:

O P I N I O N

Frank J. Barko and A. C. Hauer, copartners, doing business as Fontana Bus Line, by Decision No. 38302, dated October 16, 1945, were granted a certificate of public convenience and necessity authorizing the establishment and operation of a service as a passenger stage corporation between the Kaiser Company plant near Fontana and Colton and intermediate points including the towns of Fontana and Bloomington.

Applicants now seek permission to enlarge and extend their present operative right by establishing an additional passenger stage service in the vicinity of South Fontana, the Kaiser Company plant, Fontana and Marigold Acres (1 mile west of Bloomington) along a route generally west and north of that authorized by the original decision. The proposed new route covers a distance of approximately 10 miles and in addition to establishing service to said points would provide transportation to other places on applicants' present route.

Three additional fare zones will be established with zone and interzone fares comparable with those now in effect. (1)
The schedule will be on an hourly basis commencing at 6:30 a.m. and continuing to 12:34 a.m. Applicants' schedules between Fontana, Bloomington, and Colton will alternate with the present schedule, resulting in a half-hourly headway.

Three 1942 27-passenger Fords, two 1944 29-passenger Chevrolets, and one 1930 21-passenger Yellow Coach will be operated.

In justification of their request, applicants state as follows:

"That at the present time there is no bus service or transportation service available to the area of South Fontana, where there is a residential center composed to some extent of persons of Spanish extraction, and there is also situated in that area the Fontana hog yards. There is a demand for a bus service between said points and serving said vicinity to the town of Fontana, and also the Kaiser Steel Company Plant. That in addition, there is a demand for bus service along Arrow Route, to and from the Towns of Fontana, Bloomington and Colton, as well as such a demand on all other avenues. That at the time that Applicant's original Petition was before the Commission for hearing, a demand for such service was made by a number of interested citizens of Fontana. That it is proposed that the bus schedule between Fontana, Bloomington and Colton will alternate with the present schedule so that half-hourly service will be rendered between Fontana, Bloomington and Colton instead of the hourly service now provided. That there is a need and demand for more frequent service by persons residing along said route, and the granting of this application will provide a greater amount of transportation to patrons of the Applicant's in said area."

The proposed new route is not competitive with an other carrier. The communities and the County favor establishment of the service.

(1) Distances between fare-break points will be approximately three to four miles with a fare of six cents for the first zone, 10 cents for two zones and five cents for each additional zone.

Upon consideration of this matter the Commission finds that public convenience and necessity require the establishment and operation of a passenger stage service as proposed. The application will be granted without a public hearing which is deemed unnecessary.

Frank J. Barko and A. C. Hauer 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.

C R D E R

Application having been made in the above-entitled matter, and the Commission being duly advised in the premises,

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 South Fontana and the intersection of Valley Boulevard and Alder Street (approximately one mile west of Bloomington) in the County of San Bernardino, and intermediate points, as an extension and enlargement of applicants' present operative right.

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

- (a) Applicants 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) Applicants 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.
- (c) Subject to the authority of this Commission to change or modify such at any time, Frank J. Barko and A. C. Hauer shall conduct said passenger stage operation over and along the following described route:

Beginning at the intersection of Slover and Live Oak Avenues (South Fontana), thence along Live Oak Avenue, Valley Boulevard, Cherry Avenue, San Bernardino Avenue, Banana Avenue, Randall Avenue, Cherry Avenue, Arrow Boulevard, Alder Street to its intersection with Valley Boulevard.

Applicants are authorized to turn their 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 the date hereof.

Dated at San Francisco, California, this 2nd day of April, 1946.

David Anderson
Justus F. Croemer
Ernest D. ...
James H. ...
Harold P. ...

COMMISSIONERS