

Decision No. 38981

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
J. A. BARDIN, doing business as GREEN ) Application No. 27118  
BUS SERVICE, to reroute San Luis )  
Obispo service. )

J. A. BARDIN applicant, in propria persona.  
RALPH C. KENNEDY Mayor, FRED L. GIST, City Councilman,  
and GEORGE ANDRE, City Attorney, for City of San  
Luis Obispo, interested party.  
J. L. HOUSEWORTH, Deputy District Attorney, for County  
of San Luis Obispo, interested party.  
W. L. REVER, interested party.

HULS, Commissioner:

O P I N I O N

In this proceeding applicant J. A. Bardin, an individual doing business as Green Bus Service, seeks a modification of the authority under which he now operates, so as to permit the maintenance of passenger stage service between the intersection of Chorro and Higuera Streets, in the City of San Luis Obispo, and points within a three mile radius. Under this proposal, applicant would be free to operate over such routes as he might select. The matter was submitted at a public hearing held at San Luis Obispo on April 5, 1946, before Commissioner Huls and Examiner Austin.

Under a certificate of public convenience and necessity issued to applicant's predecessor, and acquired by applicant pursuant to Decision No. 36418, the latter operates a passenger stage service between San Luis Obispo and Security City and California Polytechnic School, situated adjacent to and west and north,

(1) respectively, of San Luis Obispo, and intermediate points. By the terms of this certificate, the service may be conducted within San Luis Obispo itself, and between that city and the points specified. (2)

In accordance with the service regulations appearing in Decision No. 34833, as amended by Decision No. 36026, applicant currently operates over five separate routes, three of which lie wholly within the city while the remaining two cross the municipal boundaries. (3) Authority is requested to change these routes in

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- (1) A certificate authorizing the operation of this service was granted to J. G. Jones by Decision No. 34833, rendered November 9, 1941, as amended by Decision No. 36026, dated December 15, 1942, in Application No. 24583. Applicant Bardin acquired the operative right from Jones pursuant to Decision No. 36418, rendered June 8, 1943, in Application No. 25532.
- (2) By his application in Application No. 24583, applicant's predecessor J. G. Jones sought authority to operate a passenger stage service between San Luis Obispo and points mentioned above, and intermediate points, and also between points within the City of San Luis Obispo. The decision in that proceeding (Decision No. 34833) expressly granted the application and also authorized the operation of a bus service "...between San Luis Obispo, Security City, California Polytechnic High School and all intermediate points." We construe that decision as authorizing service not only between San Luis Obispo and the points specified, but between points and places within the City of San Luis Obispo, as well.
- (3) Pursuant to the service regulations appearing in the decisions mentioned above, applicant operates over the following routes:
- "(A) Commencing at Higuera and Chorro; Higuera to High; High to Broad; Broad to Lawrence Drive; Lawrence Drive to Chandler; Chandler to Mitchell; Mitchell to Lawton; Lawton to Broad; Broad to High; High to Higuera; Higuera to Chorro.
- "(B) Commencing at Higuera and Chorro; Higuera to Santa Rosa; Santa Rosa to Marsh; Marsh to Ida; Ida to Higuera; Higuera to Grove; Grove to Monterey; Monterey to Murray; Murray to Andrews; Andrews to Mill; Mill to Santa Rosa; Santa Rosa to Higuera; Higuera to Chorro.

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(4),  
certain respects. Some of the proposed changes are indefinite, not having emerged from the state of preliminary discussion, consequently they will not be considered here. Others, which have been sanctioned by the city authorities, would be responsive to public needs, and, accordingly, they will be approved by the order which follows.

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(3) contd.

"(C) Commencing at Higuera and Chorro; Chorro to Mt. Pleasanton; Mt. Pleasanton to Foothill Boulevard; Foothill Boulevard to California Boulevard; California Boulevard to California Polytechnic School; California Polytechnic School to California Boulevard; California Boulevard to Hatheway Avenue; Hatheway Avenue to Murray Avenue; Murray Avenue to Chorro; Chorro to Higuera.

"(D) Commencing at Higuera and Chorro; Chorro to Mt. Pleasanton; Mt. Pleasanton to Los Osos Road; Los Osos Road to Security City.

"(E) Commencing at Higuera and Chorro; Chorro to Marsh; Marsh to Osos; Osos to Buchon; Buchon to Essex; Essex to Johnson Avenue; Johnson Avenue to County Hospital; Johnson Avenue to Ella; Ella to Ruth; Ruth to George; George to Osos; Osos to Marsh; Marsh to Chorro; Chorro to Higuera."

Routes (A), (B) and (E) lie wholly within the city limits. Routes (C) and (D) cross the city boundary at Murray Avenue.

(4) Authority is sought to change certain routes as follows:

(B) On certain schedules during the morning and the afternoon, service would be extended from the intersection of Marsh and Ida Sts. along an unnumbered highway to and from San Luis Obispo Union High School, an additional distance of approximately one-half mile. This would accommodate students who otherwise would be required to walk this distance.

(C) On the return trip from California Polytechnic School the service would be routed via Crandall Way to Carpenter; Carpenter to Hatheway Ave.; Hatheway Ave. to Murray Ave.; Murray Ave. to Santa Rosa St.; Santa Rosa St. to Mill Ave.; Mill Ave. to Chorro St.; Chorro St. to Higuera St. This would permit the accommodation of those residing on or near Santa Rosa Ave., who cannot now be served conveniently because of the physical characteristics of the terrain.

A need exists, we are convinced, for a more flexible method of effecting changes in the routes established by passenger stage corporations, including particularly operations conducted within incorporated cities. At present, such a change must be accomplished by formal order, which in turn rests upon a formal application. This practice results in expense to the operators, in delays necessarily occasioned by the orderly consideration of such requests, and in inconvenience to the public.

The Commission's staff has suggested a possible procedure designed to obviate these objections. Briefly, a certificate issued to an urban passenger motor-carrier, for example, might authorize service generally throughout the city. As at present, the routes over which the operation should be conducted might be specified in service regulations, either contained in the order issuing a certificate or filed by the carrier. The carrier, however, would be permitted to accomplish any needed change in routing merely by filing with the Commission an amendment to the service regulations, describing the proposed change, extension or new route, submitting copies thereof to the appropriate city and county authorities. Within a definite period, objections could be presented by the local authorities, or by other interested parties. If the Commission, with or without the filing of objections, should conclude that a hearing would be advisable, it would, within a prescribed period, issue an order suspending the amended service regulation and set the matter for hearing. Should no timely suspension order be issued, the proposed route change would thereupon automatically become effective.

At the hearing, the suggested plan was described by the examiner for the consideration of the applicant and the interested parties represented. All expressed their approval of this proposal.

The municipal authorities, however, withheld their official sanction until they had been afforded an opportunity to present the matter to the City Council. We are now advised that the latter has approved the plan.

Upon further consideration, we have concluded that the adoption of such a plan for a single carrier might be inadvisable at this time. Further study should be made by the Commission, by the carriers, by local governmental agencies, and by practitioners before the Commission, concerning the possibility of devising simplified procedural rules, applicable to all bus operations, in connection with certification and service regulation problems.

In view of our finding that applicant, under his present certificate, is authorized to operate within the City of San Luis Obispo; and between San Luis Obispo and Security City and California Polytechnic School, it is not necessary to confer upon him any additional operating authority to serve this territory. The record does not warrant the granting of a certificate authorizing service throughout a general area to the extent that this may reach beyond the city boundaries:

The service regulations will be amended to incorporate the changes in routes, described above.

#### O R D E R

Application having been made as above entitled; a public hearing having been had; and the Commission having considered the matter,

IT IS ORDERED as follows:

(1) That in providing service pursuant to the certificate of public convenience and necessity under which applicant is now authorized to operate within the City of San Luis Obispo, and between San Luis Obispo and Security City and California Polytechnic School, applicant shall comply with and observe the following service regulations with respect to the routes over which such operations may be conducted, viz.,

(a) Subject to the authority of this Commission to change or modify them by further order, applicant shall conduct operations pursuant to said certificate over and along the following routes:

- (A) Commencing at the intersection of Higuera and Chorro Streets; thence via Higuera Street to High Street; High Street to Broad Street; Broad Street to Lawrence Drive; Lawrence Drive to Chandler; Chandler to Mitchell; Mitchell to Lawton Street; Lawton Street to Broad Street; Broad Street to High Street; High Street to Higuera Street; Higuera Street to Chorro Street.
- (B) Commencing at the intersection of Higuera and Chorro Streets; thence via Higuera Street to Santa Rosa Street; Santa Rosa Street to Marsh Street; Marsh Street to Ida Street; Ida Street via undesignated street to San Luis Obispo Union High School and return; Ida Street to Higuera Street; Higuera Street to Grove Street; Grove Street to Monterey Street; Monterey Street to Murray Avenue; Murray Avenue to Andrews Street; Andrews Street to Mill Street; Mill Street to Santa Rosa Street; Santa Rosa Street to Higuera Street; Higuera Street to Chorro Street.
- (C) Commencing at the intersection of Higuera and Chorro Streets; thence via Chorro Street to Mt. Pleasant Drive; Mt. Pleasant Drive to Foothill Boulevard; Foothill Boulevard to California Boulevard; California Boulevard to California Polytechnic School; California Polytechnic School to Crandall Way; Crandall Way to Carpenter; Carpenter to Hathaway Avenue; Hathaway Avenue to Murray Avenue; Murray Avenue to Santa Rosa Street; Santa Rosa Street to Mill Street; Mill Street to Chorro Street; Chorro Street to Higuera Street.
- (D) Commencing at the intersection of Higuera and Chorro Streets; thence via Chorro Street to Mt. Pleasant Drive; Mt. Pleasant Drive to Los Osos Road; Los Osos Road to Security City.

(E) Commencing at the intersection of Higuera and Chorro Streets; thence via Chorro Street to Marsh Street; Marsh Street to Osos Street; Osos Street to Buchon Street; Buchon Street to Johnson Avenue; Johnson Avenue to General County Hospital; Johnson Avenue to Ella Street; Ella Street to Ruth Street; Ruth Street to George Street; George Street to Osos Street; Osos Street to Marsh Street; Marsh Street to Chorro Street; Chorro Street to Higuera Street.

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

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 14<sup>th</sup> day of May, 1946.

Harold Anderson  
Justin F. Casper  
Joseph P. Powell  
Harold P. Hule  
COMMISSIONERS