

Decision No.: 39124

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Ennis Cotton and Robert A. Kelly for Certificate of Public Convenience and Necessity to Operate Transportation and Bus Service between a point at the intersection of Third Street and Arrowhead Avenue in the City of San Bernardino, State of California; and a point at the intersection of Waterman Avenue and U. S. Highway #99 in the County of San Bernardino, State of California, and intermediary points:)
) Application
) No. 27052

In the Matter of the Application of SAN BERNARDINO VALLEY TRANSIT COMPANY, a corporation, for a Certificate to operate a common carrier omnibus service between the intersection of Gardena Street and United States Highway 99, through San Bernardino, to the intersection of Bunker Hill Drive and Grant Street.)
) Application
) No. 27325

James L. King for Applicant in Application No: 27052; and William Guthrie by John E. Lonergan for Applicant in Application No: 27325:

O P I N I O N

Both of the above applications propose to establish a service for the transportation of passengers in a residential area south and east of the business section of the City of San Bernardino. Formal hearing in the matters was held before Examiner Ager at San Bernardino on May 14, 1946, at which time they were duly submitted, and are now ready for determination. For all practical purposes, the route proposed in each application is identical and would provide service to the same people. Such being the case, it appeared advisable that the two applications be consolidated for the purpose of taking testimony and also for decision.

At the opening of the hearing, counsel for the applicant in Application No. 27052, requested that Application No: 27052 be dismissed. The reasons advanced for making this request were that,

subsequent to the filing by his client, San Bernardino Valley Transit Company had filed Application No. 27325, which, as set forth above, proposed the establishment of a service through the identical area. Since San Bernardino Valley Transit Company now provides service to most of the City of San Bernardino, counsel was of the opinion that the service proposed in Application No. 27325 would be of more benefit to the residents of the area involved than that proposed in Application No. 27052, because patrons could, through transfer to the other lines of San Bernardino Valley Transit Company, travel between practically all sections of the city without the necessity of paying additional fares. The request for dismissal appears to be reasonable and justified, and will be granted.

The record shows that in the vicinity of the southeasterly terminus of the line proposed to be established by San Bernardino Valley Transit Company, there are between 500 and 600 residents. In the vicinity of the southwesterly terminus, estimates place the number of residents at between 1,500 and 2,000. These estimates place the number of persons tributary to the entire line at between 4,000 and 5,000, all of whom are without any public transportation service whatever at the present time. Service is necessary in order that the public may be enabled to travel to and from the business area, the hospitals, the Atchison, Topeka and Santa Fe shops, the San Bernardino Air Depot, the Junior College, High School, etc.

The idea of establishing service in the area involved is not new, and the record shows that during the past five years many requests for service have been received by applicant. These requests were necessarily deferred during the war period, because the Office of Defense Transportation prohibited the establishment of new service, unless certain drastic conditions could be met. These restrictions,

have now been removed, and a community of the size involved herein should be provided with ways and means of traveling to and from the central area of the city in order to transact its business.

A witness for the applicant testified that Waterman Avenue across the Santa Ana River would not be satisfactory, particularly during the rainy season, for bus operation. According to this witness, there are times when the water is so high as to absolutely prohibit any vehicle crossing the stream. This witness testified further, however, that it was the intention of the County of San Bernardino to construct a bridge over the Santa Ana River on Waterman Avenue, which would enable the company to operate the proposed service throughout the entire year. The County Surveyor of San Bernardino County substantiated that portion of the testimony as to the proposal for construction of the bridge and indicated that the plans will be completed in June, that the contract must be let within two months thereafter and that in all probability the bridge would be completed by January 1, 1947. Many witnesses appeared in support of the application, and among them were a number from the area south of the Santa Ana River and at the easterly end of the proposed line. These witnesses, without exception, substantiated the statement that the Santa Ana River, for short periods of time, does make Waterman Avenue impassable. They contended further, however, that during these relatively short periods, which are entirely seasonal in nature, the bus service could be terminated just north of the river and that upon subsidence of the flood water, service could again be performed to the easterly terminus.

The service as proposed will require the use of but one bus and the record indicates that, while applicant has a fleet of 36 buses, no equipment is available at the present time for the new line if authorized by the Commission. Applicant has equipment on order and expects delivery in the near future, at which time a unit will be

available for use in the new service. We are not convinced that it is necessary to delay the institution of the service until that time and feel that, from a fleet of the size described above, one bus can be taken without detriment to the remainder of applicant's service.

More than 150 persons were present and expressed a willingness to testify, but agreed to a stipulation that their testimony would be the same as was that of a number of witnesses who had preceded them. No opposition was expressed, and upon a review of the record we find that public convenience and necessity require the establishment of the service as proposed for which a certificate will be issued.

O. R. D. E. R.

A public hearing having been held in the above entitled matters, the Commission now being fully informed 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 is hereby granted to San Bernardino Valley Transit Company authorizing the establishment and operation of service as a passenger stage corporation, as defined by Section 27 of the Public Utilities Act, for the transportation of passengers between San Bernardino and a point in San Bernardino County about one mile west of Loma Linda Tract and intermediate points, as an extension and enlargement of and consolidated with the operative right created by Decision No. 34867.

(2) That in providing service pursuant to the certificate herein granted, applicant 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 30 days from the effective date hereof.
- b. Within 60 days from the effective date hereof and on not less than 5 days' notice to the Commission and the public, applicant shall 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 appropriate tariffs and time tables.
- c. Subject to the authority of this Commission to change or modify it by further order applicant shall conduct operations pursuant to the certificate herein granted, over and along the following route:

Commencing at the intersection of Gardena Street and Highway 99, in the County of San Bernardino; thence west along Highway 99 to Waterman Avenue; thence north along Waterman Avenue to Mill Street, in the city of San Bernardino; thence west along Mill Street to Arrowhead Avenue; thence north along Arrowhead Avenue to Third Street; thence west along Third Street to "F" Street; thence south along "F" Street to Rialto Avenue; thence west along Rialto Avenue to "K" Street; thence south along "K" Street to Mill Street; thence east along Mill Street to Bunker Hill Drive; thence south along Bunker Hill Drive to Grant Street; and returning over the same route.

(3) That until such time as the proposed bridge over the Santa Ana River on Waterman Avenue is completed, applicant is authorized to terminate its service at a point north of the river during any period when the Waterman Avenue crossing may be impassible. On such occasions, applicant shall notify the Commission in writing of this temporary modification of the route.

(4) That Application No. 27052 be, and it is hereby dismissed.

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

Dated at San Francisco, California, this 18th day of June, 1946.

Harold Rudman
Justus F. Cooney
Francis J. ...
Walter Powell
Harold ...
 COMMISSIONERS