

ORIGINALDecision No. 40374

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of SAN BERNARDINO VALLEY TRANSIT)
COMPANY, a corporation, for authority)
to purchase the assets, including)
routes, of McKinley Transportation)
Company; for authority to operate)
over the routes to be purchased;)
and for an extension of its San)
Bernardino and Colton line from)
Mountain View Avenue to Valencia)
Avenue.)

Application No. 28364

William Guthrie for applicant San Bernardino Valley
Transit Company; Charles C. Towle for Highland-Patton Bus Line
and Elizabeth Hensley for Lee's Auto Stages, protestants.

O P I N I O N

San Bernardino Valley Transit Company, applicant herein,
seeks authority (1) to purchase the business and assets and acquire
the operating rights of Transit Securities Company,⁽¹⁾ a California
corporation now operating as a city passenger carrier within the
limits of San Bernardino; (2) to establish and operate a passenger
stage service along the present routes of Transit Securities Com-
pany as an extension and enlargement of, and to be consolidated
with, its present operations; (3) to extend Route No. 1, proposed

(1) McKinley Transportation Company, a Nevada corporation, has been
operating a motor bus transportation business within the limits
of the city of San Bernardino for many years. On March 27,
1947, it was dissolved. Transit Securities Company, a Cali-
fornia corporation, having been incorporated in the meantime,
has acquired from the former stockholders of McKinley Trans-
portation Company, the business and assets which are now pro-
posed to be transferred to applicant San Bernardino Valley
Transit Company.

to be acquired from Transit Securities Company, along Highland Avenue, Waterman Avenue, 29th Street and Valencia Avenue, and (4) to extend applicant's Colton-San Bernardino Route along Marshall Boulevard between Mountain View Avenue and Valencia Avenue.

A public hearing was held at San Bernardino on May 1 and 2, 1947, before Examiner Chiesa, and the matter having been submitted is now ready for decision. (2)

Applicant proposes to acquire from Transit Securities Company four fare boxes valued at \$150, four busses valued at \$7,000, operative rights valued at \$50, and the good will and going-concern value of \$9,800. No liabilities are to be assumed. The consideration to be paid for these assets is the cancellation of a \$17,000 indebtedness which Transit Securities Company owes to applicant. The Public Utilities Act of this State does not require that applicant obtain authority from this Commission to consummate the proposed purchase.

The record clearly shows that the certification to applicant of the city carrier's present routes would be in the public interest. Transit Securities Company's principal route is Route No. 1 which is operated along G Street, 4th Street, and Sierra Way. One terminus of this line is at the intersection of Waterman Avenue and Highland Avenue. If applicant is authorized to operate along Route No. 1 it asks permission to extend said route easterly along Highland Avenue to a point near Golden Avenue, and also

(2) For the convenience of the applicants, interested parties, and public witnesses, Applications Nos. 28261, 28331, 28358, and 28364 were heard on a common record; however, the matters will be decided separately.

northerly along Waterman Avenue to 29th Street, thence easterly to Valencia Avenue. Applicant contends that the proposed extensions are necessary to meet the transportation requirements of the residents in the respective areas and that the Highland Avenue extension will also provide the public with service to and from the city's Perris Hill Park. As Waterman Avenue, north from Highland Avenue, is not improved sufficiently to permit travel by motor bus, applicant requests a temporary certificate northerly from Highland Avenue along Valencia Avenue, thence along 29th Street to its intersection with Waterman Avenue.

The evidence shows that there is a public need for the proposed extensions of Route No. 1, formerly operated by McKinley Transportation Company. However, the testimony of the public witnesses, as well as that of applicant's president, clearly shows that a greater need exists along the proposed alternate route (along Valencia Avenue, 29th Street to Waterman Avenue) than along the proposed permanent route (along Waterman Avenue, 29th Street to Valencia Avenue). As the evidence of record shows that Waterman Avenue will not soon be improved sufficiently to permit bus operations and that the proposed alternate route along Valencia Avenue will adequately serve a greater number of persons, the establishment, at this time, of the so-called permanent route along Waterman Avenue is not justified.

In order to provide transportation for a rapidly growing residential section, it is proposed to extend applicant's San Bernardino-Colton line easterly along Marshall Boulevard between Mountain View and Valencia Avenues by diverting a portion of the schedules now operated over said line. Twenty-six daily trips will

be operated along this extension and fares will be the same as the Zone 1 fares in applicant's tariff now on file with this Commission.

Highland-Patton Bus Line having, as a part of its Application No. 28331, also requested authority to establish a bus service in the Valencia Avenue and Marshall Boulevard districts, protests the granting of this application. The evidence, however, clearly shows that applicant and Transit Securities Company are the only carriers that are now operating a motor bus service near the areas proposed to be served and that applicant's proposed extensions of said service will meet the needs of more persons and will afford a greater convenience than the service proposed by protestant. Twelve public witnesses testified in support of the extensions proposed by applicant, whereas two witnesses were called by protestant and the latter's testimony shows that they, also, would be adequately served by applicant.

The service now rendered by Transit Securities Company on its Route No. 2 line consists of one morning and one afternoon schedule, operated between downtown San Bernardino and The Atchison, Topeka, and Santa Fe shops for employees of the railway. This route is along 5th Street between G Street and Garner Avenue. As applicant also requests a certificate to operate this service, Lee's Auto Stages, a certificated carrier, has protested the application. The evidence shows that for many years protestant has operated a local service along this portion of 5th Street. At the hearing Mrs. Elizabeth Hensley, owner and operator of protestant, testified that she had no objection to the continuance of said service by applicant provided it be restricted to railway personnel and to the present number of schedules. The suggested restriction appears

justified as applicant does not seek to increase its service along Route No. 2.

Having fully considered the evidence adduced in this proceeding, we find that public convenience and necessity require the establishment and operation of a passenger stage service by applicant as proposed and, therefore, the application will be granted.

O R D E R

A public hearing on the above-entitled application having been had, the Commission now being fully advised, and it having been found that public convenience and necessity so require,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity be, and it hereby is, granted to the San Bernardino Valley Transit Company, a corporation, authorizing the establishment and operation of a service as a "passenger stage corporation", as defined in Section 2 $\frac{1}{2}$ of the Public Utilities Act, for the transportation of persons, between the City of San Bernardino and points in the County of San Bernardino, and intermediate points, as an extension and enlargement of, and to be consolidated with, its present operative rights, subject to the following restriction:

Applicant shall operate only one morning and one afternoon schedule and shall carry only employees of The Atchison, Topeka and Santa Fe Railway Company on Route No. 2, as hereinafter described.

(2) That in providing service pursuant to the certificate herein granted, the following service regulations shall be complied with:

- (a) 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.
- (b) 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.
- (c) Subject to the authority of this Commission to change or modify such at any time, San Bernardino Valley Transit Company shall conduct said passenger stage operation over and along the following described routes:

Route 1

Beginning at the intersection of 25th Street and G Street, thence along 25th Street, F Street, 25th Street, E Street, Marshall Boulevard, G Street, 4th Street, Sierra Way, 19th Street, Wall Street, Highland Avenue to a point approximately 1000 feet west of Golden Avenue. Also, beginning at the intersection of Highland Avenue and Valencia Avenue, thence along Valencia Avenue, 29th Street to its intersection with Waterman Avenue.

Route No. 2

Beginning at the intersection of 5th Street and G Street, thence along 5th Street to its intersection with Garner Avenue.

Applicant is authorized to turn its 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.

(3) That, except as herein authorized, Application No. 28364 is hereby denied.

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

Dated at San Francisco California, this 10th day
of June, 1947.

Harold P. Hule
Arthur R. Casner
W. H. Powell
A. J. Johnson
Kenneth F. Lott
COMMISSIONERS