

Decision No. 40398**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 SAN BERNARDINO VALLEY TRANSIT COMPANY )  
 for certificate to operate over an ex- )  
 tended route from Bunker Hill Drive and )  
 Grant St.; for certificate to reroute ) Application No. 28261  
 and extend service in Muscoy area; to )  
 abandon service on Court St., San )  
 Bernardino; for certificate to reroute )  
 its present East Highlands line. )

William Guthrie for applicant; Charles C. Towle for  
 Highland-Patton Bus Line; Frank J. Barko for Fontana Bus Line,  
 protestants; Geo. L. Greene for Muscoy Mutual Building Associa-  
 tion, interested party.

O P I N I O N

San Bernardino Valley Transit Company requests authority to (1) reroute a portion of its East Highlands route along 6th Street instead of 3rd Street<sup>(1)</sup>; (2) reroute its Muscoy District line; (3) extend Bunker Hill Drive route from San Bernardino to Colton; and (4) to abandon service along Court Street, between E and F Streets, a distance of one block.

A public hearing was held at San Bernardino before Examiner Chiesa<sup>(2)</sup>. Evidence, oral and documentary, having been adduced,

(1) 6th Street is requested as a temporary route and 5th Street as the permanent route. This part of the application will be considered as a request to serve along 6th Street only as 5th Street, between Waterman Avenue and Victoria Street, a distance of approximately three miles, is not a street at all and the evidence shows that its construction is in the too distant future to be considered as an available route in this proceeding.

(2) Applications Nos. 28261, 28331, 28358, and 28364 were heard on a common record at the request of applicants and for the convenience of witnesses. The matters will be decided separately.

the matter was duly submitted for decision.

There was no opposition to applicant's proposals to re-route its Muscoy District line and to abandon present operations along Court Street, as requested hereinabove in Parts (2) and (4).

An officer of a Muscoy building association testified that the residents of that community favor the proposed change in route, north of Highland Avenue, as this will afford them a more convenient service. This line will be extended along Nolan, Ogden, and Vermont Streets, a distance of approximately a mile, and a long loop operation will be eliminated. Fares will not be changed. Applicant expects to have the necessary equipment for this service by June, 1947.

Discontinuance of operations along Court Street in downtown San Bernardino will have no material effect on applicant's service. Court Street is very narrow and the operation of busses in and out from said street has resulted in an undesirable traffic problem. The city authorities have requested applicant to discontinue said operation. Busses can conveniently operate along 4th Street.

There is insufficient evidence to justify applicant's request to extend its Bunker Hill Drive route through the northwesterly portion of Colton. This proposed route would serve an area westerly of the Santa Fe Railway tracks and northerly of U. S. Highway No. 99 (I Street in Colton). The evidence shows that most of this area, including the Colton Union High School and an elementary school, is now adequately served either by one of applicant's lines which operates along 8th Street, or by Frank J. Barco (Fontana Bus Line), operating along U. S. Highway No. 99. There is no

evidence that the area in the vicinity of the intersection of Clive Street and Rancho Avenue is sufficiently populated to justify the establishment of an additional route between San Bernardino and Colton, as herein proposed by applicant. No public witnesses were called to testify. Protestant Barke testified that the establishment of an additional bus service along U. S. Highway No. <sup>99</sup> would materially affect his business as gross revenues would be reduced as much as \$12 per day.

We find from the evidence of record that public convenience and necessity do not require the establishment and operation of the proposed extension of applicant's Bunker Hill Drive route.

Applicant also proposes rerouting a portion of its East Highlands route, discontinuing service along 3rd Street between Shirley Avenue and Victoria Street, a distance of approximately one and a half miles. Third Street, easterly of Shirley Avenue, is not populated. Service is no longer required for the personnel at the Air Corps depot which is now practically an inactive military installation. Applicant proposes to reroute from downtown San Bernardino along 5th Street, Waterman Avenue, 6th Street, and Victoria Street to its intersection with 3rd Street, and thence will continue along the present route.

At present there is no convenient public transportation available along East 6th Street between Waterman Avenue and Victoria Street. Public witnesses testified that there is a need for applicant's service as several new residential communities are being developed along or near 6th Street at Pedley Road, Tippecanoe Avenue, Del Rosa Avenue, Elm Street, and Lankershim Drive. Applicant's president testified that the loss of the Air Corps depot

patronage has greatly reduced the revenues on the East Highlands line and that it may become necessary to abandon that portion of this route easterly of Shirley Avenue unless a new source of revenue can be developed as herein proposed.

Applicant will continue its present service along East 3rd Street to a point near Shirley Drive (Gate No. 4 of the Air Corps depot) and along Tippocanoe Avenue between 3rd Street and Gate No. 2 of said depot.

Charles C. Towle (Highland-Patton Bus Line) has opposed the granting to applicant of an operative right along East 6th Street because he contends that the proposed service would be competitive with his proposed extension along 9th Street (Application No. 28331). The evidence does not support protestant's position. The testimony shows that there are few residences along 6th Street between Lankershim Drive and Victoria Street, a distance of approximately a half mile, which is the only portion of the proposed route that could be considered competitive. It appears, also, that present development in this general area (Victoria Gardens) is along the streets proposed to be served by protestant so that it is quite unlikely that passengers would prefer to walk from a third to a half mile farther to applicant's line. The lines serve entirely different sections of the County and City.

The proposed change in routing would not materially affect the bus service now provided for East Highlands patrons. No fare changes are contemplated.

The proposed rerouting of applicant's East Highlands line appears to be in the public interest and we so find.

Having considered the entire record in this proceeding we find that public convenience and necessity require that applicant (1) reroute its East Highlands line along 5th Street, Waterman Avenue, 6th Street, Victoria Street, thence along the present route to its easterly terminus; (2) reroute its Muscoy District route as proposed; (3) discontinue its bus operations along Court Street as proposed.

We also find that public convenience and necessity do not require the extension of applicant's Bunker Hill Drive route as proposed.

The application will be granted in part and denied in part.

O R D E R

A public hearing having been held in the above-entitled proceeding and, based upon the evidence of record and findings set forth in the foregoing opinion,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity be, and it hereby is, granted to San Bernardino Valley Transit Company, a corporation, authorizing the establishment and operation of a service as a "passenger stage corporation", as defined in Section 2½ of the Public Utilities Act, for the transportation of persons between San Bernardino, on the one hand, and East Highlands and the Air Corps depot, on the other hand, and intermediate points, as an extension and enlargement of its present operative rights.

(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:

East Highland Route

Beginning at the intersection of 5th Street and E Street, in San Bernardino, thence along 5th Street, Waterman Avenue, 6th Street, Victoria Street, 3rd Street to East Highlands in the County of San Bernardino.

Air Corps Depot Route

Beginning at the intersection of E Street and 3rd Street, thence along 3rd Street to Gate No. 4 of the Air Corps depot (approximately at Shirley Avenue). Also, along Tippecance between 3rd Street and Gate No. 2 of the Air Corps depot (southerly of Cardiff Street).

(3) That the foregoing certificate is granted in the place and stead of, and shall supersede the "passenger stage" common carrier operative rights granted to, or acquired by, San Bernardino Valley Transit Company, pursuant to Decisions Nos. 34800, 37279, and 39011, or orders amendatory thereof, which operative rights are hereby annulled and revoked.

(4) That the route description appearing in Paragraph (2), subparagraph (c) of the order in Decision No. 38225, as amended in paragraph (1), subparagraph (a) of the order in Decision No. 39333, be, and it hereby is, further amended to read as follows:

Beginning at the intersection of F Street and 5th Street, thence along 5th Street, E Street, 4th Street, F Street, 6th Street, Mt. Vernon Avenue, Highland Avenue, State Street, Mallory Street, Macy Street, Kern Street, Nolan Street, Ogden Street, Vermont Street to its intersection with First Avenue; also, beginning at the intersection of Base Line Street and Ferris Street, thence along Ferris Street, Evans Street, Massachusetts Avenue, Highland Avenue to its intersection with Mt. Vernon Avenue.

(5) That San Bernardino Valley Transit Company be, and it hereby is, authorized to discontinue service along Court Street, between E Street and F Street, in the City of San Bernardino.

(6) That Decisions Nos. 34800, 37279, 39011, 38225, and 39333 shall, in all other respects, remain in full force and effect.

(7) That Application No. 28261, except as herein authorized, be, and it hereby is, denied.

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

Dated at San Francisco California, this 10<sup>th</sup> day of June, 1947.

Harold D. Kule  
Justice J. Greenley  
Justice H. Powell  
R. B. Johnson  
Penelope Potter  
COMMISSIONERS