

ORIGINALDecision No. 40399

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of HIGHLAND-PATTON BUS LINE,)
Charles C. Towle, Owner, for a)
certificate of public convenience)
and necessity authorizing rerouting)
between Cedar Street and Osburn Road;) Application No. 28331
authorizing an extension of the 9th)
and McKinley Streets route to Cypress)
and Victoria Streets; abandon service)
on Waterman Avenue between 3rd and 4th)
Streets; extend its Waterman Avenue)
route.)

Charles C. Towle in propria persona; William Guthrie
for San Bernardino Valley Transit Company, protestant.

O P I N I O N

Applicant requests authority to (a) reroute a portion of its Highland-Patton route along Pacific Street and Osburn Road instead of Cedar Street and Base Line Street; (b) reroute a portion of its 9th Street-McKinley route along Base Line Street instead of Hospital Drive, Pacific Street and Osburn Road; (c) operate along Base Line Street between Cedar Street and Hospital Drive, a distance of one-eighth mile, in order to effect the rerouting as proposed in Part (b); (d) discontinue its present service along Cedar Street and Hospital Drive, each between Gilbert Street and Base Line Street and along McKinley Street between Base Line and 9th Streets; (e) extend its 9th and McKinley route easterly to Victoria Street; (f) establish and operate a new route between downtown San Bernardino and the intersection of Waterman Avenue

and Marshall Boulevard; (g) discontinue service along Waterman Avenue between 3rd and 4th Streets; and (h) in the event that applicant is not authorized to establish service as requested in part (f), to discontinue service along Waterman Avenue between 4th Street and Clive Street.

A public hearing was held at San Bernardino and evidence, oral and documentary, having been adduced, the matter was submitted for decision. (1)

The evidence shows that applicant's requests as set forth in Parts (a), (b), (c), and (d) hereinabove are in the public interest as the proposed changes will result in an improved service. The rerouting of the 9th and McKinley route will shorten the route, between points east of Osburn Road and points west of Hospital Drive, approximately one mile with a corresponding saving in elapsed travel time. Persons living along Osburn Road and Pacific Street will continue to have service comparable to that now available. Both routes have a common terminal in downtown San Bernardino and will continue to be operated on 30-minute base headways. There will be no change in fares.

Applicant now possesses authority to operate along all the streets and highways that will be used along the proposed reroutings. A redescription of the routes will provide applicant the authority to operate as requested above in Part (c).

The evidence further shows that the proposed discontinuance of service along Cedar Street and Hospital Drive will not

(1) Applications Nos. 28331, 28355, 28261 and 28364 were heard on a common record in order to accommodate the applicants and public witnesses. Separate decisions will be made.

materially inconvenience the public as there are no residences on Hospital Drive and persons residing along Cedar Street will be required to walk less than 800 feet to one or the other of applicant's lines. The persons residing on McKinley Street will also be within 800 feet of either of two bus lines. The discontinuance of service on McKinley Street would eliminate a large one-way loop operation and will enable applicant to establish an additional service along the proposed Victoria Street extension. No additional busses will be required and present schedules will be maintained. Fares in the proposed new zone, east of Lankershim Road, will be comparable to applicant's present fares on the Highland-Patton line, east of the Base Line Laundry, a comparable point.

A residential community of several hundred homes, known as Victoria Gardens, lies immediately easterly of applicant's present 9th and McKinley route terminus. Eleven witnesses, all residents of this area, testified that the community lacks convenient transportation facilities which are necessary to enable employed persons and housewives to travel to and from their homes. Most of the residences are located along or near 9th Street, Victoria Street, Cypress Street, and Lankershim Road, the streets over which applicant proposes to operate the extended service.

San Bernardino Valley Transit Company has protested the granting of this extension because it has applied to reroute its East Highlands line easterly along 6th Street instead of 3rd Street, as at present (Application No. 28261). The protest lacks merit as Victoria Gardens is in an area which is now being partially served by two of applicant's lines. Applicant's proposed extension and

rerouting will afford the residents of this community a necessary and convenient service. All the public witnesses residing in the Victoria Gardens area testified in favor of applicant's proposal.

We find that public convenience and necessity require the extension of applicant's service in the Victoria Gardens area, as herein proposed.

We also find that public convenience and necessity do not require the establishment by applicant of the proposed new route between downtown San Bernardino and the Marshall Boulevard-Valencia Avenue area. This route would closely parallel a service which is now being operated along the principal route of Transit Securities Company, which protestant is proposing to acquire (Application No. 26364). Applicant offered no evidence that a public need exists for a transportation service along the proposed route except the testimony of two public witnesses, one residing on Valencia Avenue, north of Base Line Street, and the other on Broadmoor Boulevard, north of Marshall Boulevard. Protestant has proposed the extension of its present routes which will adequately meet the transportation requirements of persons residing in said areas.

Applicant requests permission to discontinue its present operation along Waterman Avenue between Olive Street and 3rd Street because this is a so-called tripper service, established during wartime, for the convenience of war workers employed principally at the Army Air Depot situated along East 3rd Street. This base is no longer active. Applicant testified that between November, 1946, and March, 1947, the average number of passengers per

trip operated was 12.9, which was insufficient to meet operating expenses. Applicant also requests that a joint-fare arrangement with San Bernardino Valley Transit Company now in effect be discontinued. This agreement calls for the free transfer of passengers between the lines of the companies at the present junction point of 3rd Street and Waterman Avenue, the southerly terminus of applicant's Waterman Avenue line. Protestant does not oppose either of these requests which, under the circumstances, appear justified.

Having fully considered the entire record in this proceeding, we are of the opinion and find that public convenience and necessity require the proposed reroutings of applicant's present lines between Hospital Drive and Osburn Road, the extension of the 9th Street and McKinley Street line to Victoria Street, and the abandonment of its present service along Hospital Drive, Cedar Street, McKinley Street, and Waterman Avenue; that public convenience and necessity do not require the establishment and operation of the proposed service between downtown San Bernardino and the Marshall Boulevard area. Therefore, the application will be granted in part and denied in part.

For the purpose of clarifying applicant's operating rights and avoiding the necessity of repeated references to many decisions heretofore granted to applicant or his predecessors, the Commission will grant to applicant a new certificate of public convenience and necessity in lieu of all certificates heretofore granted.

O R D E R

A public hearing having been held in the above-entitled matter, 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 Charles C. Towlo, authorizing him to establish and operate a service as a "passenger stage corporation" as defined in Section 2½ of the Public Utilities Act, for the transportation of persons between the City of San Bernardino and termini in the County of San Bernardino, and intermediate points, subject to the following restriction:

No passenger having both origin and destination along E Street and Base Line Street, between the intersection of E and 4th Streets, and the intersection of Mountain View Avenue and Base Line Street, both inclusive, shall be transported.

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

- (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, Charles C. Towle shall conduct said passenger stage operation over and along the following described routes:

HIGHLAND-PATTON ROUTE

Beginning at the Pacific Electric Station, located on 3rd Street between E and F Streets in San Bernardino, thence along 3rd Street, E Street, 4th Street, Mountain View Avenue, Base Line Street, Waterman Avenue, Gilbert Street, Pacific Street, Osburn Road, Base Line Street, Palm Avenue, Highland Avenue, Victoria Street to its intersection with Base Line Street.

VICTORIA GARDENS ROUTE

Beginning at the Pacific Electric Station, located on 3rd Street between E and F Streets in San Bernardino, thence along 3rd Street, E Street, Base Line Street, Waterman Avenue, Olive Street, La Junta Street, Base Line Street, Golondrina Drive, 9th Street, Victoria Street, Cypress Street, Lankershim Road to its intersection with 9th Street.

Applicant is authorized to turn motor vehicles at terminal 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 the foregoing certificate is granted in the place and stead of, and shall supersede all "passenger stage" common carrier operative rights granted to, or acquired by, Charles C. Towle, pursuant to Decisions Nos. 29660, 30309, 31751, 37617, 38665, 39248, and 39592, or orders amendatory thereof, which operative rights are hereby annulled and revoked.

(4) That, except as authorized in the foregoing certificate, Application No. 28331 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 10th day of June, 1947.

Harold P. Kule
Justus F. Cravens
Earl H. Russell
A. F. Johnson
Frederick Potts
COMMISSIONERS