

Decision No. 41570

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
BAKERSFIELD & KERN ELECTRIC RAILWAY)
COMPANY (a) For authority to divide,)
reroute and extend Route 5, Flower-)
Niles Street Bus Line, into the) Application No. 28928
Primavera Park Tract. (b) For autho-)
rity to abandon regular service on)
Mt. Vernon Avenue between Flower and)
Niles Streets.)

Mack and Bianco by D. Bianco, for applicant
Herbert Cameron, for Arvin Line, protestant

O P I N I O N

In this application Bakersfield & Kern Electric Railway Company seeks authority to make certain changes in its Route 5, Flower-Niles bus line in the City of Bakersfield and adjacent territory.

A public hearing was held before Examiner Gannon in Bakersfield on March 23, 1948, at which time the matter was submitted.

The present Route 5 Flower-Niles bus line begins at the Santa Fe Station, on "F" Street, thence via "F", 19th and Baker, to Niles which is the beginning point of a long narrow loop approximately .3 mile wide and 1.3 miles long. The outbound buses continue north along Baker to Flower, thence east along Flower, to Mt. Vernon, and return via Mt. Vernon to Niles to Baker. The Kern County General Hospital and the East Bakersfield High School are located at Mt. Vernon and Flower.

Applicant alleges that traffic in the area has increased to the point where separate routes are justified on both Flower and Niles. Accordingly, it is proposed to operate the No. 5 line over

its present route as far as Flower and Mt. Vernon, and then turn around. A new line to be designated No. 8 will operate over the presently certificated route from 19th and "F" via 19th and Baker to Niles, thence along Niles to Mt. Vernon. It is proposed to extend this line to serve an area to the east known as Primavera Park Tract⁽¹⁾ by operating one-half mile further east on Niles to Catalpa Way and north to Avenida Escuela, thence to Locust Ravine and return to Niles Street. The buses will return to the city via Niles, Baker and 19th. The present service along Mt. Vernon Avenue between Flower and Niles would be abandoned except for occasional service to serve the East Bakersfield High School.

The Arvin Line operates a local bus route known as the Fairfax Road line from the Pacific Greyhound Station, at 19th and "N" Streets, via 19th, Edison Highway, Washington, Potomac, Mt. Vernon, Lake, Oswell Road, Pioneer and Fairfax Road to Red Bank Road.

Lake Street is parallel to, and one-eighth mile south of, Niles Street. Because of this close proximity of the Fairfax Road line on Lake Street to the proposed extension along Niles Street, the Arvin Line is protesting the part of the application concerning the extension. Arvin Line service consists of a one hour peak headway and one to two hours off-peak headway. The fare is 10 cents between Bakersfield and points on Lake Street.

Applicant introduced testimony showing that the present loop method of serving Flower and Niles is unsatisfactory. The long loop requires many passengers to travel a circuitous route in either going to or coming from Bakersfield. Furthermore, during the morning peak periods many patrons ride the outbound buses to the Hospital or

(1) Primavera Park tract is located northeast of the intersection of Niles and Mt. Vernon Avenue.

the High School. Persons residing along Flower Street who desire to ride downtown must board the buses before the Hospital and High School passengers have reached their destination, and serious overcrowding results. If the line were split as proposed, the patrons for the Hospital and High School would be discharged on the outbound trip and the buses would then pick up the Flower Street residents on the way back to the city. No protest was made concerning the proposal to split Route 5 into two lines.

Applicant's witness stated that the present service on Route 5 consists of a 12-minute headway until 7:00 p.m. and 15 minute service until midnight. It is proposed to operate 24-minute headways on both Routes 5 and 8 until 7:00 p.m. and 30-minute service until midnight. The fares proposed are the present 7¢ fare from Bakersfield to Mt. Vernon Avenue and 10¢ to points east of Mt. Vernon Avenue.

The applicant's witnesses testified that the new area to be served contained 503 houses and an estimated 1760 persons. In addition, a new tract known as Hillcrest is presently under development. This area contained 446 lots and had 41 houses completed or under construction. However, the lots are being sold under conditions that require construction within 18 months and it was indicated that the area would be built up rapidly.

An engineer for the Commission testified that in the area bounded on the south by Niles Street on the west by Mt. Vernon Avenue on the east by the Horace Mann School ⁽²⁾ and extending north to the end of development at College Avenue there were, on March 3, 1948, a total of 270 dwellings. Most of these are located in the southern portion of the area, the northern section or Hillcrest being very sparsely populated at present.

(2) Horace Mann Elementary School is located at the intersection between Niles Street and Catalpa Way.

Approximately 30 witnesses testified that they lived north of Niles Street in the area to be served by the extension. They all testified that the proposed extension would be a convenience and necessity to them. When cross examined they stated that they did not use the Arvin Line service on Lake Street for various reasons, among them being the fact that the route on Lake Street was too far away, that they had to cross Niles Street, a very heavily traveled thoroughfare, and that the Arvin service was too infrequent.

Another witness who represented twenty-two teachers at Horace Mann School stated that the majority of the teachers lived in East Bakersfield and that the extension would be a distinct convenience to them. The Arvin Line route, she stated, did not pass through East Bakersfield and hence could not be utilized by the teachers.

In addition to the residents who lived north of Niles Street, there were approximately 30 persons, practically all housewives, who testified that they lived in the area south of Niles Street and east of Mt. Vernon Avenue and they supported the application. On ✓ cross-examination most of them stated that they did not use the service of Arvin Line but instead walked considerable distances (often crossing the Arvin Line Route on Lake Street) to Mt. Vernon and Niles where they could board the buses of the Bakersfield and Kern Electric Railway. They did this in preference to using the Arvin Line for several reasons, one being that the Arvin Line buses stopped at the Greyhound Station at 19th and "N" Street four blocks from Chester Avenue, the principal business street in Bakersfield. These witnesses stated the four blocks on 19th Street ran through an undesirable community. Other objections to Arvin Line service included the infrequent schedules and lack of transfer privileges. However, these witnesses admitted that none of them had ever made any complaint to

the Arvin Line.

A witness for the Arvin Line in protesting the extension along Niles Street stated that Arvin Line provided the area along Lake Street with all the service that could be supported and even then the operation was conducted at a loss. Exhibits were introduced to show that in September 1947, a new improved schedule providing for 30-minute peak service and 60-minute off-peak service was put in effect. This schedule was operated for six weeks and then withdrawn for lack of patronage, and the present schedule of one hour peak headway and one or two hour off-peak service reestablished. The improved service added approximately \$1,300 per month to operating expenses but brought in less than \$100 per month additional revenue. Another exhibit by the protestant showed the number of empty seats available at stops in the disputed territory on all trips for four days in March. From this exhibit it is evident that of a total of 104 one-way trips there were seats for all the passengers on Lake Street on all but 12 trips. On these 12 trips the number of standees varied from 1 to 10 persons.

The Commission's engineer introduced an exhibit showing the results of an "on and off" check taken on the buses of the Arvin Line's Fairfax Road Route. It was shown that of a total of 427 passengers carried on a typical day, 58 or 13.6% were picked up or discharged in the disputed area along Lake Street and might be diverted to the proposed extension on Niles Street. It was stated that this 13.6% was the maximum possible amount of diversion and that the actual loss would probably be very much less.

From the record in this matter it appears that the application to eliminate the loop operation of Route 5 buses on Flower and

Niles and to substitute two routes, with two-way operation on both streets, is justified and should be granted.

As for the matter of the extension along Niles Street east of Mt. Vernon Avenue it appears that the Primavera Park Tract is not being served adequately by the Arvin Line. The problem centers about the effect the proposed extension will have on the Fairfax Road Route of the Arvin Line. It appears that the Arvin Line is providing all the service the territory south of Niles Street will support and without any overcrowding of the buses. It also appears that the residents of the area south of Niles Street prefer to walk considerable distances to the existing Flower-Niles bus line at Mt. Vernon Avenue where they can obtain more frequent service and are spared the necessity of walking four blocks from the Greyhound Station to Chester Avenue.

It appears that if all Arvin Line patrons on Lake Street were diverted, the Fairfax Road route would suffer a 13.6% loss but ✓ from the testimony of the public witnesses it is our opinion that the effect of the Bakersfield & Kern Electric Railway Company competition has already been felt. We are faced with a situation in which one carrier appears to be providing a territory with all the service the area will support. Another carrier seeks to enter this territory and this second carrier, because it can coordinate the proposed extension with its other routes serving the entire Bakersfield area, is in a position to offer much more attractive service. In view of the overwhelming sentiment of the public witnesses that the Arvin Line Service does not meet their needs, it appears that the application should be granted.

O R D E R

Application as above entitled having been made, the

Commission being fully advised and finding that public convenience and necessity so require,

IT IS HEREBY ORDERED:

(1) That a certificate of public convenience and necessity is hereby granted to Bakersfield & Kern Electric Railway Company, authorizing the establishment and operation of service as a passenger stage corporation, as defined in Section 24 of the Public Utilities Act, for the transportation of passengers between Bakersfield, East Bakersfield and Primavera Park Tract and intermediate points as an extension and consolidated with applicants present operations.

(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:

Route 5

Beginning at the Santa Fe Railroad Station, thence north on "F" Street to 19th Street, easterly on 19th Street to Baker Street, northerly on Baker Street to Flower Street, easterly on Flower Street to Mt. Vernon Avenue - the end of the line. The return route will be the reverse of the above.

Route 8

Beginning at the intersection of 19th and "F" Streets, thence easterly on 19th Street to Baker Street, northerly on Baker Street to Niles Street, easterly on Niles Street to Catalpa Way; northerly on Catalpa Way to Avenida Escuela, westerly on Avenida Escuela to Locust Ravine, southerly on Locust Ravine to Niles Street and thence via Niles, Baker and 19th Streets to the point of beginning.

- d. Regular service on Mt. Vernon Avenue between Flower and Niles Streets will be abandoned but may be used for school trips operating to and from East Bakersfield High School.
- e. A fare zone point will be established on Route 8 at Niles Street and Mt. Vernon Avenue. The fare from Bakersfield to points east of the fare zone point will be 10¢.

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

Dated at San Francisco, California, this 11th day of May, 1948.

R. Z. Anderson
Justus F. Gresser
Frank H. Howell
Harold H. Kule
Samuel H. Potter
 COMMISSIONERS