

ORIGINAL

Decision No. 42631

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
BAKERSFIELD & KERN ELECTRIC RAILWAY)
COMPANY for authority to inaugurate)
a new bus line Route No. 10.)

Application No. 29967

D. BIANCO of MACK & BIANCO, for applicant.
GEORGE S. CROZIER and HUBERT MAU, for Arvin Line,
protestant.

O P I N I O N

(1)

Bakersfield & Kern Electric Railway Company, the applicant herein, is engaged in the operation of an integrated passenger-stage and bus line within the City of Bakersfield and in areas in Kern County contiguous and adjacent to the City of Bakersfield.

The route which applicant proposes to follow, if authorized, begins at Chester Avenue and 19th Street in the City of Bakersfield, and extends in an easterly direction on 18th Street, California Avenue, Quantico Avenue, Potomac Avenue, Exchange Street to California Avenue and return over the same route to point of starting, and is referred to as No. 10 Bus Line.

A public hearing was held at Bakersfield by Examiner Gannon and the matter was submitted.

(1) On March 3, 1949, applicant filed with the Commission a copy of certificate of amendment of its Articles of Incorporation changing its name to "Bakersfield Transit Co." The application with which we are dealing in this proceeding was filed on January 13, 1949.

The need for the proposed new route is set out at some length in the application. It appears that there are two areas, one within the city limits and the other without, both allegedly requiring public transportation. The inside area extends easterly from the shopping center and is bounded by Beale Avenue, Sumner Street, Washington Avenue and California Avenue, and contains approximately 260 homes, occupied by 983 persons. The outside area lies in a tract bounded by Edison Highway, Quantico and Richards Avenues, Virginia Avenue, and Withee and Exchange Streets. This section contains 285 homes, occupied by approximately 988 persons. It was explained by applicant that these figures were actual, as to the residences, but estimated as to population. Neither of these growing areas has public transportation and applicant testified that he had received many requests for the service.

The application was protested by Arvin Line which operates generally along Washington Avenue, Potomac Avenue, Mt. Vernon Avenue and Edison Highway, considerably east of the "outside" area above referred to. The Secretary of Arvin Line testified that his chief objection to the service as proposed was the fact that applicant's line would not be over two blocks distant from Arvin Line at any point, and that two competitive bus lines could not operate profitably in the area to be served. There is nothing in the record to sustain this contention. The vital factor is that the area which applicant seeks to serve is without adequate bus service and that the residents of the areas have made known their situation to the Commission in no uncertain manner.

Some 44 residents of the communities testified at the hearing that they required the proposed service and that they would use it if established. A petition was filed bearing a large number

of signatures and representing individuals residing in the area bounded by Edison Highway on the north, Quantico Avenue and Richards Avenue on the east, Virginia Avenue on the south and Withee and Exchange Streets on the west. No public witnesses appeared to protest the granting of the application. The only adverse note came from an Arvin Line official and it cannot be maintained that the objection of that carrier is calculated to best serve the interests of the public.

Protestant's sole witness testified that his company would be willing to withdraw its opposition if restrictions were imposed on applicant against picking up passengers at the point where the two routes intersect, and at a reasonable distance from where they parallel each other. However, it is obvious such an arrangement would defeat the very purpose of the proposed service and fail to meet the transportation needs of the areas involved.

It appears that applicant is adequately equipped and qualified to render the service which it offers. The fare for the new route will fall within Zone D, a ten cent zone already established. Time schedules are set forth in Exhibit "C" to the application, and indicate a 40-minute headway between the hours of 7 AM and 6:30 PM.

From the record herein the Commission finds that public convenience and necessity require the establishment and operation of the service proposed and the application will be granted.

O R D E R

A public hearing having been held in the above entitled proceeding, the matter having been submitted, and the Commission

being fully advised,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity be, and it hereby is, granted to Bakersfield & Kern Electric Railway Company, authorizing the establishment and operation of service as a passenger stage corporation, as defined in Section 2½ of the Public Utilities Act, for the transportation of passengers between the intersection of Chester Avenue and 19th Street, on the one hand and Potomac Avenue and Quantico Avenue on the other hand, over and along the streets prescribed in the service route which follows. The service is to be integrated and co-ordinated with applicant's present transportation system within the City of Bakersfield, and in Kern County contiguous to said City of Bakersfield.

(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 them by further order, applicant shall conduct operations pursuant to the certificate herein granted over and along the following routes:

Commencing at Chester Avenue and 19th Street, east on 19th Street to "L" Street, south on "L" Street to 18th Street, east on 18th Street to Brown Street, south on Brown Street to California Avenue, east on California Avenue to Quantico Avenue, south on Quantico Avenue to Potomac Avenue, west on Potomac

Avenue to Exchange Street, north on Exchange Street to California Avenue, thence westerly along California Avenue, northerly along Brown, westerly along 18th Street, northerly along Chester to point of beginning at 19th Street and Chester Avenue.

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

Dated at San Francisco, California, this 22nd day of March, 1949.

R. E. [Signature]
Justus F. [Signature]
Grant [Signature]
Bennett Pottis

Commissioners