

Decision No. 43177

ORIGINAL

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 a consolidated in- )  
lieu certificate, including re-routings )  
and extensions in the cities of San )  
Bernardino and Colton and vicinities, )  
and for authority to abandon portions )  
of certain lines. )

Application No. 30363

Guthrie, Lonergan & Jordan by: John B. Lonergan,  
for applicant. Elizabeth Hensley, for Lee's  
Auto Stage Line; Vernon E. Newkirk, for Muscoy  
Business Men's Association; Lester J. Brant,  
for Muscoy Chamber of Commerce; Hal E. Thompson;  
John Herick, for Muscoy News; Charles C. Towle,  
for Highland-Patton Bus Line; interested parties.

O P I N I O N

San Bernardino Valley Transit Company now operates as a "passenger stage corporation" in San Bernardino and vicinity, and also between San Bernardino and Colton. By this application it seeks a certificate of public convenience and necessity in lieu of all operating rights heretofore granted to, or acquired by, applicant. Applicant also requests authority to effect several reroutings and extensions in order to provide a more remunerative and, generally, an improved transportation service.

A public hearing was held in San Bernardino on July 15, 1949, before Examiner Chiesa.

Many public witnesses testified in favor of the proposed changes which were described and explained by applicant's president.

The application was not protested nor did any opposition develop at the hearing. The cities of San Bernardino and Colton entered no appearance. One competing carrier favors the granting of the application, and another has informed this Commission in writing that it does not object to the granting thereof. Mrs. Elizabeth Hensley, doing business as Lee's Auto Stage Line, originally appeared as a protestant, but applicant having agreed to continue its operation along Fifth Street, to the Santa Fe yards, subject to the existing restriction the protest was withdrawn.

Applicant's president testified that proposed routes and schedule changes will result in better coordination of the whole operation, and that the new routes will, generally, improve the service for a greater number of present patrons, and that the extensions will establish a new service for many persons living in areas not heretofore served; that the daily scheduled operating miles will increase from 3621 to 3656 miles; that the company will receive an additional daily revenue of approximately \$108; that the company now owns 35 buses and operates 31 at peak hours, 22 on regular schedules and 9 trippers; that 23 regular buses and 7 trippers will be required for peak operation as proposed; that during base periods, 19 buses will be used whereas 16 are now used; that in a few instances, on lines that are unprofitable, schedules will be reduced from six to ten minutes at peak periods, but that on several of applicant's lines, the schedules will be materially increased; that in nearly all instances where there is a reduction of schedule, patrons will have available additional service by walking not more than two or three blocks to another line.

The principal discontinuance or abandonment of service will be on the present Del Rosa line which is operated along east Base Line Street and along Del Rosa Avenue. It is proposed to continue service to Del Rosa postoffice and extend the line to the Del Rosa Heights and Del Rosa Estates by operating via Highland Avenue instead of Base Line Street. Due to a restriction on applicant's present line along east Base Line Street, applicant's president testified that the operation is unprofitable and that for six consecutive days in July, 1949, the line carried 220 passengers for a total revenue of \$20.81, or seven cents per mile, compared with an operating expense, including depreciation, of approximately 28 cents per mile. A competing carrier now operates along east Base Line Street and also serves the Del Rosa Avenue portion of the route proposed to be discontinued. Upon the evidence, the proposed change in the Del Rosa line appears justified.

The proposed changes in the Muscody Line are a more frequent schedule and the operation of a split service along two routes northwesterly of the intersection of State and Mallory Streets. Important extensions, on other lines, are to the intersections of 47th Street & Sepulveda Boulevard, 37th Street & Valencia Avenue, 27th Street & Davidson Avenue, and West Base Line Street & Muscott Avenue.

More than twenty public witnesses testified as to the need for public transportation along the proposed extensions and new routes.

Fares on the new routes will be the same as the present fares when traveling from the same areas or zones. The present transfer privileges will be continued. An additional fare of two cents will be charged along Valencia Avenue north of Marshall Boulevard, and an additional three cents fare will be charged northerly of the Del Rosa post office.

Having fully considered the entire record in this proceeding, the Commission is of the opinion, and finds, that public convenience and necessity require that an in lieu certificate be granted authorizing the establishment and operation of a passenger stage service as herein proposed. It will be so ordered.

San Bernardino Valley Transit Company is hereby placed upon notice that operative rights, as such, do not constitute a class of property which may be capitalized or used as an element of value in rate-fixing, for any amount of money in excess of that originally paid to the State as the consideration for the grant of such rights. Aside from their purely permissive aspect, they extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be changed or destroyed at any time by the State, which is not, in any respect, limited to the number of rights which may be given.

#### ORDER

A public hearing having been held, the Commission being fully advised in the premises, and having 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 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 1/4 of the Public Utilities Act, for the transportation of persons between the city of San Bernardino, on the one hand, and the city of Colton and points in the vicinity of the city of San Bernardino, on the other hand, and intermediate points.

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

- (a) Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed thirty (30) days after the effective date hereof.
- (b) Applicant shall, within sixty (60) days after the effective date hereof and upon not less than five (5) days' notice to the Commission and the public, establish the service herein authorized and comply with the provisions of General Order 79 and Part IV of General Order 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, a corporation, shall conduct said passenger stage operation over and along the following described routes:

LINE NO. 1

Commencing at the intersection of 34th Street and Broadmoor Boulevard, in San Bernardino; thence west on 34th Street to Sepulveda Avenue; thence south on Sepulveda Avenue to Marshall Boulevard; thence west on Marshall Boulevard to Mountain View Avenue; thence south along Mountain View Avenue to Highland Avenue; thence

west along Highland Avenue to "D" Street; thence south along "D" Street to Third Street; thence west and southwesterly along Third Street to Mt. Vernon Avenue; thence south along Mt. Vernon Avenue to the contiguous city limits of San Bernardino and Colton; thence (a) southwesterly along La Cadena Avenue to 8th Street, in Colton; thence southerly along 8th Street to "J" Street; thence east along "J" Street to terminus at 9th and "J" Streets; (b) south along Mt. Vernon Avenue to "E" Street; thence west along "E" Street to 8th Street; thence south on 8th Street to "J" Street; thence east along "J" Street to terminus at 9th and "J" Streets.

LINE NO. 2

(a) Commencing on East Third Street, at Gate No. 4 of U. S. Army Air Depot near Del Rosa Avenue, in San Bernardino, (also at Gate No. 2 of U. S. Army Air Depot on Tippecanoe Street south of Cardiff Avenue and north along Tippecanoe Street to East Third Street); thence west along East Third Street to "E" Street; north along "E" Street to Highland Avenue; west along Highland Avenue to "G" Street; thence (a) north along "G" Street to Marshall Boulevard; west along Marshall Boulevard to "I" Street; (b) thence west along Highland Avenue from "G" Street to "I" Street; north along "I" Street to Colima Road; west along Colima Road to Muscupiabe Drive; return via the reverse thereof to the intersection of Fourth and "E" Streets; thence west along Fourth Street to "F" Street; south along "F" Street to Third Street; east along Third Street to "E" Street; and continuing east to point of beginning.

(b) Commencing at the intersection of Fifth and "E" Streets, in San Bernardino; thence west along Fifth Street to Garner Avenue; and return the reverse thereof.

LINE NO. 3

(a) Commencing at the intersection of Third Avenue and June Street, in Muscoy; thence east along Third Avenue to Duffy Street; south along Duffy Street to Ogden Street; east along Ogden Street to Nolan Street; southeasterly along Nolan Street to State Street; south along State Street to Mallory Street; and

(b) Commencing at the intersection of First Avenue and Vermont Street, in Muscoy; thence south along Vermont Street to Kern Street; east along Kern Street to June Street; south along June Street to Blake Street; east along Blake Street to Duffy Street; south along Duffy Street to Mallory Street; east along Mallory Street to State Street; thence continuing (a) and (b) south along State Street to Highland Avenue; east along Highland Avenue to Muscott Street in San Bernardino; south along Muscott Street to Goodlett Street; east along Goodlett Street to Mt. Vernon Avenue; south along Mt. Vernon Avenue to Base Line Street; east along Base Line Street to "E" Street; south along "E" Street to Fourth Street; west along Fourth Street to "G" Street; north along "G" Street to Highland Avenue; east along Highland Avenue to "E" Street; north along "E" Street to 34th Street; east along 34th Street to Mt. View Avenue; north along Mt. View Avenue to 40th Street; thence (a) west along 40th Street to Electric Avenue; north along Electric Avenue to 41st Street; west along 41st Street to "E" Street; and (b) east along 40th Street to Sepulveda; north along Sepulveda to 47th Street; and returning the reverse thereof.

LINE NO. 4

Commencing at the intersection of Fourth and "E" Streets, in San Bernardino; thence west along Fourth Street to "F" Street; north along "F" Street to Sixth Street; west along Sixth Street to Mt. Vernon Avenue; north along Mt. Vernon Avenue to Ninth Street; west along Ninth Street to Western Avenue; north along Western Avenue to Base Line Street; west along Base Line Street; and returning over the reverse thereof to Sixth and "F" Streets; thence east along Sixth Street to "E" Street; south along "E" Street to the point of beginning at Fourth Street.

LINE NO. 5

Commencing at the intersection of Twenty-seventh Street and Davidson Avenue in San Bernardino; thence south along Davidson Avenue to Highland Avenue; east along Highland Avenue to Massachusetts Avenue; south along Massachusetts Avenue to Base Line Street; west along Base Line Street to "L" Street; south along "L" Street to 9th Street; east along 9th Street to "F" Street; south along "F" Street to Fourth Street; east

along 4th Street to Sierra Way; north along Sierra Way to 19th Street; east along 19th Street to Wall Street; north along Wall Street to Highland Avenue; east along Highland Avenue to Waterman Avenue; thence (a) north along Waterman Avenue to 28th Street; east along 28th Street to Valencia Avenue; north along Valencia Avenue to 37th Street; and (b) east along Highland Avenue to Del Rosa Avenue; north along Del Rosa Avenue to Las Flores Drive; west along Las Flores Drive to El Camino Drive; north along El Camino Drive to Alto Drive; westerly along Alto Drive to La Hacienda Drive; north along La Hacienda Drive to Yucca Drive and returning (a) and (b) the reverse thereof.

LINE NO. 6

Commencing at the intersection of Third and "E" Streets, in San Bernardino; thence south along "E" Street to Mill Street; thence (a) south along "E" Street to stadium entrance of National Orange Show grounds; and (b) from the intersection of Mill and "E" Streets southwesterly along Colton Avenue to Urbita Springs and returning (a) and (b) over the reverse thereof.

LINE NO. 7

Commencing at the intersection of Gardena Street and U. S. Highway No. 99, in the County of San Bernardino; thence west along U. S. Highway No. 99 to Waterman Avenue; north along Waterman Avenue to Mill Street, in the City of San Bernardino; west along Mill Street to Arrowhead Avenue; north along Arrowhead Avenue to Third Street; west along Third Street to "F" Street; south along "F" Street to Rialto Avenue; west along Rialto Avenue to "K" Street; south along "K" Street to Mill Street; east along Mill Street to Bunker Hill Drive; south along Bunker Hill Drive to Grant Street; and returning over the reverse thereof.

LINE NO. 8

Commencing at the intersection of Fifth and "E" Streets, in the City of San Bernardino; thence east along Fifth Street to Waterman Avenue; north along Waterman Avenue to Sixth Street; east along Sixth Street to Victoria Avenue, in the County of San Bernardino; south along Victoria Avenue to Third Street; easterly along Third



Street to the U. S. Postoffice in East Highlands; and returning over the reverse thereof.

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 intersections, or in accordance with local traffic rules.

(3) That all existing certificates of public convenience and necessity heretofore issued to, or acquired by, San Bernardino Valley Transit Company, a corporation, are hereby revoked and annulled and are of no further force and effect.

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

Dated at Los Angeles, California, this 2nd day of August, 1949.

R. J. Anderson  
Frederic J. Calver  
James L. Gandy  
Harold P. Hale  
Thomas P. Patten  
COMMISSIONERS