

Decision No. 43562

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 FRANK J. BARKO, dba FONTANA BUS LINE, )  
 for a certificate of public con- )  
 venience and necessity to operate an )  
 auto stage line for the transportation )  
 of passengers and their hand baggage )  
 in the same vehicle between Bloomington )  
 and Riverside and intermediate points )  
 as an extension of present service, and )  
 for abandonment of the so-called Colton )  
 Cross-Town Line. )

Application No. 30668

James J. Broz, for applicant; C. H. Jones, for Pacific Electric Railway Company, and Samuel H. Crothers for Riverside Transit Lines, protestants; Elizabeth Hensley for Lee's Auto Stage Lines, and B. T. McKissock for San Bernardino Valley Transit Co., interested parties.

O P I N I O N

Applicant is presently operating a motor bus service for the transportation of passengers in San Bernardino County between Colton, Bloomington, Fontana, the Kaiser Company plant, South Fontana, and Ontario, serving also intermediate points, pursuant to authority from this Commission<sup>(1)</sup>.

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(1) Decision No. 38302, dated October 16, 1945, on Application No. 26804; Decision No. 38805, dated April 2, 1946, on Application No. 27259; Decision No. 39409, dated September 17, 1946, on Application No. 27714; Decision No. 40695, dated September 10, 1947, on Application No. 28437; and Decision No. 40725, dated September 23, 1947, on Application No. 28436.

Permission is sought by the present application to establish service between Bloomington and Riverside and to consolidate such service with applicant's existing bus operations. Applicant also requests authority for the abandonment of his so-called "Colton Cross-Town Lines" which was authorized by a certificate of convenience and necessity granted in Decision No. 40695, dated September 10, 1947, on Application No. 28437.

A public hearing was held before Examiner Rowe, at Riverside, California, on November 10, 1949, at which time oral and documentary evidence was adduced and the matter submitted for decision.

The City Attorney of Colton, although notified of the proposed abandonment and of the time and place of the hearing, did not appear or file any protest. No one else made any objection to the abandonment. Applicant testified the line had never resulted in a profit, but, instead, he had suffered a regular loss from the operation of such line. He also stated that the existing service over "I" Street provided for the essential need for transportation of people living in that territory. The evidence is conclusive that no public convenience and necessity would be served by the continuance of applicant's service as a passenger stage corporation between the California Portland Cement Company plant in Colton, on the one hand, and the intersection of Pennsylvania Avenue and Mill Street, on the other hand, and intermediate points; and, consequently, such abandonment will be authorized.

Public witnesses testified that there is a great need for the proposed new service between Bloomington and Riverside,

especially to meet the present and future requirements of existing and of many expected new residents of Crestmore Village, Crestmore Heights, and Crestmore, which are communities along Cedar Avenue and Bloomington Road. There was no conflicting evidence as to this public convenience and necessity.

By stipulation of the parties appearing at the hearing, the following restrictions were agreed upon: No local passengers may be carried between 34th Street and Crestmore Road, on the one hand, and 7th Street and Market Street, on the other hand, in Riverside and in West Riverside. The other restriction, to which the parties agreed, is that no local passengers are to be carried in Bloomington between Valley Boulevard and Cedar Avenue, on the one hand, and Cedar Avenue and Santa Ana Boulevard, on the other.

These restrictions, as to picking up and discharging local passengers, will eliminate duplication of service between applicant and the other carriers in this territory as to the proposed operation.

Having fully considered the matter, the Commission finds, as a fact, that public convenience and necessity require the establishment and operation of the proposed additional route. Therefore, a certificate will be granted authorizing the proposed service, with the above-indicated restrictions.

O R D E R

Application therefor having been filed, 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 Frank J. Barko, doing business as Fontana Bus Line, authorizing him to establish and operate a service as a passenger stage corporation, as defined in Section 2 1/4 of the Public Utilities Act, for the transportation of passengers between the intersection of Valley Boulevard and Cedar Avenue in Bloomington, on the one hand, and the intersection of 7th Street and Market Street in Riverside, on the other hand, and intermediate points, as an extension and enlargement of, and to be consolidated with, applicant's present operative rights, subject to the following restrictions:

- (a) Applicant shall not carry any passengers whose points of origin and destination are both on Cedar Avenue, in Bloomington, between Valley Boulevard and Santa Ana Boulevard.
- (b) Applicant shall not carry any passengers whose points of origin and destination are both between the intersection of 34th Street and Crestmore Road in West Riverside, on the one hand, and the intersection of 7th Street and Market Street in Riverside, on the other hand.

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

- (a) Within thirty (30) days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted.
- (b) Within sixty (60) days after the effective date hereof, and upon not less than five (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, tariffs and time schedules satisfactory to the Commission.

- (c) Subject to the authority of this Commission to change or modify such at any time, Frank J. Barko shall conduct said passenger stage operation over and along the following described route:

RIVERSIDE EXTENSION

From Valley Boulevard in Bloomington, along Cedar Avenue, Bloomington Road, 34th Street (formerly known as Wilson Road), Crestmore Road, Mission Boulevard, and 7th Street to Market Street in Riverside.

Applicant is authorized to turn his 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 the certificate of public convenience and necessity granted to Frank J. Barko, doing business as Fontana Bus Line, by the order in Decision No. 40695, dated September 10, 1947, on Application No. 28437, including the description of the route therein, is hereby revoked and rescinded.

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

Dated at San Francisco, California, this 29<sup>th</sup> day of November, 1949.

R. Z. Anderson  
Justice F. Calves  
Joseph F. Lawrence  
Harold P. Kille  
Samuel P. Lott  
 COMMISSIONERS