

ORIGINAL

Decision No. 30011

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application	)	
of MAX H. GREEN, doing business	)	
under the firm name and style of	)	
MCOUNTAIN AUTO LINE, to abandon serv-	)	Application No. 30728
ice and operating rights between	)	
Redlands and Barton Flats in the	)	
County of San Bernardino.	)	

O P I N I O N

By Decision No. 30091; dated September 7, 1937, Max H. Green, now operating under the firm name and style of Mountain Auto Line, acquired from Motor Transit Company certain passenger stage and highway common carrier rights between San Bernardino and Lake Arrowhead and Big Bear Lake, subject to restrictions, as more specifically set forth in said decision.

Excepting several war-time, passenger-stage operating rights authorized by Decisions Nos. 35383, 36360, and 36714, which have been revoked by Decision No. 38964, applicant has received no operating authority other than that granted by said Decision No. 30091. By Decision No. 31887, a condition was added to Decision No. 30091 limiting express shipments to 100 pounds and requiring that shipments be transported on passenger-carrying vehicles only.

By this application, authority is sought to abandon a portion of the operations and to make several minor route changes along the principal route between San Bernardino and Lake Arrowhead and Big Bear Lake, via Waterman Canyon and Rim of the World Drive. The routes proposed to be abandoned are those between San Bernardino

and Big Bear Lake via Redlands and Barton Flats, and between Miller's Corner (two miles north of the intersection of U. S. Highways Nos. 395 & 66) and Lake Arrowhead via Hesperia. During the past 12 years many new resorts, camps, and homesites have been developed along the original main route and several of the old places have either closed or changed locations requiring new and different off-route operations.

Applicant will continue to perform the same services, for the transportation of both passengers and property, which he has been regularly operating since 1937. The route via Redlands and Barton Flats to Big Bear Lake has never been regularly operated due to the lack of patronage and the high cost of operation over the narrow, steep, and winding mountain roads such as the Mountain Home Grade and Clark's Grade. Applicant alleges that whatever need exists along this route for the transportation of property, is adequately met by the operations of permitted carriers; that a regular highway common carrier service is not required, and that there isn't sufficient demand for either a regular passenger stage service or a highway common carrier service to justify such operations. The route via Miller's Corner and Hesperia has never been used regularly and is only an emergency route at best. Applicant proposes to retain, as an alternate route for emergency use, the so-called back-way route via Cajon Pass, Victorville, and Lucerne Valley to Big Bear Lake.

It is also proposed to continue to use the route between San Bernardino and Running Springs Post Office, situated on the Rim of the World Drive, via Highland Avenue and City Creek Road. This

is a shorter route to Big Bear Lake, via City Creek Road, which is now being improved and will soon be available for use in serving several places not accessible via the Rim of the World Drive.

No change in fares or rates is proposed. Applicant will continue his present passenger stage and highway common carrier operations.

In order to have applicant's service conform more closely with his certificated authority, and to enable him to meet more fully the public's need in the area which he serves, an in lieu certificate appears to be justified. We find that it is in the public interest to grant the application, subject to certain restrictions.

Other carriers will not be adversely affected. A public hearing is not necessary.

Max H. Green 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.

O R D E R

Application having been made in the above-entitled matter, the Commission being fully advised in the premises and hereby finding that public convenience and necessity so require,

IT IS ORDERED:

I. That a certificate of public convenience and necessity be, and it hereby is, granted to Max H. Green, 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 and their baggage or express between San Bernardino, on the one hand, and Crestline, Lake Arrowhead, and Big Bear Lake, on the other hand, and intermediate and off-route points, on routes as hereinafter described, subject to the following conditions and restrictions:

- (a) The transportation of express shall be incidental to the transportation of passengers, shall be limited to a weight of one hundred (100) pounds per shipment, and shall be transported on passenger vehicles only.
- (b) No passengers, baggage, or express shall be transported having both origin and destination between the following points:
  - (1) Applicant's terminus in the city of San Bernardino and a point one and six-tenths (1.6) miles north of the intersection of Sierra Way & 40th Street.

- (2) Applicant's terminus in the city of San Bernardino and the intersection of Highland Avenue & City Creek Road, near Highland.
  - (3) Any two points within the city of San Bernardino.
- (c) When operating over the alternate route, via Victorville and Lucerne Valley, no passengers, baggage, or express, having both origin and destination between applicant's terminus in the city of San Bernardino and Lucerne Valley, shall be transported.

II. That a certificate of public convenience and necessity be, and it hereby is, granted to Max H. Green, authorizing the establishment and operation of a service as a highway common carrier, as that term is defined in Section 2 3/4 of the Public Utilities Act, between San Bernardino, on the one hand, and Crestline, Lake Arrowhead, and Big Bear Lake, on the other hand, and intermediate and off-route points, on routes as hereinafter described, subject to the following conditions and restrictions:

When operating over the alternate route, via Victorville and Lucerne Valley, applicant shall not render service to nor from any point intermediate of Lucerne Valley and his terminus in the city of San Bernardino.

III. That, in providing service pursuant to the certificates herein granted, Max H. Green, doing business as Mountain Auto Line, shall comply with, and observe, the following service regulations:

following service regulations:

- (a) Within thirty (30) days after the effective date hereof, applicant shall file a written acceptance of the certificates 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 Orders Nos. 79, 80, and Part IV of 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, Max H. Green shall conduct said passenger stage and highway common carrier operations over and along the following described routes:

**San Bernardino-Lake Arrowhead:**

Between San Bernardino and Lake Arrowhead, in the County of San Bernardino, State of California, over State Highway 18. Intermediate points served include Arrowhead Springs Hotel, Old Waterman Canyon Road, Crestline, Cedar Pines Park, Camp Seeley, Lake Gregory, Club San Moritz, Arrowhead Highlands, Pinecrest, Twin Peaks, Alpine, Alpine Club, Blue Jay, Lake Arrowhead Village, Cedar Glenn, Lake Brook Park, Arrowhead Manor, Los Angeles Boy Scout Camp, and North Shore Lake Arrowhead.

**San Bernardino-Big Bear Lake via Waterman Canyon:**

San Bernardino to Big Bear Lake over State Highway 18 (Rim of the World Drive). Intermediate points served include Sky Forest, Running Springs, Arrowbear Lake, Green Valley, Los Angeles Y. M. C. A. Camp, Snow Valley, Big Bear Dam, Fawnskin, Fawnskin Public Camp, Big Bear City, Big Bear Park, Moonridge and Big Bear Lake.

**San Bernardino-Big Bear Lake via City Creek Road:**

San Bernardino to Big Bear Lake via City Creek Highway (portions now under construction), and Rim of the World Drive. Intermediate points served include City Creek Bridge, Dutch John's, Barrel Springs, and Smiley Park.

**San Bernardino-Big Bear Lake via Victorville:**

Alternate route from San Bernardino to Big Bear Lake via Cajon Pass, Victorville, Lucerne Valley, and Box S. Ranch. This route to be used only during such times as State Highway 18, the Rim of the World Drive, is impassable.

IV. That the certificates of public convenience and necessity authorizing the establishment and operation of ~~operations~~ <sup>service</sup> *R 2.2* as a passenger stage corporation and/or a highway common carrier, as granted herein, are in lieu of the operating rights heretofore acquired by Max H. Green pursuant to Decision No. 30091, on Application No. 21334.

V. That the operative rights, as authorized in Decision No. 30091, as amended by Decision No. 31887, are hereby revoked and annulled.

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

Dated at San Francisco California, this 20<sup>th</sup> day of December, 1949.

R. E. Indurain  
Justus J. C. [unclear]  
[unclear]  
Harold P. [unclear]  
[unclear]  
COMMISSIONERS