

ORIGINAL

Decision No. 45234

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of RIVERSIDE TRANSIT LINES, a California corporation, for authority to abandon its passenger stage service to Fairmont Park; to abandon its passenger stage service between the City of Riverside and the City of Corona; to abandon that portion of its Riverside-Canyon Crest line along Linden Street, in the City and County of Riverside, and for a certificate of public convenience and necessity to reroute its Riverside, Canyon Crest line over streets and highways in the City and County of Riverside; and for authority to establish increased fares.

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) Application No. 31525
) As Amended.
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Richard J. Glasscock for applicant. William E. Jones, in propria persona, Joseph Seymour for Riverside Bus Lines, protestants; Harry M. Dougherty for City of Riverside, E. T. Patterson, in propria persona, Helen E. Beecher for University Heights Improvement Association, and Marion L. Moberly for University District Association, interested parties.

OPINION AFTER REOPENING

By its second amended application, Riverside Transit Lines requests permission to abandon its service between downtown Riverside and the general area of Fairmont Park and North Main Street, and to abandon its service between the City of Riverside and the City of Corona, and authority to reroute its operation between downtown Riverside and the Canyon Crest Housing Project. Authority is also sought to increase local passenger fares.

Public hearings were held in Riverside, California, before Examiner Rowe, on August 31, October 18 and 20, 1950, at which time oral and documentary evidence was adduced, and on the latter date, the matter was duly submitted for decision. After the submission was set aside and the matter reopened, a further hearing was held before the same examiner in Riverside on December 18, 1950.

Notice of the proposed abandonments and the increase in fares was published in the Riverside Daily Press on August 23, 1950, and like notice was posted in applicant's buses and at its terminal. According to the undisputed testimony of the president and general manager of applicant, the operation between Riverside and Fairmont Park and North Main Street was discontinued prior to October, 1945. Protestant, Riverside Bus Lines, presently serves substantially the same area as that which applicant here seeks to abandon by this application, between the last-mentioned points. Applicant's president stated that this line had not been operated by the company because its predecessor was not operating it, and he did not know that rights for its operation existed until recently advised thereof.

As justification for abandonment of the Riverside and Corona service, this witness stated that the average daily revenue over this route has been \$9.95, while the daily cost has been \$21.38. From a six-day traffic check in July, 1950, it appears that only about 66 passengers are carried on this route per day. In the opinion of the president of applicant, the closing of the Naval Hospital at Corona terminated the public need for this service. The residents of Anza Village

will receive a satisfactory bus service by means of the operation today being authorized to be conducted by Frank J. Barko's Fontana Bus Lines.

The Pacific Electric Railway Company carries passengers between Corona and Riverside by a route along Main Street and Magnolia Avenue. One reason for the low revenue per mile of 7 cents, experienced by applicant, has been the fact that it has been restricted from picking up and discharging local passengers in Riverside along Market Street and Magnolia Avenue, and for 1,600 feet west of Magnolia Avenue along Arlington Avenue.

Frank J. Barko, by his Application No. 31760, has requested authority to reroute his present Riverside, Pedley, and Mira Loma Route via Anza Village, to accommodate the public in that area. This proposed service, which is today being authorized by this Commission, will enable residents of Anza Village to travel to Riverside by bus.

There was no substantial evidence introduced which would justify the Commission in refusing to authorize the two abandonments just discussed. Applicant should have sought Commission authority before abandoning the Fairmont Park service. However, the public acquiescence in this abandonment indicates that there is no public convenience and necessity requiring its re-establishment, especially in view of the fact that protestant Riverside Bus Lines serves the area. The facts heretofore discussed justify the Commission in authorizing applicant to discontinue service over its Riverside, Norco, and Corona Line.

The request to reroute the Canyon Crest line was resisted by protestant Riverside Bus Lines, a company operating exclusively within the City of Riverside under authority from said city, and not by authority of this Commission.

Prior to the first submission, applicant operated its Canyon Crest line between downtown Riverside and Canyon Crest Drive, along Third Street, through the Blaine Street Housing Project, thence along Kansas Avenue and Linden Street to the Canyon Crest Housing Project which lies east of Canyon Crest Drive and north of Linden Street. The direct service to the Blaine Project was unauthorized, and when called to applicant's attention was immediately abandoned. As proposed, applicant will commence the operations at Loma Vista Street, thence, after turning and using Ottawa Street, the bus will travel along Kansas Avenue, past the Blaine Street Project, and along Third Street and through the Riverside business district along Market Street, and thence along Eighth Street and Canyon Crest Drive to the Canyon Crest Housing Project, and return over the same route. This will serve the Blaine Street Project, and at the same time better serve the Canyon Crest Project and the business establishments and residents along Eighth Street. The University of California, which it is hoped will soon be under construction east of Canyon Crest Drive, when completed and in operation, will also be served. This requested route change will result in increased competition with the Riverside Bus Lines, especially where protestant operates along Seventh Street, Ninth Street and Tenth Street, as well as along Main Street. This competition appears justified and will be permitted, in view of evidence of public witnesses,

who are residents along and near Eighth Street, that protestant's route is circuitous, and that its operation is of very little value to them in reaching downtown Riverside. This evidence was uncontradicted.

At the hearing on reopening, an associate transportation engineer of the Commission expressed the opinion that applicant's proposal to operate along Eighth Street and U. S. Highway 395, between Market Street and Canyon Crest Drive, is unnecessary, as he said the general area between Market Street and Chicago is already served by protestant Riverside Bus Lines, and any passenger business would be diverted from the local operator. He further stated that easterly along Eighth Street between Chicago Avenue and Canyon Crest Drive, the territory is largely undeveloped, and there is no potential passenger business. He also commented upon the fact that the California Campus is not presently in existence.

On cross-examination this expert witness admitted that he had made no study of the territory beyond traversing protestant Riverside Bus Lines' route and applicant's proposed route, and talking with persons at the University Experimental Station. He further conceded that some persons residing along and near this portion of the proposed route would be benefited.

This witness expressed no opinion as to the efficiency or reliability or equipment of protestant, although he conceded that its route was circuitous. The undisputed testimony was to the effect that few used protestant's service because it was indirect and did not give them the efficient service the public

required. Public witnesses stressed the absence of Sunday and holiday service, as well as night operation.

The Mayor of Riverside stated that he did not like to side with one bus operator against another, but he suggested that protestant, by changing his routing, could better serve the public. It appears that this would permit the advantages of applicant's proposal, and at the same time increase protestant's revenues, by offering a less circuitous transportation to the public, thus drawing to it greater patronage.

The City Attorney stressed the fact that both the County Board of Supervisors and the City Council had endorsed and recommended the proposed route changes of the Canyon Crest line. By its resolution, adopted unanimously October 9, 1950, the Board of Supervisors stated its opinion that the rerouting requested by said applicant "is for the best interest of the area, and will provide service to all areas now being served by said Riverside-Canyon Crest line and will provide an east-west service along a main artery of the City of Riverside, thereby providing a more direct routing than is at present available to residents adjacent to Eighth Street".

The resolution of the City Council, adopted August 8, 1950, is also persuasive. This resolution provides:

"Upon motion of Councilman Patterson, seconded by Councilman Hair, and duly carried, IT WAS ORDERED that, pursuant to the recommendation of the Special Transportation Committee of the Council, the application of Samuel H. Crothers, President of the Riverside Transit Lines, for a rerouting of his present Riverside to Canyon Crest via Blaine Street Housing Line, the proposed route to be as follows:

"From a circular route in the Canyon Crest Housing Project, south on Canyon Crest Road to Box Springs Boulevard, northwest on Box Springs Boulevard to Eighth Street, west on Eighth Street and continuing northwest on Eighth Street to Market Street, northeast on Market Street to Third Street, southeast on Third Street, thence east on Blaine Street to Franklin Avenue, thence in a circular route north and east through the Blaine Housing Project, emerging on Kansas Avenue north of Blaine Street, thence south on Kansas Avenue to Linden Street, east on Linden Street to Dwight Avenue, south on Dwight Avenue to Loma Vista Street, west on Loma Vista Street to Kansas Avenue, thence north on Kansas Avenue to the intersection of Kansas Avenue and Linden Street, to complete the route, be, and the same is hereby, approved, subject to the order of the Public Utilities Commission of the State of California; and the request of J. F. Seawell of the Riverside Bus Line, for a re-routing of his bus line to include the Blaine Street Housing Project is hereby continued for further study."

Six public witnesses appeared in support of this route change at the original hearings. None appeared on behalf of protestant Riverside Bus Lines. At the hearing after reopening, four public witnesses, who had previously appeared on behalf of applicant, again appeared and two insisted upon repeating their testimony, and stressed the inadequacy of protestant's service. At the reopening, likewise no public witnesses appeared on behalf of protestant, either in defense of his service, or its adequacy to meet the public need for transportation. It appears, and the Commission finds, that public convenience and necessity requires the granting to applicant of the route changes requested. The staff report, not supported by a thorough study of traffic movement in the area, or of its traffic needs, is not determinative. The record supports the finding that the service of protestant in this area of the city is inadequate.

Applicant's tariff, with respect to its Riverside-Canyon Crest line as presently operated, provides for a single-zone fare of 5 cents between Seventh and Market Streets in the City of Riverside, and Chicago Avenue and Linden Street at the city limits, and a 5-cent fare between Chicago Avenue and the present terminus at Canyon Crest Drive and Linden Street in the County of Riverside, with a combination or two-zone fare of 10 cents. Applicant requests authority to establish over this route, as it will be modified, a single-zone minimum one-way cash fare of 10 cents between Eighth Street and Chicago Street and Loma Vista Street and Dwight Avenue, or over the line lying in the City of Riverside, and a like 10-cent fare between Eighth Street and Chicago Avenue and Canyon Crest Drive and Linden Street, in the County of Riverside, with a two-zone one-way cash fare of 15 cents over the entire route. Applicant estimates that, if authorized, this proposed fare would result in an increase of revenue amounting to \$3,600 annually.

Applicant admitted that for a time he had, without authority, increased his rates as now requested. He stated, however, that this violation had ceased as soon as the Commission representative had spoken to him about the matter.

The Research Division of the Commission's Transportation Department has made a study of applicant's present operation and the operation as proposed. The staff estimates that, even with the increase proposed, an annual net loss of \$2,332 will result from the operation. However, a staff member testified that, in his opinion, a livelihood from the operation could be

obtained by the sole stockholders, the applicant's president and wife, if said president devotes all his time and energy to the operation, and if he will drive the bus himself. The proposed modifications are found to be in the public interest and the request will be granted by an order authorizing the abandonments applied for, and by issuing a new certificate in the place of applicant's existing rights, and by granting the fare increases sought.

The evidence was uncontradicted that the increased rates, as proposed, are reasonable and justified. In fact, there was no opposition to this phase of the application, and the public witnesses questioned stated that they considered the requested increases to be fair and reasonable. The Commission, therefore, finds that the rates, as proposed, are justified, and the requested increase in rates will be authorized.

O R D E R

Application as above entitled having been filed, public hearings having been held thereon, the matter having been submitted, the Commission being fully advised in the premises, and public convenience and necessity so requiring,

IT IS ORDERED:

(1) That Riverside Transit Lines, a corporation, be, and it hereby is, authorized to abandon and discontinue its passenger stage service between the intersection of Seventh and Market Streets in the City of Riverside, on the one hand, and, on the other hand, Fairmont Park and intermediate points over and along Seventh Street, Cedar Street, Third Street, Redwood Drive,

Crestmore Avenue, Rivera Street, Strong Street, Main Street, First Street, and Market Street to Third Street.

(2) That Riverside Transit Lines, a corporation, be, and it hereby is, authorized to abandon and discontinue its passenger stage service between the intersection of Eighth Street and Market Street, in the City of Riverside, on the one hand, and, on the other hand, the City of Corona, and intermediate points, over and along Market Street, Magnolia Avenue, Arlington Avenue, California Avenue, Sixth Street, Hammer Avenue, and Main Street, in Corona, to Sixth Street.

(3) That said applicant be, and it hereby is, authorized to cancel all fares, rules, regulations, and schedules, applying to said services so authorized to be abandoned.

(4) That the operating rights conferred under authority of the certificates of public convenience and necessity granted or transferred to Riverside Transit Lines, a corporation, in the orders in Decision No. 38464, dated December 10, 1945, on Application No. 27077, Decision No. 35514, dated June 23, 1942, on Application No. 24977, and in Decision No. 34756, dated November 12, 1941, as amended, over and along the routes and between the points described in ordering paragraphs (1) and (2) herein, be, and the same operating rights hereby are, revoked and rescinded.

(5) That a certificate of public convenience and necessity be, and it hereby is, granted to Riverside Transit Lines, a corporation, authorizing the establishment and operation of service as a passenger stage corporation, as defined in Section 2 $\frac{1}{2}$ of the Public Utilities Act, for the transportation of

passengers between the intersection of Canyon Crest Drive and Linden Street, in Riverside County, east of the City of Riverside, on the one hand, and through the downtown business district of the City of Riverside to the intersection of Loma Vista Street and Dwight Avenue, on the other hand, and intermediate points.

(6) That, in providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulations:

- (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, Riverside Transit Lines, a corporation, shall conduct said passenger stage operation over and along the following-described route:

From Linden Street, along Canyon Crest Drive, U.S. Highway 395, Eighth Street, Market Street, Third Street, Blaine Street, an unnamed road or street commencing at the intersection of Blaine Street and Franklin Avenue, and extending to a point on Kansas Avenue approximately 400 feet north of Blaine Street, thence along Kansas Avenue, Linden Street, Dwight Avenue, Loma Vista Street and Kansas Avenue to Linden Street.

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.

(7) That Riverside Transit Lines, a corporation, be, and it hereby is, authorized to establish, on not less than five (5) days' notice to the Commission and to the public, a single-zone, minimum, one-way cash fare of 10 cents between the intersection of Eighth Street and Chicago Avenue and the intersection of Loma Vista Street and Dwight Avenue in the City of Riverside, and a like single-zone, minimum, one-way cash fare of 10 cents between the intersection of Eighth Street and Chicago Avenue and the intersection of Canyon Crest Drive and Linden Street, in the County of Riverside, and a two-zone, one-way cash fare of 15 cents. The authority herein granted shall not be exercised unless and until at least five days' notice shall have been given by applicant to the public of the changes in service and increases in fares, by posting an appropriate notice in all terminals and on all motor vehicle equipment utilized in said service.

IT IS FURTHER ORDERED that the authority to increase fares herein granted shall expire, except to the extent that the rates and charges published pursuant to this authority are filed and made effective within sixty (60) days after the effective date of this order.

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

Dated at Los Angeles, California, this 9th day of January, 1957.

R. E. Zimmerman
Justin J. Caswell
James F. Kule
Kenneth Potter

COMMISSIONERS