

Decision No. 45637

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 RIVERSIDE TRANSIT LINES, a California)
 corporation, for a certificate of)
 public convenience and necessity to)
 operate a passenger stage line between)
 Riverside, California, and March Air)
 Force Base, in Riverside County,)
 California.)
 Application No. 31959
 as amended.

Samuel H. Crothers for applicant. P. C. Cross for
 Hemet Bus Line, and Joseph Seymour for James F. Seawell, doing
 business as Riverside Bus Lines, protestants. William C. Evans
 and H. M. Dougherty for the City of Riverside, and R. A. Thomas
 for Pacific Greyhound Lines, interested parties.

O P I N I O N

Applicant is presently operating a motor bus service for the transportation of passengers in and to the east of the City of Riverside, in Riverside County, pursuant to authority of this Commission. By Decision No. 45234, dated January 9, 1951, on Application No. 31525, as amended, applicant's previous operating rights were cancelled and revoked, and it was authorized to operate in and to the east of said city along and including a portion of the route originally sought by the present application along Market Street, Eighth Street, and U. S. Highway 395, to Canyon Crest Drive. This application seeks the right to operate along U. S. Highway 395 to March Air Force Base.

A public hearing was held before Examiner Rowe at Riverside, California, on February 1, 1951, at which time oral

and documentary evidence was adduced and the matter was submitted for decision. During the hearing applicant amended the application so that rights are sought only from the point on its presently certificated route where U. S. Highway 395 intersects with Canyon Crest Drive, thence along said U. S. Highway 395 to March Air Force Base, as an extension of its present operating rights.

Seven public witnesses appeared on behalf of applicant, and testified that there is a public need for a passenger stage service between the community of Edgmont adjoining the March Air Base and the City of Riverside. There was no evidence in conflict with this showing of public convenience and necessity. According to the uncontradicted testimony, the drivers of the buses operated between Riverside and the Air Base by the Post Exchange Service frequently refused to pick up passengers seeking transportation intermediate to said termini.

According to the estimate of the president of the Riverside Transit Lines, revenue from passengers moving to and from the Edgmont area and Riverside would amount to \$1,000 per month. The bulk of the revenue from the proposed operation, however, would be derived from traffic moving between Riverside and March Air Force Base. This revenue would be available only in the event the Post Exchange Service should cease and applicant should receive a license from the United States Government permitting it to operate buses into the base. The certificate of public convenience and necessity hereinafter issued will, therefore, be conditioned upon the abandonment of the operation

of the Post Exchange Service and upon applicant's procuring the necessary license from the United States Government permitting bus service over the streets within March Air Force Base.

The granting of the above-entitled application was opposed by protestants Riverside Bus Lines and Hemet Bus Line. The former, at the hearing, filed an Answer and Objection, in which it was alleged the authority sought by applicant would constitute an intrusion upon said protestant's route and the revenue therefrom. This document contains a prayer that a transportation engineer be designated by the Commission to make a complete and thorough investigation and report, and render an opinion as to whether the requested certificate should be granted. The prayer further asks that the application be denied, or, if granted, that it contain a restriction against picking up local passengers on Eighth Street between Market Street and a point one-fourth of a mile east of the city limits of Riverside. The position of this protestant appears to be without merit for the reason that applicant presently possesses authority from this Commission to carry local passengers within the City of Riverside along Market Street and Eighth Street to a point well beyond the one-quarter mile point named by protestant, to-wit: to Canyon Crest Drive in the County of Riverside. This authority was granted by Decision No. 45234, dated January 9, 1951, on Application No. 31525 as amended. Protestant appeared at the hearings in said Application No. 31525, and permitted Decision No. 45234 to become final by failing to petition for rehearing

prior to the time said decision became effective. Said protestant's prayer will consequently not be granted.

Protestant P. C. Cross, doing business as Hemet Bus Line, requested that no action be taken on the applicant's request for operating rights until he has had an opportunity to file a similar application. This protestant claimed to have a priority of right over applicant, based upon the fact that he owned certificates of public convenience and necessity authorizing him to operate over the proposed route from Riverside and on beyond said Base into Perris ⁽¹⁾. This witness admitted at the hearing, however, that he had abandoned service over U. S. Highway 395, between Box Springs and Perris, approximately six years ago without prior or any authority from this Commission. This request, Application No. 32109, is, after hearing, being denied today by this Commission. Applicant, by stipulation, has agreed that any certificate granted him may be subject to the restriction that no local passengers will be picked up along this protestant's presently operated route between the intersection of U. S. Highway 60 and U. S. Highway 395 (Box Springs) and the intersection of Canyon Crest Drive and said latter highway, and none will be picked up or discharged to or from said area for carriage to or from downtown Riverside. Such a restriction will be incorporated in the certificate of public convenience and necessity hereinafter granted. The application also will be conditioned upon the applicant's receiving

(1) Decision No. 32461, dated October 17, 1939, on Application No. 23028, and Decision No. 35391, dated May 19, 1942, on Application No. 23028, First Supplement.

17

permission from the Federal Government to operate within March Air Force Base prior to commencing operations, and upon the abandonment of the present operation of the buses by the March Air Force Base Exchange. According to the estimates of applicant's president, the operation proposed can be remunerative only under the conditions outlined above. Likewise, according to the testimony of the Los Angeles area manager of Pacific Greyhound Lines, that company is not presently meeting the public convenience and necessity of the Air Base for transportation to and from Riverside for the reason that it does not have operating rights within said Base. He further stated that the people living on the Base cannot be served adequately by buses stopping at the gate and not entering the Base itself. Applicant furnished proof of its ability to finance and carry out properly the proposed operation.

O R D E R

An application therefor having been filed, a public hearing thereon having been held, the matter having been duly submitted and the Commission being fully informed therein, and it being hereby found that public convenience and necessity so require,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity be, and the same hereby is, granted to Riverside Transit Lines, a California corporation, authorizing the establishment and operation of service as a passenger stage corporation, as defined

in Section 24 of the Public Utilities Act, for the transportation of passengers between the intersection of Canyon Crest Drive and U. S. Highway 395 and the March Air Force Base and intermediate points as an extension and enlargement of and consolidation with the operating rights acquired pursuant to Decision No. 45234, dated January 9, 1951, on Application No. 31525 as amended, and subject to the condition that service shall not be established unless and until

- (a) proper license shall have been procured from the proper United States Governmental officials permitting applicant to operate its passenger vehicles over the roads on March Air Force Base as far as the transportation terminal,
- (b) the present transportation service between said Air Force Base and the City of Riverside, operated by the Post Exchange of said Base, shall have been abandoned and terminated.

(2) 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 one hundred and twenty (120) 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 19 of General

Order No. 98, 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 by further order, applicant shall conduct operations, pursuant to the certificate herein granted, over and along the following route:

From Canyon Crest Drive in the County of Riverside, over and along U. S. Highway 395 to March Air Force Base.

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.

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

Dated at San Francisco, California, this 1st day of May, 1951.

R. F. [Signature]
James F. [Signature]
Harold P. [Signature]
[Signature]
[Signature]
COMMISSIONERS