

ORIGINAL

Decision No. 45638

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
P. C. CROSS, doing business as HEMET
BUS LINE, for certificate of public
convenience and necessity to operate
bus service as a common carrier of
passengers between Box Springs
(intersection of Highways 395 and 60)
and March Air Force Base gate on
Highway 395, in Riverside County,
California.

Application No. 32109

P. C. Cross, applicant, in propria persona. Leonard
Difani, attorney, for Riverside Transit Lines, protestant.
C. R. Jones, for Pacific Electric Railway, W. R. May, for
Greyhound Bus Lines, and Thomas P. Mooney, for University
Heights Improvement Association, interested parties.

O P I N I O N

By the application herein, P. C. Cross, an individual,
doing business as Hemet Bus Line, now operating passenger bus
service between the City of Riverside and the City of Hemet,
California, via Highways 395, 60, and 79, and passing through
Box Springs, requests authority to extend his service along
Highway 395 between Box Springs and the March Air Force Base
gate, a distance of 4.6 miles, serving intermediate points,
and to consolidate this service with his presently held
operative rights.

A public hearing on the application was held in River-
side on April 13, 1951, before Examiner Rogers, evidence was
presented and the matter was submitted. It is now ready for
decision.

Prior to the hearing, notice thereof was posted in applicant's depots and buses, for the time and in the manner required by the Commission.

The application herein, and the application of Riverside Transit Lines, Application No. 31959, which was heard on February 1, 1951, and this day decided, are applications for authority which will permit an operation over identical routes from the same point of beginning, i.e., 7th and Market Streets in Riverside, to the entrance to the March Air Force Base, and, with the consent of the commanding officer of the air force base, to a depot on the base. By stipulation, a letter from the commanding officer of the base to the Commission⁽¹⁾ was admitted into evidence. This letter states that the air force plans to discontinue operating a bus service between Riverside and the base as soon as some public utility bus service is authorized, and commences, to operate, and that the air force has no preference as to which utility should perform the service.

Regardless of whether the applicant herein or the Riverside Transit Lines secures a certificate to perform the herein-described service, the same need will exist. The record shows that there are at present approximately 400 persons daily using the transportation furnished by the air force between the base and Riverside. If that service is discontinued, those persons will need a public transportation service. In addition to persons going to and from the air force base, there is, on Highway 395, about half way between Box Springs

(1) Exhibit No. 2.

and the base, a community of about 1,500 persons, known as Edgemont. The only public transportation available to the inhabitants of Edgemont is the Pacific Greyhound Lines, which makes only two round trips per day to Riverside. From the foregoing facts set forth in this paragraph, the Commission is of the opinion, and finds, that public convenience and necessity require that a passenger bus service be inaugurated and maintained between Riverside and March Air Force Base, serving intermediate points.

The record herein shows that applicant is experienced in the operation of passenger stages, having operated a line from Hemet to Riverside for over twelve years. He is also adequately financed to secure whatever additional equipment he will need to perform the services for which authority is requested.

A comparison of the fares proposed by applicant and those proposed by Riverside Transit Lines, along the extensions involved, are as follows:

<u>Hemet Bus Line</u>		<u>Riverside Transit Lines</u>	
<u>7th and Market to</u>		<u>7th and Market to</u>	
Box Springs	\$.17	\$.15	Box Springs
(Round trip)	.28		(No round trip)
Edgemont	.20	.20	Edgemont
(30 rides	5.00)	(25 rides \$4.50 - 50 rides	\$8.00) ✓
March Air Force Base	.25	.25	March Air Force Base
(10 rides	2.25)	(5 rides \$1.00)	
(30 rides	6.00)	(25 rides \$4.50)	
(50 rides	8.75)	(50 rides \$8.00)	

It appears that the fares proposed by applicant are somewhat higher for the trip to Edgemont and the air force base, the two principal points with which we are here concerned, than the proposed fares of the Riverside Transit Lines. ✓

Applicant proposes an hourly service in each direction between 6:00 a.m. and 10:00 p.m., with service spaced 1-1/2 hours in each direction between 10:00 p.m. and 1:00 a.m. In Application No. 31959, Riverside Transit Lines proposes approximately the same service, but specifies 1-1/2 hour service during "off-peak" periods. It thus appears that hourly service is proposed to be rendered by applicant and Riverside Transit Lines during peak periods.

It was stipulated between the applicant and Riverside Transit Lines that each of fifteen persons present in court would, if called as a witness, testify that he lived in an area served by Riverside Transit Lines; that he worked at the March Air Force Base; that, if applicant were given the authority requested, he would have to walk three-quarters of a mile to one mile to use applicant's services to March Air Force Base, or, as an alternative, use the present services of Riverside Transit Lines to Highway 395 and along that highway change to applicant's buses.

Although the services proposed by applicant and Riverside Transit Lines, in Application No. 31959, are similar, and would meet public need and convenience in the same way and to the same extent, there are two matters which require that the Commission deny the application herein and authorize

instead the services proposed by Riverside Transit Lines in Application No. 31959:

(1) The application of Riverside Transit Lines was filed with the Commission on December 7, 1950. The application herein was filed on February 9, 1951. Inasmuch as the service proposed by each applicant is comparable to that proposed by the other, and each applicant appears to be experienced and able to perform the contemplated services, the Commission is of the opinion that the requested authority should be granted to Riverside Transit Lines. Other things being equal, the applicant who first files an application for a certificate of public convenience and necessity to perform a service as a passenger stage corporation should receive the reward due to his diligence.

(2) In addition, the records of the Commission show that applicant, by Decision No. 35391, dated May 19, 1942, on Application No. 23028, First Supplemental, had authority to serve between Riverside and Hemet via U. S. Highway 395 and State Highway 74. Applicant testified that, in 1945, he discontinued such service without authority from this Commission. He also testified that, within the month preceding this hearing, he filed with this Commission an application to abandon the service authorized by said Decision No. 35391, and that he was aware that, before an authorized service is abandoned, authority must be secured from the Commission to abandon such service. In the opinion of this Commission the abandonment without Commission authorization, and the request for abandonment now on

file, appear to be inconsistent with the present application, and furnish additional grounds for denial.

For the reasons above stated, the Commission is of the opinion, and finds, that public convenience and necessity do not require that the applicant be given the authority requested by the application herein.

O R D E R

Application having been filed, a hearing having been held thereon, the matter having been submitted, and good cause appearing therefor,

IT IS HEREBY ORDERED that the application of P. C. Cross, doing business as Hemet Bus Line, for a certificate of public convenience and necessity authorizing the operation of a service as a passenger stage corporation, as defined in Section 2-1/4 of the Public Utilities Act, between Box Springs and March Air Force Base gate, be, and the same hereby is, denied.

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. E. Zimmerman
Justus J. Calver
Harold P. Kula
Samuel P. Pott
Robert L. Mitchell
COMMISSIONERS