

Decision No. 47623

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
D. MOYERS, dba MOYERS STAGES, for)
amendment of existing certificate of)
public convenience and necessity to)
operate bus service between Fresno)
and Clovis, California, and to estab-)
lish fares and to provide alternate)
route from Shields and Cedar Avenues,)
Fresno County, California, to Clovis)
and Shaw Avenues, Fresno, California,)
by way of Cedar Avenue north from)
Shields Avenue to Shaw Avenue and from)
Cedar and Shaw Avenues east on Shaw)
Avenue to Clovis Avenue.)

Application No. 33408

Hayhurst, Miles, Sears & Quinlisk, by L. Nelson
Hayhurst, for applicant.
Gilbert H. Jertberg, for Fresno City Lines, Inc.,
protestant.
Nicholas H. Dubsick, City Attorney, for City of Clovis,
interested party.

O P I N I O N

By the instant application D. Moyers seeks to operate along Cedar and Shaw Avenues as an alternate route on his existing passenger stage system between Fresno and Clovis.

A public hearing was held before Examiner Gillard in Fresno on August 7, 1952. At such hearing the testimony of applicant disclosed that a new route and not an alternate route was sought over the avenues mentioned.

At the present time Moyers operates northerly along Fresno Avenue, easterly along both Belmont and Shields Avenues to Clovis Avenue and northerly along Clovis Avenue to the City of Clovis.

The proposed route would digress northerly from Shields Avenue along Cedar Avenue, and easterly along Shaw Avenue to Clovis

Avenue. The existing route would be followed from each end of the proposed route. All of the proposed new route is outside the city limits of Fresno.

Applicant proposes to operate two round trips in the morning and two in the afternoon between Fresno and Clovis over the proposed route. These schedules would be in addition to all existing schedules between those two cities. An existing restriction against applicant, that no passengers may be carried locally within the City of Fresno, would continue in effect on the new routing.

Applicant possesses nine pieces of equipment. Five are used on his current schedules and the others are used for standby service and charter operations. Two of these buses would be used on the new schedules.

From the terminal in Fresno the proposed fares would be 15 cents to Shields and Millbrook, 20 cents to Cedar and Ashlan, 25 cents to Shaw and Chestnut, 30 cents to Shaw and Minnewawa and 35 cents to Clovis.

Applicant made a survey along Cedar and Shaw Avenues, including all houses within a quarter mile thereof, to determine the demand for the proposed route. He presented a petition signed by 115 householders, representing families totaling 460 people, which stated that no passenger stage service was available at the present time and requested that the application be granted.

Public witnesses also testified for applicant in favor of the proposed route, including representatives of Fresno State College, the City Council of Clovis, the Clovis Grange, and the Clovis Chamber of Commerce. Two business men with facilities on Shaw Avenue also supported the application.

Fresno State College has purchased a new site which is bounded on the south by Shaw Avenue and on the west by Cedar Avenue. Twenty-two academic buildings and 34 agricultural buildings or structures are planned for the campus. Two buildings have been completed and two others are under construction at the present time. It is hoped that the men's gymnasium will be ready for basketball games this December and that the physical education department will occupy the building in the fall of 1953. It is not expected that any other major movement to the new campus will take place until the fall of 1954.

Fresno City Lines protested the application. Its representatives testified concerning the scope of its present operations and asserted it had always expanded to meet the growing demands of the city and contiguous territory. They have consulted with Fresno State College representatives from time to time and have given assurances that Fresno City Lines will inaugurate a service to the new campus when there is a sufficient demand for it. It is asserted that such an extension is not justified at the present time because it would result in an annual loss of \$5,000.

The extension referred to by Fresno City Lines is a direct connection to the new site of Fresno State College. It does not include the service proposed by applicant along Shaw Avenue. Concerning the entire proposed routing applicant estimates he can operate profitably.

Fresno City Lines also introduced into evidence an agreement between it and applicant executed in 1947. This provides that Fresno City Lines will not apply to this Commission for authority to operate in a specified area adjacent to the southerly portion of Fresno and Moyers will not apply for any extension of his rights

except within that specified area. The agreement also provides that it is subject to the jurisdiction of this Commission.

This agreement does not enlarge or restrict the jurisdiction of this Commission to act in the public interest.

The record shows and we find that public convenience and necessity require the granting of this application.

O R D E R

A public hearing having been held and the Commission having found that public convenience and necessity so require,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity be and it is hereby granted to D. Moyers authorizing him to establish and operate a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, as an extension of and to be consolidated with his present operations, for the transportation of passengers, their baggage, and express not exceeding 100 pounds in weight per shipment, in passenger vehicles only, along Cedar Avenue between Shields and Shaw Avenues, and along Shaw Avenue between Cedar and Clovis Avenues, in the County of Fresno.

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

- (a) Within 30 days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted.

- (b) Within 60 days after the effective date hereof, and upon not less than five days' notice to the Commission and the public, applicant shall establish the service herein authorized and file in triplicate and concurrently make effective, tariffs and time schedules satisfactory to the Commission.

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

Dated at San Francisco, California, this 16th day of August, 1952.

President
Justus J. Galloway
Harold P. Hild

Benjamin J. Brown
John L. Mitchell
Commissioners

E. E. Mittelstaedt
Commissioner....., being necessarily absent, did not participate in the disposition of this proceeding.