

ORIGINAL

Decision No. 49683

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 MELVIN H. BUNTING, dba LEE'S AUTO  
 STAGE LINE, for certificate of public  
 convenience and necessity to operate  
 passenger service over and along  
 certain streets as extensions of  
 existing routes in Rialto, San  
 Bernardino County, California, to  
 Fontana, and abandonment of certain  
 streets in Rialto, and schedule  
 for such service.

Application No. 34961

Melvin H. Bunting for applicant. Dale Harlan and  
L. B. Jones, for Metropolitan Coach Lines, protestant.  
Charles C. Towle, for Fontana Bus Lines; Richard  
Glasscock, for San Bernardino Valley Transit Lines;  
Ray R. McCombs, Mayor, for City of Rialto; Harriett  
Olmos, for Ontario Daily Report; interested parties.  
Glenn E. Newton; Fred G. Ballenger and Lloyd C. Young,  
 for the California Public Utilities Commission staff.

O P I N I O N

Melvin H. Bunting, doing business as Lee's Auto Stage  
 Line, now renders service pursuant to authority from this Com-  
 mission, between Bloomington, San Bernardino, and Rialto, (1)  
 plus a service entirely in the city of Rialto between the  
 intersection of Etiwanda Avenue and Sycamore Avenue and the

(1) Decision No. 46590, dated December 21, 1951, on Applica-  
 tion No. 32922.

intersection of Acacia Avenue and Foothill Boulevard. (2)

By the application herein Melvin H. Bunting seeks authority to discontinue service over the portion of its Rialto line traversing the following streets: commencing at the intersection of Willow Avenue and Arrow Route, thence via Willow Avenue, Rosewood Court, Rosewood Street, Riverside Avenue, Victoria Street and Sycamore Avenue to its intersection with Etiwanda Avenue. (3) He also seeks authority to extend services from the intersection of Arrow Route and Willow Avenue in the city of Rialto, via Arrow Route and Sierra Avenue to its intersection with Merrill Avenue in the city of Fontana.

A public hearing was held in Rialto on January 21, 1954, before Examiner Rogers, evidence was presented and the matter was submitted for decision. Prior to the hearing, notice thereof was posted and published as required by this Commission. There were no protests to the abandonment of service as proposed. Appearances were made in support of and in opposition to the proposed extension of service to Fontana.

In support of the proposed abandonment, Melvin H. Bunting testified that since the inauguration of service on July 20, 1953, he has been and now is running eight schedules per day, six days per week, over the Rialto line. In the month of December 1953, during which month, he said, the route carries more passengers than any other month in the year, a total of

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(2) Decision No. 48770, dated June 30, 1953, on Application No. 34296.

(3) From the map attached to the application it appears that the names of certain streets on the remaining portion of the line have been changed since Decision No. 48770; i.e., 1st Street to Rialto Street; Center Street to 1st Street.

163 passengers used the portion of the line proposed to be abandoned. This is less than one-third of a passenger per trip. The proposed abandonment is 1.7 miles in length. Applicant stated it costs him 27 cents per mile to operate this service. The fare is ten cents for adults and five cents for children.

From the record herein we are of the opinion and find that the continued operation of the service proposed to be abandoned is not justified by the patronage, that the revenue is not commensurate with the cost of operation and that the continued operation places an unwarranted burden on the applicant. The request for authority to abandon service will be granted to the extent set forth in the order herein.

The evidence shows the following facts, which we find to be true, relative to the present and proposed schedules, fares and routes of the applicant and the present schedules, fares and routes of other passenger carriers now serving between Fontana, Rialto and San Bernardino.

Metropolitan Coach Lines renders a service (which originates in Los Angeles) between Fontana, Rialto and San Bernardino. This service operates between the intersection of Spring Street (a short block above Arrow Highway) and Nuevo Avenue, in Fontana, and proceeds via Spring Street, Sierra Avenue and Foothill Boulevard through Rialto into the center of San Bernardino. Schedules originate in San Bernardino at 5:20 a.m., and sixteen schedules are operated, the last one leaving San Bernardino at 10 p.m. Eight minutes travel time are allowed between San Bernardino and Rialto and sixteen minutes between San Bernardino and Fontana. Eastbound schedules

start in Fontana at 7:20 a.m. and 17 schedules are operated between Fontana and San Bernardino through Rialto. The fares for adults are 20 cents from San Bernardino to Rialto and 30 cents from San Bernardino to Fontana.

Applicant operates a service from San Bernardino to Rialto starting in San Bernardino at or near the origin of Metropolitan Coach Lines service. Transportation is now rendered to Rialto via Foothill Boulevard, the street used by Metropolitan Coach Lines, and south through the center of Rialto across Arrow Route into Bloomington. Applicant proposes to extend this service from Rialto via Arrow Route west to Sierra Avenue in Fontana and south on Sierra Avenue to Merrill Avenue, one-half mile south of Arrow Route. It is one-half mile between Arrow Route and Foothill Boulevard and the two streets are parallel. Proposed schedules will commence in Fontana at 6:55 a.m., the next will be at 9:10 a.m. and then hourly to and including 1:30 p.m., then at 4:40 p.m. and hourly to and including 8:50 p.m. In the reverse direction the first schedule will leave San Bernardino at 8:25 a.m. and thereafter at 10 and 11 a.m., 12 noon and 1 p.m., then 4, 5, 6 and 8:25 p.m. The proposed running time between San Bernardino and Fontana will be approximately 25 minutes and between Rialto and Fontana it will be approximately 15 minutes. Fares are 15 cents from San Bernardino to Rialto and applicant proposes to charge an additional 5 cents for service to Locust Avenue, approximately midway between the center of Rialto and the center of Fontana, and an additional 10 cents for service into Fontana.

In addition to the foregoing, San Bernardino Valley Transit Lines, in combination with Fontana Bus Lines, serves from the same origin point in San Bernardino south to Valley Boulevard (about two miles south of and parallel to Arrow Route) passing through Bloomington and then west to Alder Avenue and on Alder Avenue to and then along Arrow Route through Fontana. No service is rendered to or through Rialto. The fare for this combination service is 25 cents from San Bernardino to Fontana.

Four public witnesses, residing on or near Arrow Route between Fontana and Rialto, appeared in support of the application and it was stipulated that if twenty-seven other witnesses who were present in court were called they would testify to substantially the same effect as those called. Service is desired between the witnesses' homes and Fontana, Rialto and San Bernardino via Arrow Route between Fontana and Rialto. None had complaints against the Metropolitan Coach Lines service but complained of the distance from their homes or destinations to the available service. One or two desired a service, as proposed by applicant, extending further south in the city of Fontana than the service of Metropolitan Coach Lines. The witnesses would use the proposed service with frequencies varying from four times per day (one witness) to once a week. Through service is also desired from points on or near Arrow Route between Fontana and Rialto to San Bernardino.

The Honorable Ray R. McCombs, Mayor of Rialto, described the growth of the Fontana-Rialto-San Bernardino area and stated that the area is changing from agricultural to industrial. He

referred to the establishment of the plant of Taylored (sic) Slacks of Hollywood in Rialto and its future employment (see Exhibit No. 4), and the possibility of other industries in Rialto. It was his opinion that a passenger stage service along Arrow Route, as proposed, was required.

Mr. Campbell, the Secretary-Treasurer of the Fontana Real Estate Board, testified that there are ten tracts under construction in Fontana and five proposed with 750 homes being in the ten new tracts. It would, he said, benefit many people if they could get from Fontana to Rialto and San Bernardino. He also stated that he never opposes an application to add a passenger stage service.

Mr. Harlan, representing the Metropolitan Coach Lines, presented traffic checks of passengers carried by this line between Fontana, Rialto and San Bernardino. These checks show that on Thursday and Friday, January 14 and 15, 1954, (representative days) operating 16 schedules each day, slightly over four passengers per trip were carried eastbound and less than five passengers per trip were carried westbound. It was his opinion that the proposed service will jeopardize the existing service.

Applicant testified that the population of Fontana was 13,695 late in 1952 and that the population of Rialto was 3,156 in 1950. The evidence also shows that these cities are growing but the present population was not given. There are two certificated services in addition to applicant now serving the area, Metropolitan Coach Lines and Fontana Bus Lines. One of

then renders a local service in the City of Fontana, both serve between Fontana and San Bernardino, one serves Rialto en route between San Bernardino and Fontana and one serves Rialto by connecting with applicant's services at Bloomington. Applicant's proposed service between Fontana and Rialto would be slightly more direct than the service of Metropolitan Coach Lines and the fares would be lower. ✓

Applicant introduced no evidence to demonstrate that his expected traffic would not come from the existing carriers. On the contrary, the evidence tends to show that a large portion would be taken from existing services. ✓

The protection of the investment of a passenger carrier which is doing its full duty to the public is demanded not merely as a matter of fairness but also as a matter of common sense. Inasmuch as the evidence demonstrates that the existing carriers are serving according to their authority and fails to show that there is adequate traffic to support an additional carrier between the City of Fontana and the City of Rialto, authority to conduct through service between these cities will be denied. ✓

The evidence shows, however, that there is a limited need by residents along or near Arrow Route and outside the cities of Rialto and Fontana for a service between their homes and Rialto or Fontana. Accordingly, we find that public convenience and necessity require that applicant be given authority to carry passengers originating at or destined to points intermediate between Fontana and Rialto.

O R D E R

A public hearing having been held, evidence presented, and the matter submitted,

IT IS ORDERED:

(1) That Melvin H. Bunting, doing business as Lee's Auto Stage Line, be, and he hereby is, authorized to discontinue service over that portion of his route situated in the city of Rialto and described as follows:

Commencing at the intersection of Willow Avenue and Arrow Route, thence via Willow Avenue, Rosewood Court, Rosewood Street, Riverside Avenue, Victoria Street and Sycamore Avenue to its intersection with Etiwanda Avenue,

subject, however, to the following conditions:

- (a) The public shall be given not less than ten days' advance notice of the proposed discontinuance by the posting of notices in all buses used in the described service and at all passenger stops along the route to be abandoned.
- (b) Applicant shall make any necessary changes in his tariffs and timetables, and shall, within thirty days after the discontinuance of service, notify the Commission in writing of his compliance with this order.

IT IS FURTHER ORDERED:

(2) That a certificate of public convenience and necessity be, and it hereby is, granted to Melvin H. Bunting, doing business as Lee's Auto Stage Line, authorizing the establishment and operation of a service as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, for the transportation of persons between the intersection of



Arrow Route and Willow Avenue in Rialto, on the one hand, and the intersection of Sierra Avenue and Merrill Avenue in the city of Fontana, on the other hand, and intermediate points, subject to the following conditions and restrictions:

- (a) All passengers carried shall originate at, or be destined to, some point intermediate between the intersection of Palmetto Avenue and Arrow Route in the city of Fontana, on the one hand, and the intersection of Arrow Route and Willow Avenue, in the city of Rialto, on the other hand.
- (b) No through passengers shall be transported between points east or south of the city of Rialto, on the one hand, and points west of the city of Rialto, on the other hand.
- (3) That, in providing service pursuant to the certificate herein granted, there shall be compliance with the following service regulations:

- (a) Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted.
- (b) Within sixty 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.
- (c) Subject to the authority of this Commission to change or modify such at any time, Melvin H. Bunting shall conduct such passenger stage operation over and along the following described route:

Commencing at the intersection of Willow Avenue and Arrow Route in the city of Rialto, thence via Arrow Route and Sierra Avenue to its intersection with Merrill Avenue in the city of Fontana.

Applicant is authorized to turn his 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 days after the date hereof.

Dated at San Francisco, California, this 11<sup>th</sup> day of February, 1954.

A. Z. Indurain  
President  
Justus J. Cannon  
Samuel P. Patten  
John E. McMillin  
Gene Deegan  
Commissioners