

Decision No. 51898**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 MELVIN H. BUNTING, dba LEE'S AUTO )  
 STAGES, for a certificate of public )  
 convenience and necessity author- ) Application No. 36971  
 izing extensions of passenger stage )  
 operation in substitution for present )  
 contract school bus routes. )

Cunningham, Parry & Holcomb, by James E. Cunningham,  
 for applicant.

Alden Reid, for San Bernardino Valley Transit  
 Company, protestant.

Herbert Mitchell, interested party.

### O P I N I O N

Melvin H. Bunting, doing business as Lee's Auto Stages,  
 has authority from this Commission to render service as a passen-  
 ger stage corporation in or between the cities or communities of  
 San Bernardino, Rialto, Fontana and Bloomington, California. <sup>1/</sup>

In the City of San Bernardino service is rendered along 5th  
 Street between Garcia Street on the west, and E Street on the  
 east. No service is rendered north of 5th Street. The service  
 on 5th Street is unrestricted. Since 1930 applicant, or his  
 predecessor, has been transporting school children between Lytle

<sup>1/</sup> Decision No. 33887, dated February 11, 1941, in Application  
 No. 23894; Decision No. 46590, dated December 21, 1951, in Appli-  
 cation No. 32922; Decision No. 48770, dated June 30, 1953, in  
 Application No. 34296; Decision No. 49683, dated February 16, 1954,  
 in Application No. 34961; Decision No. 50054, dated May 18, 1954,  
 in Application No. 34961.

Creek Canyon, Fontana, Rialto, Bloomington and San Bernardino, on the one hand, and the San Bernardino Senior High School located at 18th and E Streets, and Sturges Junior High School located at 8th and E Streets, both in San Bernardino, on the other hand. Until the end of the 1954-1955 school year in June 1955, the school service was rendered pursuant to a contract between the applicant and the school district. No part of the cost of transportation was paid by the students.

By the application herein, filed on May 16, 1955, applicant seeks authority to extend his passenger stage lines in school tripper service only via the following routes:

- "1. Lilac Avenue from Foothill Blvd. to Arrow Route and on Foothill Blvd. from Riverside Ave. to Lilac Ave.
- "2. Riverside Ave., from Foothill Blvd. to mouth of Lytle Creek Canyon.
- "3. From the intersection of Riverside Ave. and Linden St. in Rialto, via Linden St. to Highland Ave. East to Cactus St. South on Cactus to Base Line 'G' St. (San Bernardino) 18th St., to "E" St. (San Bernardino Senior High School) thence via 'E' St Base Line., to 'G' ST. to 5th St.
- "4. From the intersection of 5th and 'G' Sts. in San Bernardino via 'G' St., 8th St., to 'E' St. (Sturges Junior High School) thence via 'E' Street, 7th St., 'G' St., to 5th St.
- "5. Rialto Ave. from Acia St. in Rialto to Mt. Vernon Ave. in San Bernardino and Mt. Vernon Ave. from Rialto Ave. to 5th St."

He requests that this service be subject to the following conditions:

- (a) No passengers shall be carried north of 5th Street in the City of San Bernardino whose points of origin and destination shall both be east of "H" Street on 5th Street or east of Lytle Creek on Base Line.

(b) No passengers shall be carried whose point of origin or destination shall be on Rialto Avenue east of Pico Avenue or on Mount Vernon south of 5th Street.

(c) Applicant will transport only public school students eligible to receive free transportation, to be paid for by the San Bernardino School District, who have public school commutation tickets paid for by the school district and good for transportation on applicant's lines.

A public hearing was held in San Bernardino on July 18, 1955 before Examiner Kent C. Rogers, evidence was presented and the matter was submitted. It is ready for decision. San Bernardino Valley Transit Company appeared as a protestant.

If the application is granted, applicant will use his present equipment. There will be three school fare zones as follows: Zone 1, from Lytle Creek (about Meridian Avenue) at Base Line Road, and from Rancho Avenue at Foothill Boulevard and Arrow Route east to the schools; Zone 2, from the westerly limits of Zone 1 to Cactus Avenue (through Rialto) on the west; and Zone 3, which will include all points west of Cactus Avenue. Fares will be as follows:

Between San Bernardino and points in School Zone No.	Price of 36-ride tickets	Average fare per ride
1	\$2.64	7-1/3¢
2	5.04	14¢
3	8.28	23¢

The schedules will vary in accordance with the school hours and load factors, but at least one trip will be operated in the morning and one in the evening in conformity with school schedules.

It is alleged in the application that the applicant has been rendering the proposed service for about twenty-five years

pursuant to a contract with the San Bernardino Board of Education, and that the board has advised applicant that commencing with the school year 1955-1956 it will no longer contract with applicant for the transportation of students, but will purchase tickets from applicant at the rates quoted above and give them to students entitled to free transportation.

The applicant testified that during the 1954-1955 school year he transported about 400 pupils per school day to the two schools on "E" Street, and about 350 per school day from the schools at night. He stated that about 200 of the 400 students originate in Zone 1, that is, the area west of Rancho Avenue. Free transportation, he said, is provided for high school students residing two miles or more from school, and for junior high school students residing one and one-half miles or more from school. From the map attached to the application it appears that any high school students living west of the intersection of 5th Street and "L" Street, approximately, and any junior high school students residing west of the intersection of 5th Street and Mt. Vernon Avenue, approximately, could receive free transportation.

The business manager for the schools testified that he arranges for the transportation of the pupils entitled to free transportation; that the school board has found it desirable to use a public carrier for such transportation; that if the applicant is given the authority he has requested, the board will buy the tickets from the applicant and give them to the students entitled thereto; that the proposed fares are agreeable to the board; and that if the applicant were restricted against carrying children originating in the area east of Lytle Creek Canyon and Rancho

Avenue, the school board would consider using the services of the San Bernardino Valley Transit Company.

The vice president of the San Bernardino Valley Transit Company (hereinafter referred to as protestant) gave evidence on its behalf. He said that the protestant has for years rendered service as a passenger stage corporation in and around Colton and San Bernardino (see map, Exhibit No. 2). It now carries students in its regular buses to and from each of the schools involved. In addition to service on "E" Street, it serves along 6th Street between "F" Street and Mt. Vernon Avenue, and north on Mt. Vernon Avenue. 6th Street is parallel to and about one-eighth of a mile north of 5th Street, applicant's route in and out of San Bernardino. Protestant issues school tickets which the students purchase, at present. Under protestant's fares the students would pay 8-1/3 cents between any point east of Rancho Avenue and the school. The witness stated that the protestant objects to the granting to applicant of any authority to carry students between the two schools referred to above, on the one hand, and any points east of Rancho Avenue, on the other hand.

On June 23, 1955 the protestant filed an application (Application No. 37063) which, among other things, requests authority to extend service from downtown San Bernardino via 6th Street, Ramona Avenue, and 7th Street to Wilson Street. Wilson Street is about three-eighths of a mile east of Rancho Avenue. We have this day granted protestant authority to extend service west from the intersection of 6th Street and Mt. Vernon

Avenue to the intersection of 7th and Wilson Streets, subject to certain restrictions (Decision No.       ).

Upon the evidence of record and the records of this Commission, we find that public convenience and necessity require that applicant be granted the authority it has requested.

O R D E R

Application as above entitled having been filed, the Commission being fully advised in the premises, and having made the findings set forth above, and based upon said findings,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity be, and it hereby is, granted to Melvin H. Bunting, doing business as Lee's Auto Stages, authorizing him to establish and operate a service as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, for the transportation of passengers between points on the following routes, as extensions of and to be consolidated with his existing rights:

1. Lilac Avenue between Foothill Boulevard and Arrow Route and Foothill Boulevard between Riverside Avenue and Lilac Avenue;
2. Riverside Avenue between Foothill Boulevard and the mouth of Lytle Creek Canyon;

3. From the intersection of Riverside Avenue and Linden Avenue north of Rialto, via Linden Avenue, Highland Avenue, Cactus Avenue, Base Line Road, G Street (in San Bernardino), 18th Street, E Street, Base Line Road, and G Street to 5th Street;
4. From the intersection of 5th and G Streets in San Bernardino, via G Street, 8th Street, E Street, 7th Street and G Street to 5th Street;
5. From the intersection of Acacia Street and Arrow Route in Rialto, via Arrow Route, Rialto Avenue and Mt. Vernon Avenue to 5th Street in San Bernardino;

subject to the following conditions:

- (A) Service over any of the extensions hereinabove authorized shall be limited to school tripper service only.
- (B) No passengers shall be carried north of 5th Street in the City of San Bernardino whose points of origin and destination shall both be (1) east of H Street on 5th Street, (2) east of Lytle Creek on Base Line Road, or (3) east of Pico Avenue on Rialto Avenue.
- (C) No passengers shall be transported who are not public school students eligible to receive free transportation to be paid for by the San Bernardino School District and who have public school commutation tickets paid for by the school district and good for transportation on the applicant's line.

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.

(II) 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.

The effective date of this order shall be five days after the date hereof.

Dated at San Francisco, California,  
this 30th day of August, 1955.

[Signature]  
President

[Signature]

[Signature]

[Signature]

Commissioners

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