

Decision No. 51911

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application by )  
SAN BERNARDINO VALLEY TRANSIT COMPANY, )  
a corporation, for an Order or Orders )  
Authorizing it to Re-route Portions of )  
its Route 4, and to Abandon Portions )  
of its Route 4, and to Extend its )  
Route 4. )

Application No. 37063

Alden Reid, for applicant.  
Melvin H. Bunting, protestant.  
W. F. Hibbard, for the Commission's staff.

O P I N I O N

Applicant is a passenger stage corporation rendering serv-  
ice as such, pursuant to authority from this Commission, between  
points in and near San Bernardino, California. (1) Included is  
authority, via its Line No. 4, to serve as follows: (2)

Commencing at the intersection of Fourth and "E"  
Streets, in San Bernardino; thence west along  
Fourth Street to "F" Street; north along "F"  
Street to Sixth Street; west along Sixth Street  
to Mt. Vernon Avenue; north along Mt. Vernon  
Avenue to Ninth Street; west along Ninth Street  
to Western Avenue; north along Western Avenue to  
Baseline Street; west along Baseline Street to  
Muscott Avenue; south on Muscott Avenue to Ninth  
Street; east on Ninth Street to Western Avenue;  
and returning over the reverse thereof to Sixth  
and "F" Streets; thence east along Sixth Street  
to "E" Street; south along "E" Street to the  
point of beginning at Fourth Street.

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(1)  
Decision No. 43177, dated August 2, 1949, in Application  
No. 30363 (an in-lieu certificate); Decision No. 44456, dated  
June 27, 1950, in Application No. 31348; Decision No. 44987,  
dated November 8, 1950, in Application No. 31654; Decision  
No. 45958, dated July 17, 1951, in Application No. 32387;  
Decision No. 47397, dated June 30, 1952, in Application No.  
33367; Decision No. 49346, dated November 17, 1953, in Appli-  
cation No. 34689; Decision No. 50788, dated November 23, 1954,  
in Application No. 35794.

(2)  
Page 7 of the Order of Decision No. 43177, and page 4 of the  
Order of Decision No. 47397, both referred to supra.

By the application herein, filed on June 23, 1955, applicant requests authority (1) to reroute that portion of Line No. 4 between the intersection of 5th and "E" Streets and the intersection of 6th and "J" Streets via 5th Street and "J" Street; and (2) to extend service from the intersection of 6th Street and Mt. Vernon Avenue via 6th Street, Ramona Avenue and 7th Street to Wilson Street, all in the City of San Bernardino.

A public hearing was held in San Bernardino on August 1, 1955, before Examiner Kent C. Rogers. Prior to the hearing, notices thereof were posted as required by this Commission. Melvin H. Bunting, doing business as Lee's Auto Stages, appeared as a protestant. The City of San Bernardino did not appear.

The records of this Commission reflect that the applicant herein and its predecessors in interest have been rendering service to the general public as a passenger stage corporation in and around the City of San Bernardino since prior to 1917. Its single zone fare (which extends from 5th and "E" Streets to and including the proposed extension) is 15 cents. It has 36 stages serving 7 routes and allegedly will need no extra equipment to render the proposed service.

#### The Proposed Rerouting

Applicant now renders service via its Line No. 4 via 6th Street between "F" Street and "J" Street. It seeks authority to reroute this portion of its Line No. 4 via 5th Street which is about 600 feet south of and parallel to 6th Street. In support of this request, it is alleged in the application that the rerouting will enable the applicant to avail itself of a recently constructed grade separation at 5th and "I" Streets across the double track main line of The Atchison, Topeka and Santa Fe Railway

Company; that there is no grade separation at 6th and "I" Streets; and that applicant believes that the freeway plans for U. S. Highway 395 contemplate the establishment of one-way eastbound vehicular traffic along 6th Street between "I" and "E" Streets. The applicant further alleges that because of the proximity of other of applicant's routes, the number of passengers boarding and leaving buses along 6th Street between "E" and "I" Streets is negligible.

Applicant's superintendent of transportation testified that the double track main line of The Atchison, Topeka and Santa Fe Railway Company, which is also used as the main line of the Union Pacific Railroad, crosses 6th Street at grade at "I" Street; that many trains cross this intersection daily; that the only protection is flashing red lights with bells; that the overpass on 5th Street is the only non-grade crossing in the vicinity; and that applicant has 36 schedules in each direction on Route No. 4 between 6:18 a.m. and 11:10 p.m. Applicant made a count of the total number of passengers boarding and alighting at the intersections of 6th Street with "G", "H", and "I" Streets on Wednesday, Thursday and Friday, July 27, 28 and 29, 1955, with the following results:

	<u>6th Street and "I" Street</u>	<u>6th Street and "H" Street</u>	<u>6th Street and "G" Street</u>
<u>Inbound</u>			
Boarded	11	7	2
Alighted	$\frac{16}{27}$	$\frac{3}{10}$	$\frac{16}{18}$
<u>Outbound</u>			
Boarded	3	2	17
Alighted	$\frac{26}{29}$	$\frac{19}{21}$	$\frac{7}{24}$

The 6th and "G" Street intersection is served by another of the applicant's lines.

The Proposed Extension

Applicant proposes to extend service between the intersection of Mt. Vernon Avenue and 6th Street, via 6th Street, Ramona Avenue and 7th Street to Wilson Avenue, a one-way distance of .7 of a mile. From the intersection of Mt. Vernon Avenue and 6th Street to downtown San Bernardino the service will be via Route No. 4 as proposed by the application herein. Service will be by buses running from the San Bernardino terminus of Route No. 4. Applicant proposes to operate six schedules as follows:

<u>Outbound to 7th &amp; Wilson</u>	<u>Inbound to 4th &amp; "E"</u>
Leave 4th and "E"	Leave 7th & Wilson
7:50 A.M.	8:05 A.M.
9:40 A.M.	9:55 A.M.
11:40 A.M.	11:55 A.M.
1:40 P.M.	1:55 P.M.
3:40 P.M.	3:55 P.M.
5:40 P.M.	5:55 P.M.

These trips will be in addition to the 36 schedules on Route No. 4. From the evidence herein it appears that 6th Street is about 1/8 of a mile north of and parallel to 5th Street, and 7th Street is about 1/4 of a mile north of and parallel to 5th Street. Applicant alleges that in the immediate vicinity of 7th Street and Mascott Street (two blocks east of Wilson Street) there is a completed and fully occupied housing development of approximately 200 homes, and that persons residing in the vicinity of 7th and Mascott Streets have requested that the proposed extension be made. Applicant's superintendent of transportation testified that the shopping district in San Bernardino extends from below 5th Street to Highland Avenue on "E" Street and that many persons have requested transportation from the proposed extension to points on

"E" Street north of 5th Street. The witness stated that the principal reason for the extension is to serve school children and that if the applicant could not carry school children it did not desire to extend its services. School fares in the area involved are 8-1/3 cents.

Three public witnesses residing at or near the intersection of 7th Street and Wilson Street (including one high school girl) appeared in support of the application. Their destinations are places in San Bernardino north of 5th Street. At present, they walk to 9th and Muscott Street and catch applicant's stages at that point, but, they said, it is a long (1/4 of a mile) walk and the weather is very hot in the summertime. They would prefer the proposed services. One of the witnesses stated that she goes to work at 7:00 a.m. and the proposed schedules, without change, would not help her.

The owner and operator of Lee's Auto Stages protested both phases of the application. His services extend from 5th and "E" Streets in San Bernardino via 5th Street into Rialto and beyond. There are no restrictions on his service in the City of San Bernardino. He charges 10 cents for transportation between 5th and "E" Streets and points as far west as Wilson Avenue. The witness pointed out the proximity of 5th Street and 6th Street (about 1/8 of a mile apart). He presented Exhibit No. 4 which shows that he has a substantial number of passengers originating at or destined to San Bernardino and going to or coming from points on 5th Street east of Wilson Street. Exhibit No. 4 shows the following:

Passengers boarding at points on 5th Street between Gardena Street and Herrington Avenue:	July 27, 1955	July 28, 1955
	93	96
Passengers terminating at points on 5th Street between Herrington Avenue and Gardena Street:	July 27, 1955	July 28, 1955
	112	118

On 5th Street between the San Bernardino Terminus and "J" Street on the same days protestant had comparatively few passengers as reflected below:

Eastbound passengers boarding at 5th and "J" Streets:	July 27, 1955	July 28, 1955
	10	14
Westbound passengers terminating at 5th and "J" Streets:	July 27, 1955	July 28, 1955
	13	18

The witness stated that there are 879 houses in the area between Mt. Vernon Avenue, 5th Street, Garcia Street (two blocks west of the end of the proposed extension) and 9th Street. These figures do not, however, include houses on the south side of 5th Street. The witness estimated that there is an average of 3.5 persons per house. There are, he said, not over 50 people in the area who are not within 1/2 mile of both bus lines as routed at present and there is a total of 60 scheduled services each direction each day. The protestant asked that the proposed extension be denied and that the rerouting, if granted, be subjected to the restriction that applicant may not pick up or discharge passengers on 5th Street.

Upon the evidence of record herein it appears, and we find that public convenience and necessity require that applicant extend its services between the intersection of Mt. Vernon Avenue

and 6th Street and the intersection of Wilson Street and 7th Street as hereinafter set forth, subject to the restriction that applicant shall not pick up or discharge passengers at any point along 6th Street between Ramona Avenue, including Ramona Avenue, and Mt. Vernon Avenue, exclusive of Mt. Vernon Avenue, whose point of origin or destination on the other hand is at any point in the area bounded by "I" Street on the west, 6th Street on the north, "D" Street on the east, and 2nd Street on the south, including said streets.

We further find, upon the record herein, that the proposed rerouting of Route No. 4 is in the public interest and it will be authorized. The record shows that there are very few passengers picked up or discharged by either carrier along 6th Street or along 5th Street between "E" Street and "J" Street, and a restriction against applicant picking up or discharging passengers along 5th Street appears unnecessary.

O R D E R

The Commission 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 San Bernardino Valley Transit Company, a corporation, authorizing it 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 the intersection of 6th Street and Mt. Vernon Avenue, on the one hand, and the intersection of 7th Street and Wilson Street, on the other hand, in the City of San Bernardino,

California, with the right to serve intermediate points, as an extension and enlargement of, and to be consolidated with applicant's existing operative rights, subject to the following conditions and restrictions:

Applicant shall not pick up or discharge passengers at any point along 6th Street between Ramona Avenue, including Ramona Avenue, and Mt. Vernon Avenue, exclusive of Mt. Vernon Avenue, whose point of origin or destination is at any point in the area bounded by "I" Street, 6th Street, "D" Street and 2nd Street, including said streets.

(2) 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 satisfactory to the Commission.
- (c) Subject to the authority of this Commission to change or modify such at any time, San Bernardino Valley Transit Company shall conduct said passenger stage operation over and along the following described route:

Commencing at the intersection of 6th Street and Mt. Vernon Avenue, in the City of San Bernardino thence via 6th Street, Ramona Avenue, and 7th Street to Wilson Street; returning via the reverse of the going route.

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.



IT IS FURTHER ORDERED:

(1) That the route description of applicant's Line No. 4 contained in the order of Decision No. 43177, dated August 2, 1949, in Application No. 30363, as amended by the order of Decision No. 47397, dated June 30, 1952, in Application No. 33367, is amended to read as follows:

Commencing at the intersection of Fourth and "E" Streets in San Bernardino, thence west along Fourth Street to "F" Street; north along "F" Street to Fifth Street; west along Fifth Street to "J" Street; thence north along "J" Street to Sixth Street; thence west along Sixth Street to Mt. Vernon Avenue; north along Mt. Vernon Avenue to Ninth Street; west along Ninth Street to Western Avenue; north along Western Avenue to Baseline Street; west along Baseline Street to Muscott Street; south along Muscott Street to Ninth Street; east along Ninth Street to Western Avenue; returning from the intersection of Ninth Street and Western Avenue via Ninth Street and Mt. Vernon Avenue and the reverse of the going route to Fifth and "E" Streets and south along "E" Street to the point of beginning at Fourth Street.

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.

(2) That prior to the rerouting of service via 5th Street and "J" Street in lieu of service via "E" Street and 6th Street applicant shall post plainly visible notices in all of its buses used on said Line No. 4 and at all stops where applicant proposes to abandon service, advising passengers of the proposed change. Such notices shall remain posted for at least five days prior to

the change in routing herein authorized.

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.