

ORIGINAL

Decision No. 56552

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
JACK A. ROESCH, doing business as
WESTERN TRAIL STAGES, for a certificate
of public convenience and necessity to
operate a passenger stage.

Application No. 39639

Alden Reid, for applicant. J. D. Maatta, for Western
Greyhound Lines, protestant. Fred G. Ballenger,
for the Commission's staff.

O P I N I O N

By this application, as amended, applicant seeks authority to establish a bus service for Agua Caliente race track patrons between San Bernardino and the border town of San Ysidro. No intermediate points will be served. It is proposed to operate one round trip per week on Sundays, leaving San Bernardino at approximately 8:15 a.m., and returning from the border at about 6 p.m. Applicant would use a modern and convenient bus and proposes to charge a round-trip fare of \$5.00.

A public hearing was held in San Bernardino before Examiner Mark V. Chiesa. Oral and documentary evidence having been adduced, the matter was submitted for decision.

Applicant Jack A. Roesch testified, among other things, that he filed the application on December 17, 1957, after he ascertained that no similar service was available to the public, and that it is his opinion that a public need exists for said service. His

estimate of a "pay load" (one that would meet out-of-pocket costs) was 25 passengers or a revenue of \$125.00 per trip.

No public witnesses testified in support of the application.

Western Greyhound Lines presented evidence that it had established, January 5, 1958, a direct race track service between San Bernardino and San Ysidro, serving also the intermediate points of Colton, Riverside and Escondido. Protestant's service is authorized in Decision No. 55893 of this Commission. Protestant operates said services once weekly on Sundays, and charges \$5.85, including tax, for the round trip.

An exhibit filed at the hearing shows that for the four Sundays in January protestant averaged 10 passengers per trip, and in February the average was 15 passengers per trip. In January protestant fell short of making out-of-pocket costs by \$81.32, and in February a profit of \$15.71 (over out-of-pocket costs) was experienced.

There is some evidence that protestant was considering the establishment of the said Sunday race track service prior to the filing of this application. However, it cannot be said that applicant's filing did not hasten protestant's execution. Protestant's present service is practically on a month-to-month basis effected by the refileing of its tariff. It is the opinion of this Commission that protestant should maintain said service for a period of not less than six months before any consideration be given to its discontinuance.

Having considered the evidence of record, the Commission is unable to find that public convenience and necessity require the establishment and operation of the service as proposed by applicant. The application will be denied.

ORDER

A public hearing having been held, the Commission being fully advised in the premises and having been unable to find that public convenience and necessity require applicant's proposed passenger stage service,

IT IS ORDERED that Application No. 39639 of Jack A. Roesch, doing business as Western Trail Stages, be, and it hereby is, denied.

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

Dated at San Francisco, California, this 15th day of April, 1958.

[Signature]
President
[Signature]
[Signature]
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Commissioners