

ORIGINAL

Decision No. 59113

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 certifi-)
cate of public convenience and)
necessity to operate a passenger)
stage.)

Application No. 41082

Alden Reid, attorney for applicant.
Musick, Peeler and Garrett, by Jesse R. O'Malley,
attorney, for Los Angeles Metropolitan Transit
Authority, protestant.
William S. Hauser, for the San Bernardino Chamber
of Commerce, interested party.
Fred G. Ballinger for the Commission staff.

O P I N I O N

A public hearing was held in the above-entitled proceed-
ing, filed on April 24, 1959, in San Bernardino, California, on
May 28, 1959 before Examiner Kent C. Rogers. Oral and documentary
evidence having been adduced, the matter was submitted for decision
subject to applicant's right to file a memorandum of points and
authorities in reply to a memorandum of points and authorities filed
by the protestant at the hearing. The applicant having filed his
memorandum of points and authorities, the matter is ready for
decision.

Applicant proposed the same service in 1958 (Application
No. 39810) at a round-trip fare of \$3.00 plus tax. The Los Angeles
Metropolitan Transit Authority, protestant herein, also protested
that application. The record of the hearing therein reflects that

the protestant was then investigating the feasibility of a direct service between San Bernardino and the Los Angeles Coliseum for the Dodgers' games and that it would be able to provide such service as would be needed.

The Commission denied that application on the grounds that the record failed to show that public convenience and necessity required the establishment of the additional transportation service as proposed.

The record in the instant application shows that applicant is proposing a passenger stage service between the City of San Bernardino and the Los Angeles Coliseum with service to the intermediate point of Ontario, also in San Bernardino County, at times when the Los Angeles Dodgers baseball team is playing its home games. In 1959 the first game was played in the Coliseum on April 14th. In the City of San Bernardino stops to pick up or discharge passengers, in addition to the point of origin or termination at 24644 Ninth Street, would be made at the California Hotel at Fifth Street and San Bernardino Avenue. The stop in Ontario would be at the Ontario Travel Bureau. This application, as heretofore stated, was filed on April 24, 1959. On May 16, 1959, the protestant Los Angeles Metropolitan Transit Authority inaugurated a direct service to the Los Angeles Coliseum, originating in Riverside and making pick ups and discharges in Colton, San Bernardino, Fontana, Ontario and Pomona.

Applicant proposes to run de luxe type buses and charge a round-trip fare of \$3.25 plus federal transportation tax. Arrangements to buy tickets at cost would also be part of a package deal,

although passengers would not be required to buy game tickets from applicant. At the point of origin in San Bernardino, applicant has 20 acres of land with rest rooms and parking space which will be available for storing passengers' cars. There will be a watchman on duty. At the Coliseum, when applicant's buses are parked, the drivers will remain on duty and the travelers will be able to leave their packages or other articles in the bus. After the game, the driver will pick up the passengers at the Coliseum and will remain there until all passengers are accounted for although it is expected that the stages will leave the Coliseum about one-half hour after the game is completed. En route home, if the passengers so desire, a stop or stops will be made for refreshments. The stages will leave the San Bernardino point of origin 2 hours and 15 minutes prior to game time. The estimated travel time (exclusive of the stops on the return trip) will be approximately 1½ hours.

No one-way tickets are to be sold and no local service will be rendered.

Applicant has the equipment necessary to provide the proposed service. He is now operating a certificated passenger stage service between San Bernardino and the mountain resort areas in Lake Arrowhead and Big Bear, and operating charter and school buses in and around the City of San Bernardino.

At the time the application was filed, the protestant provided no direct service between San Bernardino and the Coliseum. Its only service was one from San Bernardino to the station at Sixth and Main Streets and from there, a local service to the Coliseum. Applicant's dispatcher testified that he made this trip on April 14,

1959, via protestant's then existing regular service. The cost of this trip was \$3.92 for two one-way tickets from San Bernardino and Sixth and Main Streets, and two local fares at \$.17 cash each for service between Sixth and Main Streets and the Coliseum. The time involved in transportation was approximately three hours and ten minutes in each direction.

Five persons testified in support of the application. The steward of the San Bernardino Elks Club testified that he has had many requests from members for some type of public, direct transportation between San Bernardino and the Coliseum for sporting events, including the baseball games, and that since May 16, 1959, he has had fifty or sixty requests for such service. Many of the people desire to go in groups and do not desire a regular public transportation. A lady who has a travel bureau in San Bernardino testified that she receives twenty-five or thirty calls a week for direct bus service with game tickets between San Bernardino and the Coliseum. The owner of a sporting goods store in San Bernardino testified that he has received many inquiries concerning a direct service between San Bernardino and the Coliseum in Los Angeles for baseball games. A representative of the San Bernardino Chamber of Commerce appeared in support of the application. He testified similarly that there were many requests and inquiries relative to direct service from San Bernardino to the Coliseum for the baseball games. He further testified that until the day before the hearing herein, to wit: May 28, 1959, the protestant had not advised the Chamber of Commerce that it proposed or had any direct service. Two days before the hearing, the witness stated, a representative

of the protestant gave to the Chamber of Commerce several copies of the schedule of protestant's direct service between San Bernardino and the Coliseum (Exhibit No. 1). Another witness, who regularly attends sporting events at the Coliseum and who is acquainted with people who attend those events, stated that he knew of no direct service and that many people had inquired relative to the possibility of such a service.

The traffic analyst of the protestant appeared on behalf of the protestant. He stated that the proposed service will be in direct competition with the service now rendered by the protestant. On May 16, 1959 (approximately three weeks after the herein application was filed, and over a year since the hearing in the first application), protestant commenced a direct service between Riverside, Colton, San Bernardino, Fontana, Ontario, and Pomona, on the one hand, and the Coliseum in Los Angeles, on the other hand. The fare is \$3.75 a round trip, plus tax, between San Bernardino and the Coliseum, and \$2.75, plus tax, between Ontario and the Coliseum. This service is rendered and is to be rendered only on days when the Dodgers baseball team plays games in the Coliseum. No baseball game tickets will be provided. Exhibit No. 2 herein is a passenger count of all of protestant's passengers using said service from and including May 16, 1959 to May 24, 1959. This shows that a total of approximately eight passengers traveled between San Bernardino and the Coliseum during that period via said service, and that 17 passengers traveled to and from Ontario during that period. He said that the passenger revenue derived from the service was not nearly enough to pay for the out-of-pocket expenses of the protestant for rendering the service. The witness refused to state whether the service would

be continued, for the reason that it was on a trial basis and that it was up to management to see whether the service would be continued.

From the evidence herein it appears and we find that the applicant has the ability to render the proposed service and is ready and willing to do so. The evidence also shows that public convenience and necessity require the type of service herein proposed. Based upon the evidence herein, the application will be granted as prayed.

O R D E R

An application having been filed, a public hearing having been held thereon, the matter having been submitted and the Commission having made the foregoing findings and based upon said findings,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity be and it hereby is granted to Jack A. Roesch, doing business as Western Trail Stages, authorizing the establishment and operation of service as a passenger stage corporation as defined in Section 226 of the Public Utilities Code for the transportation of persons between the points and places and along the routes as more specifically described in Appendix A attached hereto and made a part hereof.

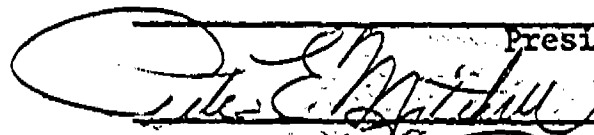
(2) That in providing service pursuant to the certificate herein granted there shall be compliance with the following service regulations:

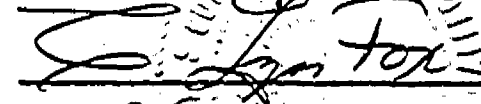
- a. Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted. By accepting the certificate of public convenience and necessity herein granted, applicant is placed on notice that he will be required, among other things, to file annual reports of his operations and to comply with and observe the safety rules and other regulations of the Commission's General Order No. 98. Failure to file such reports, in such form and at such time as the Commission may direct, or to comply with and observe the provisions of General Order No. 98, may result in a cancellation of the operating authority granted by this decision.

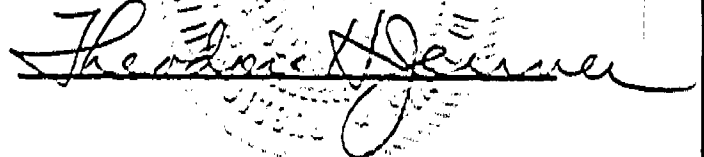
- b. Within sixty days after the effective date hereof, and on not less than five days' notice to the Commission and to the public, applicant shall establish the service herein authorized and file in triplicate and concurrently make effective, amendments to his tariffs and timetables satisfactory to the Commission to reflect the authority herein granted.

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

Dated at San Francisco, California, this 6th day of October, 1959.

President






Commissioners

Everett C. McKeage
 Commissioner S. Matthew J. Dooley, being
 necessarily absent, did not participate
 in the disposition of this proceeding.

Appendix A Jack A. Roesch, doing business as Western Trail Stages Original Page 1

Jack A. Roesch, doing business as Western Trail Stages, by the certificate of public convenience and necessity granted in the decision noted in the margin is authorized to transport persons between points in San Bernardino County as hereinafter specified, on the one hand, and the Los Angeles Coliseum, on the other hand, subject to the following conditions and restrictions:

- (a) The transportation service herein authorized shall be rendered only on a round-trip basis and no passenger shall be picked up or discharged at any point in San Bernardino County, other than as herein specified, and the Coliseum, and passengers shall not be discharged at any points other than the Los Angeles Coliseum and said points in San Bernardino County.
- (b) Applicant shall pick up and discharge passengers only at 24644 Ninth Street, San Bernardino, the California Hotel at Fifth and "E" Streets in San Bernardino, the Ontario Travel Bureau in Ontario, and the Los Angeles Coliseum in Los Angeles.
- (c) Applicant shall operate the service hereinabove authorized only when the Los Angeles Dodgers baseball team is playing in the Coliseum.
- (d) Subject to the authority of this Commission to change or modify said passenger stage operation at any time, applicant shall conduct said operation over and along the following route or routes:

Commencing in San Bernardino, California, at 24644 Ninth Street (being applicant's bus storage area), thence via Waterman Avenue and Fifth Street to the California Hotel, thence via the most direct route to Highway 99, thence via Highway 99 to Ontario, thence via the most direct route to the Ontario Travel Bureau. Return to Highway 99, thence via Highway 99, Harbor Freeway and Santa Barbara Avenue to the Los Angeles Coliseum. Return via the reverse of the going route.

Issued by California Public Utilities Commission.

Decision No. 59113, Application No. 41082.