

ORIGINAL

Decision No. 15272

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 LOS ANGELES RAILWAY CORPORATION for a
 certificate authorizing bus service
 on South Park Avenue and Manchester
 Avenue, County of Los Angeles.)
)
) Application No. 11,434
)
)

In the Matter of the Application of
 D. B. MAURICE and FRANK ATKINSON,
 co-partners, for certificate of public
 convenience and necessity to operate
 passenger bus service between
 intersection of Moneta and Manchester
 Avenues and Main and 120th Street, in
 Los Angeles County.)
)
) Application No. 11,499
)
)

H. G. Weeks for Los Angeles Railway Corporation,
 Applicant in Application No. 11434
 and Protestant in Application No. 11499,

H. W. Kidd for Applicants in Application No. 11499
 and Protestants in Application No. 11434,

O. A. Smith for Pacific Electric Railway Company,
 Protestant in Application No. 11499,

W. W. Prael for B. R. Fraser,

J. O. Marsh for Board of Public Utilities, City of
 Los Angeles.

Jess B. Stevens, City Attorney, by Milton Bryan,
 Deputy City Attorney, for City of Los Angeles.

BY THE COMMISSION -

O P I N I O N

Los Angeles Railway Corporation, by its amended appli-
 cation, No. 11434, has petitioned the Railroad Commission for
 an order declaring that public convenience and necessity re-
 quire the operation by it of a temporary motor bus service
 for the carriage of passengers over and along the following
 route:

Commencing at the intersection of Moneta Avenue and Manchester Avenue in the City of Los Angeles; thence easterly along Manchester Avenue to Wall Street; thence continuing easterly along Manchester Avenue partly within the City of Los Angeles and partly within the County of Los Angeles, unincorporated, (the southerly boundary line of said City being in the middle of Manchester Avenue) to South Park Avenue; thence southerly along South Park Avenue to 113th Street,

and for authority, if and when San Pedro Street is paved between Manchester Avenue and 114th Street, to discontinue service over the proposed temporary route and to establish in lieu thereof, motor bus service for the carriage of passengers over the following route:

Commencing at the intersection of Moneta Avenue and Manchester Avenue in the City of Los Angeles; thence easterly along Manchester Avenue to Wall Street; thence continuing easterly along Manchester Avenue partly within the City of Los Angeles and partly within the County of Los Angeles, unincorporated, (the southerly boundary line of said City being in the middle of Manchester Avenue) to San Pedro Street; thence southerly along San Pedro Street to 114th Street.

D. B. Maurice and Frank Atkinson, co-partners, in their Application No. 11499, have petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by them of an automobile bus line as a carrier of passengers between the intersection of Moneta and Manchester Avenues and the intersection of Main and 120th Street, in Los Angeles County, serving all intermediate street intersections on the following route:

Commencing at the intersection of Moneta Avenue and Manchester Avenue, thence east to Main Street, thence south on Main Street to 120th Street, thence east on 120th Street to South Park Avenue, thence north on South Park Avenue to Manchester Avenue, thence west on Manchester Avenue to Moneta Avenue.

Public hearings on the above applications were conducted by Examiner Handford at Los Angeles, at which time the matters were consolidated for the purpose of receiving evidence and for decision, were duly submitted and are now ready for decision.

In Application No. 11434, as amended, Los Angeles Railway Corporation proposes to charge a one-way fare of five cents; to operate from approximately 5:30 A.M. until 11:00 P.M. on a fifteen minute headway; and to use as equipment modern, street-car type, glass-enclosed motor coaches equipped with pneumatic tires, and with seating capacity of 16, 25 or 29 passengers.

In Application No. 11499, D. B. Maurice and Frank Atkinson, co-partners, propose to charge a one-way fare of six cents; to operate from 5:15 A.M. to 11:45 P.M. on alternate schedules via Main Street and South Park Avenue, affording a schedule on a fifteen minute headway passing any intermediate point; and to use as equipment three Reo busses each of 18 passenger capacity.

Both applicants have filed for certificates to give service to the community heretofore served by the motor bus line operated by B. R. Fraser under the authority of this Commission's Decision No. 14465 on Application No. 10453, said operation having been authorized over the same route as herein sought by applicants, Maurice and Atkinson, in Application No. 11499, and having been discontinued on July 16, 1925, without authority having been secured from this Commission.

Mr. E. G. Weeks, Assistant to the General Manager of Los Angeles Railway Corporation, applicant herein, testified in support of his company's application. He stated, in effect, that the application sought the temporary use of South Park Avenue for the reason that San Pedro Street was not, at present,

suitable for motor bus operation. It appears that the paving of a portion of San Pedro Street, from Manchester Avenue south, is shortly to be commenced and that plans for the paving and improvement of San Pedro Street are now being considered, and that if such plans are developed, that San Pedro Street would be the highway best adapted to serve the territory herein proposed in that the public residing east of San Pedro Street would not be required to walk an unreasonable distance to the bus line and the public residing west of San Pedro Street would be well served by the proposed bus line and by the street car line of this applicant extending south on Moneta Avenue to 116th Street, a distance of four blocks intervening between San Pedro Street and Moneta Avenue. This witness testified that the portion of the territory lying south of the tracks of the Pacific Electric Railway Company, and which formerly received service by the Fraser operations, was properly served by the Pacific Electric Railway Company or by the facilities of the Los Angeles Railway Corporation as offered by the Moneta Avenue Line which has its southerly terminus at 116th Street. Mr. Weeks also testified in protest of the granting of Application No. 11499 on the basis that Main Street, over which applicants propose to operate, is but two blocks east of the Moneta Avenue line of the Los Angeles Railway and that said street railway line adequately and satisfactorily serves the traffic needs of the public now desiring transportation and who may reside adjacent to said Main Street.

Witnesses engaged in business and residing in the territory proposed to be served, testified as to the transportation needs of the district and as to the inconvenience caused by the discontinuance of service formerly given by the Fraser line. These witnesses expressed the opinion that some sub-

stitute service should be provided and favored the reestablishment of a service duplicating that formerly given by the Fraser operation.

It appears from the record herein that applicants, Maurice and Atkinson, are prepared to immediately undertake the proposed service, that they possess the finances necessary to equip the line and to care for the operating deficit during a development period, which latter both applicants did not anticipate would develop under proper management and attention. Applicant Maurice has had considerable experience in the operation of bus lines and has successfully operated such lines prior to the time the Commission assumed jurisdiction over such class of transportation under the provisions of Chapter 213, Statutes of 1917, and continuously since up to the present time. Applicant Atkinson, although inexperienced as a bus operator, has ample funds for his share of the partnership venture and testified that it was his intention to devote practically all his time to the development of the line, the actual operating management to be cared for by his partner, Maurice, who is fully experienced and capable to successfully operate a line of this character.

The granting of the application of Maurice and Atkinson (Application No. 11499) is protested by the Pacific Electric Railway Company. Mr. O. A. Smith, Passenger Traffic Manager of this protestant, testified that the transportation needs of the district were amply cared for by the existing rail facilities of his company, by the Moneta Avenue Line of the Los Angeles Railway, and by the inauguration of the motor bus line as proposed in Application No. 11434. The current time schedules and rates of this protestant were filed as exhibits.

The public heretofore served by the Fraser operation are entitled to and should receive a restoration of the service formerly given and for which public convenience and necessity were found to exist by this Commission in its declaration as contained

in Decision No.14465 on Application No.10453 as decided January 17, 1925, No evidence has been presented in this proceeding which indicates that there is any less demand for service than existed at the time of the former decision regarding this same route, and the discontinuance of service by the former certificate holder was due to his inexperience and lack of finance to properly inaugurate the enterprise.

The application of Maurice and Atkinson more fully meets the public need for transportation in the district proposed than does that of the Los Angeles Railway Corporation. This is particularly true as regards the territory south of the Pacific Electric tracks as from an exhibit filed herein (L.A.Ry. Exhibit No.1) it appears that there are 241 houses all of which are located more than three blocks from any existing transportation facility available for the use of the public. In addition to the above there are 357 houses which would receive service by the line proposed by applicants, Maurice and Atkinson, which are more than three blocks from any existing transportation line and which would not receive service from the proposed line of applicant, Los Angeles Railway Corporation, when the permanent operation on San Pedro Street was commenced and as contemplated by such applicant.

The Commission has heretofore held in its decisions affecting service of street car lines that three blocks is not an unreasonable walk for the patrons of a street car company. The proposed bus operation herein under consideration is practically a motor bus service offered in substitution of the service that would be rendered by a street car line and the three block rule would be properly applicable in this situation. It will be noted from the foregoing that service would be available to 598 houses under the proposal in Application No.11499 which would not be available if Application No.11434 were to be granted.

The limitation of territory proposed by applicant, Los Angeles Railway Corporation, over that formerly served by the Fraser operation for which a necessity was found by the Commission in its Decision No. 14465, compels a favorable consideration of the application of Maurice and Atkinson. These applicants have produced satisfactory evidence of their financial and other ability to perform the public service for which they have herein applied, and to serve the entire territory in which a public carrier has heretofore been found by this Commission to be necessary.

O R D E R

Public hearings having been held in the above entitled proceedings, the matters having been duly submitted, the Commission being now fully advised and basing its order on the finding of fact as appearing in the opinion which precedes this order,

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by D. B. Maurice and Frank Atkinson, co-partners, of an automobile bus line as a common carrier of passengers in the City and County of Los Angeles over and upon the following described route:

Commencing at the intersection of Moneta Avenue and Manchester Avenue, thence east to Main Street, thence south on Main Street to 120th Street, thence east on 120th Street to South Park Avenue, thence north on South Park Avenue to Manchester Avenue, thence west on Manchester Avenue to Moneta Avenue.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and the same hereby is granted to D. B. Maurice and Frank Atkinson, co-partners, authorizing the operation of an automobile bus line as a common carrier of passengers in the City and County of Los Angeles over the hereinbefore described route; and subject to the following conditions:

1. Applicants herein shall file with the Railroad Commission their written acceptance of the certificate herein granted within a period of not to exceed ten (10) days from date hereof; shall file, in duplicate, tariff of rates and time schedules within a period of not to exceed twenty (20) days from date hereof; such tariff of rates and time schedules to be identical with those attached to the application herein; and shall commence operation of said service within a period of not to exceed thirty (30) days from date hereof.

2. The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.

3. No vehicle may be operated by applicants herein unless such vehicle is owned by said applicants or is leased by them under a contract or agreement on a basis satisfactory to the Railroad Commission.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity do not require the operation by Los Angeles Railway Corporation of an automobile bus line as a carrier of passengers in the City and County of Los Angeles over the route as specifically set forth in its amended Application No. 11434.

IT IS HEREBY ORDERED that Application No. 11434 be and the same hereby is denied.

For all other purposes except as hereinabove specified the effective date of this order is hereby fixed as twenty (20) days from the date hereof.

Dated at San Francisco, California, this 10th day of August, 1925.

O. C. Leavelle

George D. Squier

Leon Whitell

COMMISSIONERS.