

17285

Decision No. \_\_\_\_\_

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application  
of CYRIL VINCENT BENNETT, for cer-  
tificate of public convenience and  
necessity to operate motor bus  
passenger service between 1st Street,  
Lawndale, and Regent Street, Ingle-  
wood.

**ORIGINAL**

APPLICATION NO. 12596.

M. A. Woodward, for Applicant.

Gibson, Dunn & Crutcher, by Paul R. Watkins,  
Interested Party.

Herbert W. Kidd, for West Coast Rapid Tran-  
sit Company, Protestant.

Garner White, for City of Inglewood, Inter-  
ested Party.

BY THE COMMISSION:

O P I N I O N

Cyril V. Bennett has made application to the Railroad Commission for a certificate of public convenience and necessity to operate motor bus passenger service between First Street, Lawndale, and Regent Street, Inglewood.

A public hearing herein was conducted by Examiner Williams at Inglewood.

Applicant proposes the operation of an automobile passenger service between the community of Lawndale, and Hawthorne and Inglewood. The route to be traversed is 6½ miles in length, of which all is paved highway except one mile. Applicant proposes to use Prairie Avenue as his main operating highway, and to proceed westward from Prairie Avenue over Broadway in

Hawthorne to Hawthorne Boulevard, then retrace his route and continue on Prairie Avenue to Inglewood. He proposes to use two 12-passenger Ford vehicles and to give approximately thirty operations daily in each direction. A fare of 5 cents is to be charged between Lawndale and Hawthorne, and an additional 5 cents between Hawthorne and Inglewood, with a fare of 15 cents for the round trip between Lawndale and Inglewood. At the hearing applicant amended his routing within the city limits of Inglewood to conform to the wishes of the Inglewood municipal government.

In support of his application, applicant filed a petition signed by approximately 400 persons, of whom probably 90 per cent reside adjacent to or east of Prairie Avenue. The petition was circulated by Russell D. Matheny and Edmund Clingan, who testified to securing the signatures thereto. These two witnesses, together with Grace C. Johnson, James McGuigan, Hernando D. Wood, C. D. Driskill, Carl R. M. Greenfield, Hilda C. Carlson, Agnes Haas, Martha Stahl, Mrs. Olive Playley, Minnie Frank, Mrs. Elizabeth Sims and F. M. Lane, testified in behalf of applicant. Applicant also had present at the hearing a large number of other witnesses, whose testimony if presented, it was stipulated, would be in general the same as that of the witnesses called.

There now exists between Lawndale and Inglewood the service of the West Coast Rapid Transit Company, as well as the Pacific Electric bus service, operating between Long Beach and Venice. Between Hawthorne and Inglewood the same services are available, and, in addition, the street car service of the Los

Angeles Railway and the bus service of G. R. Carpenter. All of these services, except that of Carpenter, operate along Hawthorne Boulevard, a paved highway running north and south. In addition, the Pacific Electric maintains hourly service between Lawndale and Hawthorne. During the summer months protestant West Coast Rapid Transit Company maintains a special schedule between Lawndale and Inglewood, and it was the testimony of D. B. Maurice, owner, that this service is performed as an accommodation and has not been profitable. This protestant, with his through and local busses, operates 30 schedules daily, and he testified that the local schedules show a 70 per cent vacancy in seats.

The granting of the application was not protested by G. R. Carpenter, the Los Angeles Railway or the Pacific Electric Railway.

After full consideration of the evidence presented at the hearing, we are convinced that direct communication between the three communities named is fairly well taken care of, and that there is no need of additional through service. We believe, however, that applicant has shown affirmatively a need of service on the part of persons residing along Prairie Avenue, which is at least one-half mile east of Hawthorne Boulevard, and at points east of Prairie Avenue, where there has been considerable development in small home tracts and where the people are required to travel more than half a mile to reach the services now available. It appears doubtful, however, if the number of persons residing along Prairie Avenue and east thereof is sufficient to support a bus operation conducted independently of the transportation of passengers be-

tween Lawndale and Hawthorne or Hawthorne and Inglewood. Applicant himself testified that he expected to sustain pioneering losses in establishing the proposed operation and was financially prepared to sustain such losses over a period of two years, although he did not believe the operation would prove unprofitable long after its establishment. Protestant Maurice testified that the operation proposed could not be conducted at a profit, basing his belief upon eleven years' experience in the auto stage business. He also contended that the establishment of applicant's service would further impair the already insufficient revenue he is receiving from his operation in the communities named. He testified that no requests had been made of him for additional service, and that he had investigated the feasibility of diverting a portion of his operation over Prairie Avenue and had been convinced that this would not be profitable. He stated that if the Commission found a public necessity for such service, he would be willing to provide it as an experiment.

It appears from the record that the only portion of the proposed service for which applicant has shown proof of necessity is along Prairie Avenue. While we doubt the ability of applicant profitably to operate a service limited to Prairie Avenue, with deliveries at Inglewood and Hawthorne, his attitude was that he was willing to undertake the service, and the witnesses from the district affected promised patronage. Inasmuch as there is a meeting of minds between applicant and patrons upon the proposition, and applicant is willing to assume pioneering losses, and since the restrictions

imposed will minimize, if not entirely eliminate, injury to existing carriers, we believe the application should be granted with restrictions as set forth in the order following this opinion.

#### O R D E R

Cyril V. Bennett having made application to the Railroad Commission for a certificate of public convenience and necessity to operate motor bus passenger service between First Street in Lawndale and Regent Street in Inglewood, a public hearing having been held, the matter having been duly submitted and now being ready for decision,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation of a portion of the service proposed by applicant, for the transportation of passengers between the junction of Market Street and Prairie Avenue in Lawndale and the junction of Prairie Avenue and Arbor Vitae Street in Inglewood, with the privilege of delivering passengers originating along Prairie Avenue to the junction of Acacia Avenue and Broadway in Hawthorne via Broadway, and with the understanding that no passengers may be received in either Inglewood or Hawthorne for transportation between these two points, but only to points along Prairie Avenue, over and along the following route:

Beginning at Market Street and Prairie Avenue in Lawndale, thence north on Prairie Avenue to Broadway Avenue, Hawthorne, thence west on Broadway Avenue to Acacia Avenue and Broadway Avenue, returning on Broadway Avenue east to Prairie Avenue, thence north on Prairie Avenue to Arbor Vitae Street, Inglewood, thence west to Osage Avenue, thence north to Kelso Street, thence west to Commercial Street, thence north

to Regent Street, thence east to Market Street, returning over identically the same route; and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity therefor be and the same hereby is granted, subject to the following conditions:

- I. Applicant shall file with this Commission, within twenty (20) days from date hereof, his written acceptance of the certificate herein granted; shall file, in duplicate, time schedules and tariff of rates identical with those as set forth in Exhibit attached to the application herein within a period of not to exceed twenty (20) days from date hereof; and shall commence operation of the service hereby authorized within a period of not to exceed thirty (30) days from date hereof.
- II. The rights and privileges herein authorized may not be sold, leased, transferred nor assigned, nor service thereunder discontinued, unless the written consent of the Railroad Commission to such sale, lease, transfer, assignment or discontinuance has first been secured.
- III. No vehicle may be operated by applicant under the authority hereby granted unless such vehicle is owned or is leased by applicant under a contract or agreement on a basis satisfactory to the Railroad Commission.

For all other purposes the effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this 27<sup>th</sup> day of August 1926.

W. A. ...

W. A. ...

Thos. S. ...  
Commissioners.