

Decision No. 18156.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application  
of the LOS ANGELES RAILWAY CORPORATION for a certificate of public  
convenience and necessity to operate  
motor coaches for the transportation  
of passengers along Mines Avenue and  
Whittier Boulevard, County of Los  
Angeles.

**ORIGINAL**

Application No. 13268.

Gibson, Dunn & Crutcher, by P. R. Watkins, for applicant;  
E. W. Kidd and W. E. Sanson for Motor Transit Company,  
protestant;  
Milton Bryan and James Gunn, for the Board of Public  
Utilities and Transportation, City of Los  
Angeles, protestant;  
Geo. W. C. Baker and M. R. Parmalee, for City of Monte-  
bello;  
David R. Faries and F. W. Williamson, for the Eastside  
Organization;  
James Garrison, for Hollenbeck and Lorena Street Improve-  
ment Association.

BY THE COMMISSION:

O P I N I O N

Los Angeles Railway Corporation has petitioned the Rail-  
road Commission for an order declaring that public convenience and  
necessity require the operation by it of a motor coach service for  
the transportation of passengers along a route, as same was amended  
during the hearings, between Seventh and Los Angeles Streets, Los  
Angeles, and the intersection of Whittier Boulevard with Simmons  
Avenue via Los Angeles Street, East Eighth Street, Hooper Avenue,  
East Ninth Street, Mines Avenue, Telegraph Road, Ford Street and  
Whittier Boulevard to Simmons Avenue.

Public hearings thereon were conducted by Examiner Williams  
at Los Angeles on December 7th, December 16th and December 23rd,  
1926, at which latter time the matter was submitted.

At the hearing on December 23rd, applicant asked to amend  
its original application by extending the route shown therein as

terminating at Belden Avenue on Whittier Boulevard to Simmons Avenue (Montebello Park Avenue) and Whittier Boulevard.

Motor Transit Company appeared and protested the granting of the application as amended, on the ground that the proposed service would then be competitive with an established line of said protestant. The Board of Public Utilities and Transportation of the City of Los Angeles protested the proposed routing along Ninth Street and Mines Avenue from Boyle to Hollenbeck, within the City of Los Angeles, and presented evidence tending to show that a route along Boyle Avenue and Hollenbeck Street between these limits would better serve the public need.

The applicant proposes to give daily service over the route first above mentioned between 6:00 A.M. and 7:15 P.M. on a 15-minute headway, using modern 21, 25 or 29 passenger, street-car type, glass-enclosed busses with pneumatic tires. The fare proposed is ten cents between terminals, including transfer to or from car lines of the Los Angeles Railway within the Los Angeles five-cent fare area.

H. G. Weeks, Assistant to General Manager of applicant corporation, appeared and testified as to demands on applicant to supply transportation service to the territory tributary to proposed route, particularly along the industrial district adjacent to Ninth Street between Boyle Avenue and Los Angeles city limits and along the residential district adjacent to Whittier Boulevard between Ford Boulevard and Simmons Avenue. He stated that the present application was a result of such requests for extension of service.

Applicant also produced as witnesses, in its behalf, I. D. Budd, Edward T. Woods, K. I. Davis and William T. Hazel, all interested in the service as proposed, and who testified as to the necessity for such a line of transportation.

I. D. Budd, Sales Manager for Frank Meline Company, both testified that the property along Ninth Street was under subdivision as industrial property and required transportation service in order to properly develop same.

It appears from the evidence that this route is intended to serve a very large area east of the eastern city limits of Los Angeles, containing approximately 20,000 persons. This area now has local bus service in part, all terminating at the terminus of Whittier Boulevard line of the Los Angeles Railway and acting as feeders to the trolley system. In the present application it is proposed primarily to serve this area, and the service within the city limits of Los Angeles is incidental. For many years this large area, and also the city of Montebello, has sought to have the Whittier Boulevard trolley line extended into the city of Montebello, but the applicant herein has not found itself able to make this extension. In lieu thereof the proposed service is to be provided.

While the service proposed is intended for an area east of the Los Angeles city limits, we do not believe that the addition of a diversion by way of Hollenbeck Avenue will impose any particular difficulty of operation, or defeat the main purpose of bringing the area removed from the downtown district of Los Angeles in rapid touch with the city terminal. There appear to be many persons in the district adjacent to Hollenbeck Avenue who will be benefited by a service if established on this highway. The only way to test this is by permitting the applicant, upon its expressed willingness, to divert from Mines Avenue and serve Hollenbeck and Boyle Avenue, and the continuation of such service as distinct from the direct service via Mines Avenue. It is true that there is development along Mines Avenue between the intersection with Hollenbeck Avenue and Boyle Avenue, and that service there may be required. Should it become necessary to make schedules to care for this particular traffic, the Commission reserves the right to permit operation direct via Ninth

Street and Mines Avenue if, in its judgment, such operation may become necessary.

The protest of Motor Transit Company to the route, as amended by extending the easterly terminus from a point on Whittier Boulevard at Belden Avenue to Simmons Avenue, involves a technical matter of competitive routes.

It appears that Motor Transit Company now operates a route partially along Whittier Boulevard between Fifth and Los Angeles Streets in the city of Los Angeles, and Montebello, Whittier and points east. Busses are operated on this route on a 15-minute headway on a single trip fare of 15¢ to 20¢, and a 30-ride ticket of 9¢ to 12¢ to Los Angeles within the zones involved. Transfers are not exchanged with Los Angeles Railway.

The route proposed by applicant in this proceeding would be competitive with Motor Transit Company's route as regards traffic originating along Whittier Boulevard between Simmons Street and Ford Boulevard (a distance of 23 blocks) and destined to the central portion of Los Angeles and vice versa.

As Motor Transit Company's protest is understood, however, it does not apply to the original route, terminating at Belden Street, which involves a competitive operation for seventeen blocks, but only to the application as amended to provide a terminus at Simmons Street, six blocks east of Belden Street.

The record shows that Motor Transit Company is engaged in the interurban transportation field and does not desire to enter the field of mass transportation. General Manager, F. D. Howell, testified that in his opinion the line of differentiation between these two classes of transportation along Whittier Boulevard was in the vicinity of Belden Avenue, but moving eastward with the growth of the community.

Without regard, therefore, to the relative ability of these two carriers to perform this service, it appears that this pro-

test should be given little weight in the present proceeding. If the application involved a substantial competition in the field which Motor Transit Company holds out to serve, a different view might be taken.

From a consideration of all the evidence in this proceeding, the Commission is of the opinion that the public convenience and necessity require the operation by applicant of a motor coach service for the transportation of passengers between Seventh and Los Angeles Streets, Los Angeles, and Whittier Boulevard and Simmons Avenue, Los Angeles County, over a route generally along Ninth Street, Hollenbeck Avenue, Mines Avenue and Whittier Boulevard.

#### O R D E R

A public hearing having been held in the above entitled proceeding, the matter having been duly submitted and the Commission being fully advised,

The Railroad Commission of the State of California hereby declares that public convenience and necessity require the operation by Los Angeles Railway Corporation of a motor coach service for the transportation of passengers between 7th and Los Angeles Streets, in the City of Los Angeles, and the intersection of Whittier Boulevard and Simmons Avenue, over and along the following route:

From the intersection of Los Angeles Street and East 7th Street, via Los Angeles Street, East 8th Street, Hooper Avenue, East 9th Street, Boyle Avenue, Hollenbeck Avenue and Mines Avenue to the easterly city boundary of the city of Los Angeles at Indiana Street, thence from the intersection of Mines Avenue and Indiana Street, via Mines Avenue, Telegraph Road, Ford Street, and Whittier Boulevard to Simmons Avenue, in the County of Los Angeles.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity for such a service be, and the same hereby is granted to Los Angeles Railway Corporation, subject to the following conditions:

The proposed routing, insofar as protested by the City of Los Angeles, will first be disposed of.

Applicant, by stipulation, amended its application so as to cover either the route proposed in the original application or the route proposed by the Board of Public Utilities and Transportation. James Gunn, Chief Motor Vehicle Inspector of the Board of Public Utilities, testified that there was more need for passenger transportation along Hollenbeck Avenue than along Ninth Street and Mines Avenue between Boyle and Mirasol Streets, stating that a recent check of houses in this district resulted in a showing of 348 houses tributary to the Ninth Street route, as against 1475 tributary to Hollenbeck. City's Exhibit 2 shows graphically the results of the check. Mr. Gunn stated that the Hollenbeck route was about 1500 feet longer than the Ninth Street route and would require an additional  $3\frac{1}{2}$ -minute running time.

W. L. Cummings, Fred W. Kahlert, T. T. Roach, and James Garrison, all residents in the vicinity of Hollenbeck Avenue, testified as to the need for service along Hollenbeck Avenue.

H. G. Weeks testified for the applicant, that in his opinion, in view of the differential in fares on the Whittier car line four blocks north of Hollenbeck Avenue, residents in this vicinity would ride the street cars rather than the busses. In his opinion the additional walk of 2100 feet to Ninth Street would not be excessive for residents along Hollenbeck Avenue who desired to make use of such service. He stated that there would be three turns at heavy traffic intersections on the Hollenbeck route, as against one on the Ninth Street route, and that the grades on Hollenbeck Avenue were heavier than on Ninth Street.

W. L. Roach, Industrial Agent for the Union Pacific, and

1. Applicant shall file its written acceptance of the certificate herein granted within a period of not to exceed twenty (20) days from date hereof.

2. Applicant shall file, in duplicate, within a period of not to exceed twenty (20) days from the date hereof, tariff of rates and time schedules, such tariffs of rates and time schedules to be similar to those attached to the application herein, or rates and time schedules satisfactory to the Railroad Commission, and shall commence operation of said service within a period of not to exceed (60) days from the date hereof.

3. 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.

4. No vehicle may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by it 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 the date hereof.

Dated at San Francisco, California, this 4<sup>th</sup> day of

April, 1937.

Edward

W. B. Bridges

W. S. Seaver

Leon Whitell

Commissioners.