

Decision No. 18336

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of FRANCIS BRUNNER for a certificate of public convenience and necessity to operate auto passenger service between Castellammare, University of California, Beverly Hills and Los Angeles and intermediate points, shown in Exhibit "A" attached hereto.

Application  
No. 13056

Richard T. Eddy for Applicant,  
O. A. Smith, H. O. Marler and R.E. Wedekind for  
Pacific Electric Railway Company,  
J. Ogden Marsh for Board of Public Utilities and  
Transportation, City of Los Angeles,  
R. E. Wedekind for Los Angeles Motor Bus Company,  
Gibson, Dunn & Crutcher, by Paul R. Watkins, for  
Los Angeles Railway Corporation, Protestant.

BY THE COMMISSION -

OPINION

Francis Brunner has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of an automobile stage line as a common carrier of passengers between Castellammare and Los Angeles, serving as intermediate points Pacific Palisades, Uplifter's Club, Riviera, Los Angeles Athletic <sup>Country</sup> Club, Brentwood Park, Occidental College, Highland Hills, University of California, Westwood, Bel Air, Beverly Glen, Holmby Hills, Beverly Hills Hotel and Pruess Road.

Public hearings on this application were conducted by Examiner Handford at Los Angeles, the matter was duly submitted and is now ready for decision.

During the hearings Pacific Electric Railway Company, a corporation, was substituted as applicant herein.

Mrs. Lillie Fields, residing at Topanga Beach, testified that in her trips to Los Angeles it was necessary to use the school bus to Santa Monica and the service of the Pacific Electric Railway from such point. Topanga Beach has an estimated summer population of about 500. This witness would use the proposed service, if authorized, and it would also be desirable for her tenants and other residents of her community.

Mr. Fred Leavitt, Postmaster at Topanga Canyon, confirmed the testimony of the previous witness as regards the 115 families served by his office.

Mr. Chas. D. Evans, residing at the Uplifter's Ranch, testified that the Uplifters is a social organization owning 150 acres in Rustic Canyon upon which are located a clubhouse and the residences of members. There are now 40 cottages erected, which number will probably be doubled within a year by reason of 250 new members being taken into the organization. Residents and guests of the Uplifters, if using public transportation, must go to Santa Monica to the rail service of the Pacific Electric Railway, a distance of approximately two miles, whereas the proposed stage line would require approximately but one-quarter mile walk.

Mr. H. C. Oakley, residing at Brentwood Park, testified that he had disposed of the larger portion of his property for the establishment of the proposed Botanical Gardens; that Brentwood Park is a community of high grade homes with the nearest transportation facilities those furnished by the Pacific Electric Railway's line on San Vicente Boulevard, the greater portion of Brentwood Park being situated north of Beverly Boulevard, the route of applicant's proposed line. This witness now uses his own car in his trips to Los Angeles, making the journey in 45 minutes as against the two hours required by rail, and would use the proposed service, if authorized.

Witnesses representing real estate subdividers operating on Beverly Boulevard at Bel Air, Highland Hills, Riviera,

Applicant proposes to charge rates in accordance with amended Exhibit "A" as filed herein; to operate from Castellammare on an hourly schedule between the hours of 6:00 A.M. and 10:00 P.M. and from Los Angeles on an hourly schedule between the hours of 6:30 A.M. to 11:30 P.M., using as equipment Parlor car type busses of 29 passenger capacity.

Applicant relies as justification for the granting of the certificate upon the following alleged facts: that there is no transportation service now available on Beverly Boulevard, that the Pacific Palisades Chautauqua Association needs direct service to and from Los Angeles for attendants at its sessions; that Pacific Palisades is a community of 500 families demanding direct service to Los Angeles, via Beverly Boulevard; that the Uplifter's Club in Rustic Canyon and the Los Angeles Athletic Country Club in Santa Monica Canyon request direct service to and from Los Angeles; that Brentwood Park is a settled community requiring direct service; that the development work incidental to the establishment of Occidental College and the University of California has been commenced and workmen now employed on such projects require and are demanding transportation; that employees of real estate subdivisions demand service to their places of employment on Beverly Boulevard; and that the Beverly Hills Hotel desires direct service without transfer to Los Angeles.

The route proposed to be operated by applicant is as follows:

Commencing at Castellammare, thence via Beverly Boulevard through Pacific Palisades, Uplifter's Club, Riviera, Los Angeles Athletic Country Club, Brentwood Park, Occidental College, Highland Hills, University of California, Westwood, Bel Air, Beverly Glen, Holmby Hills to Beverly Hills, thence via Sunset Boulevard to Canyon Drive, thence via Canyon Drive to Santa Monica Boulevard, thence via Santa Monica Boulevard north to Maple Avenue, thence via Maple Avenue to Beverly Boulevard, thence via Beverly Boulevard to West First Street, thence to Junction of West First and West Second Streets, thence east on West Second Street to Figueroa Street, thence south on Figueroa Street to Fifth Street, thence east on Fifth Street to a terminal in the vicinity of Fifth and Olive Streets, Los Angeles. Returning from

Los Angeles Terminal via Olive Street to Sixth Street, thence via Sixth Street to Figueroa Street, thence via Figueroa Street to Second Street, thence via reverse of foregoing route to point of commencement.

Twenty three witnesses residing at Pacific Palisades testified in behalf of applicant. These witnesses now travel to Los Angeles by their own automobiles or by the use of the Pacific Palisades Bus Line to Santa Monica and the lines of Pacific Electric Railway to Los Angeles. Complaint exists regarding irregularity of service, poor connections and as to the time consumed by the trip. All these witnesses would use the proposed service if it were to be established and would travel more frequently than by the existing service as now available. From the evidence it appears that Pacific Palisades was subdivided in 1922, that 2400 of a total of 2700 lots have been sold and that 306 residences have been erected. The permanent population is estimated at 1000, with from 1500 to 2000 additional during the summer months. Approximately 10,000 people attend the sessions of the Chatauqua which are held each year at Pacific Palisades.

Mrs. Martha Nelson Mc Cann, residing at Brentwood Heights, testified regarding the high class residential development in progress in the Brentwood District, over 100 homes costing from \$10,000 to \$30,000 having been erected during the past two years. The proposed new Botanical Gardens, 1000 acres in extent, are located on the route herein sought by applicant. This witness is now required to walk five blocks to San Vicente Boulevard wherethe Pacific Electric car service is available to Sawtelle, from which point main line cars are available to Los Angeles.

Witness stated such service was very irregular as to its schedule and that frequently connections at Sawtelle were not made, resulting in delay to passengers at the junction point.

Vicente Knolls, Mira Mar, and Castellammare, testified regarding the character of the subdivision property, some of which have building restrictions ranging from \$10,000 to \$25,000; that the lack of transportation facilities was a material factor in preventing the rapid development of the district and the establishment of homes; and that the establishment of the proposed service would be of great assistance to the development and would increase building operations.

Mr. Frank J. Thomas, residing at Bel Air, testified as to the difficulty experienced in securing gardeners and servants by reason of the lack of public transportation; that in his daily trips to Los Angeles he uses his own automobile; that although he has used his own automobile and has two others for his family's use he would use the proposed service.

The Board of Public Utilities and Transportation of the City of Los Angeles was represented at the hearings by its General Manager, Mr. J. O. Marsh, who testified regarding the desire of his Board for the establishment of the Los Angeles Terminal at such point in the business district of Los Angeles which might be justified by the present or future traffic conditions in such city.

The granting of the application is not opposed, except by the Los Angeles Railway Corporation. No evidence was introduced by this protestant although the objection to the establishment of the proposed line as regards the territory between Beverly Hills and Los Angeles was stated by counsel.

After full consideration of the record herein, we are of the opinion and hereby find as a fact that the proposed service is necessary and convenient for the public in that by the establishment of the proposed auto stage line territory now without transportation will be afforded a regular and dependable service,

and portions of the route now served by an indirect and circuitous routing requiring transfers in its accomplishment will receive a direct service to and from the business district of Los Angeles. We are also of the opinion that the location of the Los Angeles terminal and the routing within the City of Los Angeles should be in accordance with the direction of the Board of Public Utilities and Transportation of said city insofar as traffic conditions may require change in routing in the business portion of said city and the order herein will so provide.

O R D E R

Public Hearings having been held on the above entitled application, the Pacific Electric Railway Company, a corporation, having been substituted as applicant herein, the matter 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 OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation by Pacific Electric Railway Company, a corporation, of an automobile stage service as a common carrier of passengers only, between Castellammare and Los Angeles serving as intermediate points, Pacific Palisades, Uplifters, Riviera, Los Angeles<sup>Country</sup> Athletic Club, Brentwood, Occidental College, Highland Hills, University of California, Westwood, Bel Air, Holmby Hills, Beverly Hills Hotel and Pruess Road, over and along the following route:

Commencing at Castellammare, thence via Beverly Boulevard through Pacific Palisades, Uplifter's Club, Riviera, Los Angeles Athletic Country Club, Brentwood Park, Occidental College, Highland Hills, University of California, Westwood, Bel Air, Beverly Glen, Holmby Hills to Beverly Hills, thence via Sunset Boulevard to Canyon Drive, thence via Canyon Drive to Santa Monica Boulevard, thence via Santa Monica Boulevard to Maple Avenue, thence to Beverly Boulevard, thence via Beverly Boulevard to West First Street, thence to junction of West First Street and West Second Street, thence east on West Second Street to Figueroa Street, thence south on Figueroa Street to Fifth Street, thence east on Fifth Street to Hill Street, thence south on Hill Street

to a proposed terminal on Hill Street between Fifth and Sixth Streets.

Returning from terminal on Hill Street, between Fifth and Sixth Street, thence south on Hill Street to Sixth Street, thence west on Sixth Street to Olive Street, thence north on Olive Street to Fifth Street, thence west on Fifth Street to Figueroa Street, thence via the reverse of the herein above described route to Castellammare.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and the same hereby is granted to Pacific Electric Railway Company, a corporation, for the operation of an automobile stage service as a common carrier of passengers only, over and along the route between Los Angeles and Castellammare as described in the foregoing declaration, subject to the following conditions:

1- The route herein authorized, as regards the location of the terminal in the business section of the City of Los Angeles and the streets to be used for access to said terminal shall be subject to the requirements of the Board of Public Utilities and Transportation of the City of Los Angeles and to such changes as may hereafter be directed by such Board in connection with the control of traffic and relief of traffic congestion in the business district of said city.

2- Applicant shall file its written acceptance of the certificate herein granted within a period of not to exceed ten (10) days from date hereof.

3- 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 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 thirty (30) days from the date hereof.

4- 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.

5- 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 purposes, other than hereinabove stated, the effective date of this order is hereby fixed as twenty (20) days from the date hereof.

Dated at San Francisco, California, this 10 day of May, 1927.

Francisco  
H. B. Brundige  
C. J. ...  
Leon ...  
Thos. B. ...  
COMMISSIONERS.