

Decision No. 19471

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
LOS ANGELES RAILWAY CORPORATION for
a certificate of public convenience
and necessity to extend its Melrose
Avenue Bus Line, County of Los Angeles }

APPLICATION
NO. 14264

Gibson, Dunn & Crutcher, by Paul R. Watkins,
for Applicant.

Kidd, Schell & Delamer, by H. W. Kidd, for
Motor Transit Co., Interested Party.

Warren E. Libby and Frank B. Austin, for
Pickwick Stages, Interested Party.

J. Ogden Marsh, for Board of Public
Utilities, City of Los Angeles,
Interested Party.

John H. Harrington, President of West
Hollywood Civic Body, appearing for
Application.

George N. Sengbush, for Rosewood District
Improvement Association, Interested
Party.

BY THE COMMISSION:

O P I N I O N

Los Angeles Railway, a corporation, applicant here-
in, seeks a certificate of public necessity and convenience
to establish and maintain automobile bus service as an
extension of its Melrose Avenue rail line in the City of
Los Angeles between Western Avenue and the intersection of

Melrose Drive and La Cienega Boulevard. The line as proposed is now in operation within the city limits of Los Angeles, that is, between Western Avenue and Orlando Avenue, under permit from the Board of Public Utilities of the City of Los Angeles.

Public hearings herein were conducted by Examiner Williams in Los Angeles, at which time the matter was duly submitted and now is ready for decision. At the final hearing, applicant amended the application to request merging with its other operations.

Applicant proposes a slight extension of the bus service long maintained by it, in order to meet the requirements of the public, and also at the urging of the Board of Public Utilities of the city of Los Angeles, whose engineer, Mr. J. Ogden Marsh, testified on behalf of applicant that the service has been long needed, but was beyond the power of the Board of Public Utilities to authorize, being beyond the city limits of Los Angeles. The extension from the present terminus within the city of Los Angeles is only about 1,000 feet and approximately 300 feet of this distance still remains in the city, so that the real extension in the county is only a matter of 700 feet more or less. It was explained by Mr. Marsh that Melrose Avenue, between Orlando Avenue and La Cienega Boulevard, is not used because of the inability to turn busses at La Cienega Boulevard, because the road is unpaved. Melrose Drive, however, is paved and connects with Melrose Avenue east of La Cienega. The rates to

be charged are those established by applicant in its local and joint passenger bus tariff No. 8, C.R.C. No. 16, now on file with this Commission.

J. H. Harrington, testifying for residents west of La Cienega Boulevard, explained that their interest is in having the extension terminate 4500 feet west from its present terminus, or about three-quarters of a mile west of La Cienega Boulevard. He estimated there are 2,000 persons in this district. The residents of this district do not oppose the extension asked in the application, but urge that the extension as proposed will benefit a large number by shortening the distance to the bus terminus. Applicant has declined to make an extension west of La Cienega Boulevard, because another vehicle will be required.

The application herein was originally filed without the payment of the \$50.00 fee required by the public utilities act, for all certificates for the operation of auto passenger stages, it being the contention of applicant that it was a street railway corporation operating busses as defined in paragraph (h), section 2 of the public utilities act, and also in section 50, paragraphs (a) and (b) of the public utilities act, and not under sections 2 $\frac{1}{2}$ and 50 $\frac{1}{2}$ of said act, which latter sections relate to auto stage transportation companies. In expectation of the legal questions raised by this action, appearances were made in order to present the law points as disputed by other carriers, but on February 20, appli-

cant herein filed its check for \$50.00 in payment of the filing fee required by section 50 $\frac{1}{2}$, and by agreement with other counsel, the legal aspects were abandoned in this proceeding.

With those legal obstacles removed, there is no reason why the application should not be granted as prayed for, as the extension is a short one and needed for the convenience of a large and rapidly growing area, and will be made by applicant promptly. An order accordingly will be entered.

ORDER

Los Angeles Railway having made application to the Railroad Commission for a certificate of public convenience and necessity to extend its Melrose Avenue Bus Line in the county of Los Angeles, 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 establishment of the service as proposed by applicant herein over and along the following route:

From the intersection of Melrose Avenue and Western Avenue, along Melrose Avenue and Melrose Drive to La Cienega Boulevard, 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:

1. Applicant shall file with this Commission, within a period of not to exceed ten (10) days from date hereof, its written acceptance of the certificate herein granted, as an extension and enlargement of its present operative rights, and not as a new or separate right.
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 identical with 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 sixty (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 of 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 12th day of

March, 1928.

Leon Whitely

C. Seawing

W. B. Rutter

M. J. C.

Commissioners