

Decision No. 13911

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of FRANK MEATTEAUER, for certificate of public convenience and necessity to operate passenger bus service between 116th Street and Compton Avenue, and 77th Street and Central Avenue, in the City of Los Angeles and County of Los Angeles, State of California.

ORIGINAL

APPLICATION NO. 14540

F. H. Bowers, for Applicant.

Jess E. Stephens, City Attorney of Los Angeles, by James S. Rennow, for City of Los Angeles, Protestant.

James Gunn and F. F. Ball, for Board of Public Utilities & Transportation, City of Los Angeles, Protestant.

H. G. Weeks, for Los Angeles Railway Corporation, Protestant.

O. A. Smith and H. O. Marler, for Pacific Electric Railway, Protestant.

BY THE COMMISSION:

O P I N I O N

Applicant herein seeks a certificate of public convenience and necessity to operate a passenger bus service between 116th Street and Compton Avenue and 77th Street and Central Avenue, both termini being in the City of Los Angeles but over a route which is partially through the County of Los Angeles.

A public hearing herein was conducted by Examiner Williams at Los Angeles.

Applicant formerly operated a passenger automobile service in the City of Los Angeles north of 116th Street (which is the

south boundary line of the city), but recently sold his operating right. Previous to that time, applicant had conducted a jitney service in the former city of Watts which was annexed to the City of Los Angeles in May, 1926. Applicant possesses two vehicles, one of 15-passenger capacity and the other of 20-passenger capacity.

Applicant proposes a five-cent fare on any part of a journey of approximately four and one-half miles, although his application stated a fare of ten cents. Applicant was confused as to a through fare between termini and an intermediate fare, but admitted that nobody would be charged more than five cents, and that was his intention. Exhibit "A" proposing fares accordingly was amended to show a straight five-cent fare. Applicant proposes continuous service from 5:00 A.M. to 10:00 P.M. at night, with a running time of thirty-five minutes, with a thirty-minute headway in each direction.

Applicant further amended his application by stipulation that he would do no intermediate business between 103rd Street and his terminus at 116th Street and Compton Avenue, 103rd Street being the main business street east and west through the Watts district in the City of Los Angeles. Applicant presented as witnesses in his behalf, Aaron Young, Mrs. Hattie Lee Bell, Mrs. Robert Peace, R. Buford, H. D. Prowd, Mrs. I. C. Williams, Henrietta Eumes and J. C. Johns. All of these witnesses supported applicant's proposal to conduct a transportation connecting with the San Pedro Street line of the Los Angeles Railway Corporation which terminates at 77th Street and Central Avenue. According to their testimony, they are now required to walk ten blocks to the Pacific Electric Watts line which is the only transportation available without a walk of perhaps a mile or more to the Los Angeles Railway line. In fact, all of these witnesses, except one, live north of 93rd

Street, and the only service they would require would be transportation to the yellow car connection. They agreed that approximately four or five hundred persons comprising a negro settlement would be benefited by the service. They testified it would also be useful for school children attending the school at Manchester Avenue nine blocks north from this district. There was no proof that any additional service is required south of 103rd Street.

The application was opposed by the city of Los Angeles principally upon the ground that the operation was competitive with operations exclusively within the city limits and under the jurisdiction of the Board of Public Utilities; that it was unnecessary and that the applicant was an unfit person to receive a certificate. According to the testimony of James Gunn, chief motor vehicle inspector of the Board of Public Utilities & Transportation, applicant, while conducting a service in the city of Los Angeles, had been found ignoring orders to stop before crossing railroad tracks; that his busses had been in poor condition; that one car had been in a wreck and was somewhat mutilated; that tests of the brakes upon the vehicles used by applicant had found them ineffective, and that this situation became so acute that applicant was induced to sell his operation rather than have his permit revoked. There was also proof through W. H. E. Lenoir, as well as by Mr. Gunn, that the vehicles used by applicant formerly were kept in an unsanitary condition. Lenoir, who had been driving a bus for applicant, testified that he had not been paid \$117.00, but it was further shown that this alleged debt was now in dispute before the Labor Board and was not determined, applicant disputing that he owed Lenoir anything. Applicant in rebuttal did not deny anything except that he owed Lenoir money.

From the record herein, it appears that there is some small need for transportation along the route chosen by applicant

north of 93rd Street connecting with the Los Angeles Railway terminus at 77th Street, but that the number of persons who would use such a service is so small as to make an independent operation between 103rd Street and 77th Street futile, in that it could not be made profitable. Under the proof adduced, we are quite well satisfied that the operation proposed by applicant is not needed except as before indicated, and that if needed in its entirety, applicant personally, by reason of the inefficient equipment proposed by him (which was formerly used by him in his city service) and his lack of ability to provide better equipment, is not a proper person to assume responsibility for any public transportation service. There is testimony undenied by applicant that he is given to sleeping while driving vehicles, and upon one occasion such lapse on his part caused a collision, and further proof that his vehicles are not properly braked or serviced and are not clean.

We, therefore, find as a fact upon the record herein, that public necessity and convenience do not require the service proposed by applicant, and accordingly the application should be denied. Such an order will be entered.

O R D E R

Frank Meatteaner having applied for a certificate of public convenience and necessity to operate a passenger bus service between 116th Street and Compton Avenue and 77th Street and Central Avenue, 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 necessity and convenience do not require the service herein proposed by applicant, and

IT IS HEREBY ORDERED that the application herein be, and the same hereby is, denied.

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 21st day of

June, 1928.

Leon Whitehead

C. J. Seaver

M. A. C.

Commissioners