

Decision No. 20188

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application)
of CIRO CUCCIO and PHILLIP BAGLIONE)
for an order authorizing them (1))
to abandon certain portions of their)
automobile stage line operations,)
and (2) to reroute temporarily other)
portions thereof.)

APPLICATION NO. 14484.

ORIGINAL

Kidd, Schell & Delamer, for Applicants.

Richard T. Eddy, for Felicien Landier, In-
tervenor.

Milton Bryan, Deputy City Attorney, James
Gunn and F. F. Ball, for Board of Public
Utilities & Transportation, City of Los Ange-
les, Interested Party.

Frank Karr, R. E. Wedekind and H. O. Marler,
for Pacific Electric Railway Company, Pro-
testant.

BY THE COMMISSION:

O P I N I O N

Applicants herein now conduct an automobile stage service for the transportation of passengers in the Watts district of Los Angeles under authority of Decision No. 17672 on Application No. 13237, which rights, originally granted to Scott Williams, were transferred to applicants herein by virtue of Decision No. 18871 on Application No. 14003, dated October 4, 1927. Applicants now request authority to abandon one route authorized by the above decision, and to temporarily reroute another route.

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

Applicants seek to abandon entirely all operation over route No. 1, which is from point to point within the city of Los Angeles. This operation originally was intended to connect with route No. 2, involving transfer privilege, and originally was a part of the entire operation proposed by applicants. No opposition was made by any of the protesting parties or others interested to the abandonment of service over this route, and applicants' showing that there are two other operations over the same streets giving service adequate to take care of the public need, justifies, we believe, the granting of this request. The order following this opinion will so provide.

The other request of applicants is for authority to reroute what is known as route No. 2, which extends over certain streets in Los Angeles north of 116th Street (the southerly city limit), and over other streets south of 116th Street in unincorporated portions of Los Angeles County. The reason advanced by applicants for this request is that one of the streets to be traversed (Ingram) is now incapable of being traversed, due to public sewer work, and that the temporary route sought by applicants will adequately care for all passengers seeking transportation over traversable streets. This temporary routing was not opposed by any of the protesting or interested parties, except that the City of Los Angeles, through its Board of Public Utilities and Transportation, opposed applicants making a terminal at 103rd and Grandee Streets in the city of Los Angeles. Applicants now ask that the following new route be substituted for route No. 2, as granted in the certificate heretofore referred to:

"Commencing at the intersection of Pacific Electric tracks and 103rd Street, and proceeding westerly on 103rd Street to Compton Avenue, thence southerly on Compton Avenue to 115th Street, thence easterly along 115th Street to Wilmington Avenue (also known as Compton Avenue), thence southerly on Wilmington Avenue to its intersection with Allen Street, where said temporary reroute would end, and returning to the point of beginning over the following route: North on Wilmington Avenue from Allen Street to 103rd Street, and thence west to the point of beginning, and that applicants desire to conduct said temporarily rerouted operation over said route No. 2 in both directions, starting from the above named place of beginning."

There seems to be no good reason why the new route sought by applicants should not be substituted for the one provided in the order contained in Decision No. 18871, above referred to, temporarily, until such time as the streets designated are capable of being used. The objection is not so much to the rerouting as to the use of two vehicles in carrying out the schedule which applicants propose to use and which they allege are necessary to a proper operation. The Board of Public Utilities, through its officers, insists that the service to be given by applicants herein over any route must be co-ordinated with the two services now in the possession of Felicien Landier and operating exclusively within the city of Los Angeles, and that applicants use only one vehicle in their service, especially after the temporary routing is no longer a necessity. As applicants request "that this Commission, by its order, establish and determine the number of schedules and frequency thereof," the Commission, under the record presented, which does not indicate that more than one schedule is necessary, feels that but one schedule should be authorized at this time.

The operation of a schedule over the route provided in the original order (known also as route No. 2 and "Long Route)

involves a round-trip distance of three and one-half miles. Schedules filed by applicants call for a running time of 20 minutes between termini. There is nothing in the record that seems to require any more frequent service, and such service may be conducted with one vehicle. The entry of an order authorizing such operation by applicants will, we believe, provide adequately for public necessity and convenience, as the operation conducted by applicants is purely a local service for a short distance, carrying passengers to and from the business section of Watts district on 103rd Street and connecting with trains of the Pacific Electric Railway at 103rd. The Pacific Electric Railway operates fifty trains each way daily to points north and south of the district, in addition to the Watts suburban service. In addition, there are two urban operations of Landier which also carry residents north of 116th Street to and from the business section of Watts and the Pacific Electric station.

Applicants at this time included in the record a considerable showing as to the resistance by officers of the Board of Public Utilities toward increasing the number of vehicles which applicants propose to use, but we do not believe it is necessary to discuss or determine these matters at the present time. According to the record, applicants are in possession of a valid certificate of public convenience and necessity to operate over certain streets inside and outside of the city of Los Angeles, and this right may be enjoyed by them with all its benefits. However, the applicants have asked the Commission in this proceeding to indicate the number of schedules and frequency of operation. As we have provided for this heretofore, there remains no reason to make further inquiry into disputed jurisdictional matters. There is not now before this Commission any

proceeding or intimation that cause exists why applicants' certificate should be revoked, and until such reason is presented this Commission has no jurisdiction to revoke or modify the rights heretofore granted. Applicants are advised, however, that their operation should be so conducted as to co-ordinate as nearly as possible with the strictly urban service, and not to an extent that might injure it.

O R D E R

Ciro Cuccio and Phillip Baglione having made application to the Railroad Commission for an order authorizing them to abandon certain portions of their automobile stage line operations, and to reroute temporarily other portions thereof, a public hearing having been held and the matter having been duly submitted and now being ready for decision,

IT IS HEREBY ORDERED that authority be and the same is hereby granted to applicants herein to abandon all operation over their route No. 1, to-wit:

Leaving the intersection of Success Street (Grande Avenue) and 103rd Street and proceeding easterly on 103rd Street (also known as Main Street, Watts) to its intersection with Juniper Street, thence southerly on Juniper Street to 105th Street, thence easterly on 105th Street to Gorman Avenue, thence southerly on Gorman Avenue to 107th Street, thence easterly on 107th Street to Wiegand Street, thence southerly on Wiegand Street to Santa Ana Avenue, and thence westerly on Santa Ana Avenue to Juniper Street, where said route ends, and returning to the point of beginning over the same route;

and that applicants be permitted to reroute their service over route No. 2 over the following route:

Commencing at the intersection of Pacific Electric tracks and 103rd Street, and proceeding westerly on 103rd Street to Compton Avenue, thence southerly on Compton Avenue to 115th Street, thence easterly along 115th Street to Wilmington Avenue (also known as Compton Avenue), thence southerly on Wilmington Avenue to its intersection with Allen Street, where said temporary reroute would end, and returning to the point of beginning over the following route: North on Wilmington Avenue from Allen Street to 103rd Street, and thence west to the point of beginning, operating over said route No. 2 in both directions, starting from the above named place of beginning;

and that said operation of a temporary character be continued by applicants with one vehicle operating on a basis of twenty (20) minutes between termini, until such time as applicants shall, by supplementary order herein, be authorized to restore original operation over route No. 2, as provided in Decisions Nos. 17672 and 18871.

The effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this 26th day of August 1928.

Leon Whiteley
C. Seavoy
Emmert
Thos. D. Lovett
M. J. Am
COMMISSIONERS.