

ORIGINAL

Decision No. 6283

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of the A. R. G. BUS COMPANY for a certificate of public necessity and convenience to operate automobiles and auto stages for the transportation of persons as common carriers for compensation on and over the public highways of the City of Whittier, California, in connection with and as a part of its operations between the cities of Los Angeles and San Diego, California, and points intermediate over said route.

Application No. 4112.

Marshall Stinson, G. E. Mills and William L. Hamlin, for Applicant.

H. W. Kidd for White Bus Line, Protestant.

Frank Karr for Pacific Electric Railway Company, Protestant.

BY THE COMMISSION

O P I N I O N

A. R. G. Bus Company, a corporation, has petitioned the Railroad Commission for an order declaring that public necessity and convenience require the operation by it of an automobile stage line as a common carrier of passengers over the public highways of the City of Whittier in connection with and as a part of its operations between Los Angeles and San Diego, California.

Public hearings were conducted by Examiner Handford at Los Angeles on February 17 and 19, 1919, the matter was duly submitted and is now ready for decision.

Applicant operates automobile stage service as a common carrier of passengers between Los Angeles and San Diego and also a local service between Los Angeles and Anaheim, the local service being operated over the same route as the through service. The state highway over which applicant conducts its operation is outside the corporate limits of the City of Whittier, such highway forming a portion of the route over which applicant was operating on May 1, 1917, which was the date that the legislature recognized operators as not being required to secure certificate of public necessity and convenience from the Railroad Commission and permits from the governing bodies of the various political subdivisions through which their routes passed in accordance with the provisions of Chapter 213, Laws of 1917.

Applicant now seeks entry into the incorporated city of Whittier, a deviation from the route over which it was operating as of May 1, 1917, and such deviation requires the securing of a certificate of public convenience and necessity from the Railroad Commission and a permit from the Board of Trustees of the City of Whittier.

Applicant has secured a permit from the Board of Trustees of the City of Whittier, as required by the provisions of Section 3, Chapter 213, Laws of 1917, (such permit authorizing the use of such highways as may be necessary to be used in going to and passing from the limits of the city to the station or stations maintained by the applicant) as evidenced by copy thereof filed with the application herein.

At the hearing on this proceeding the specific route sought by applicant was amended as follows: From the State

Highway at Philadelphia Street, along Philadelphia Street approximately .6 of a mile to the station located at the intersection of Greenleaf Avenue and Philadelphia Street, thence along Philadelphia Street to its intersection with Painter Street, thence along Painter Street south to the intersection of Painter Street with the State Highway.

Witnesses for applicant, sixteen in number, testified as to thirty-eight specific instances upon which they were unable to secure passage on the auto stages of the White Bus Line but were required to either wait for passage on a later bus or to arrange for other methods of transportation.

The majority of instances in which witnesses desired transportation occurred at times when the peak load was being transported and principally from the White Bus Line's Station at Whittier. Witnesses for applicant, who had been engaged in a check of the operation of the White Bus Line as regards passengers left, testified that for the period from April 27 to May 11, 1918, inclusive, a total of twenty three passengers were left at the station of the White Bus Line in Los Angeles and a total of sixty one passengers were left at the station of the White Bus Line in Whittier.

Checks covering observations of certain trips during the period February 4 to 15, 1919, inclusive; observations having been made on eleven days indicating two hundred and fifty two passengers who were left after the departure of scheduled trips from the Los Angeles Station of the White Bus Line and one hundred and sixty two passengers who were left after the

departure of scheduled trips from the Whittier station of the White Bus Line.

On February 9th the 6:00 P. M. trip from Los Angeles to Anaheim was not protected. On February 8th the 5:20 P. M. schedule from Whittier to Los Angeles was not protected. On February 15th the 2:50 and 3:50 P. M. schedules were not protected from Whittier to Los Angeles.

Evidence was also given regarding cars leaving terminal stations with passengers standing and, while in some instances passengers who were not able to secure transportation on the regularly scheduled bus were transported to destination by extra busses, a number of instances appeared where passengers were required to wait ten or fifteen minutes to secure the desired service.

Mr. W. R. Forker, General Manager of the A. R. G. Bus Company, testified that on the through line operated between Los Angeles and San Diego an average of one passenger per day was handled from Whittier to points south of Anaheim, and an average of two passengers per day were handled to Whittier from points south of Anaheim and an average of two passengers per day were received from the connecting line of the Crown Stage Company destined Whittier and these passengers would receive the benefit of service to the business district of Whittier, and would be accommodated by the establishment of the route sought by applicant herein.

The granting of this application is opposed by the White Bus Line and the Pacific Electric Railway Company.

The White Bus Line operates twenty eight round trips

daily between Los Angeles and Anaheim serving their station of Whittier as an intermediate point. This company claims to be furnishing adequate service and to be in a position to provide such additional service and equipment as the requirements of traffic may necessitate between Whittier and Los Angeles.

Statements were filed as exhibits showing that, during the period July 1 to 31, 1918, inclusive - Los Angeles to Whittier- 868 regular scheduled trips and 405 extra trips were operated, a total of 1,273 trips with a total seating capacity of 18,470, of which capacity 11,578 seats were occupied leaving 6,890 seats unused or approximately 37 per cent.

During the same period - Whittier to Los Angeles - the same total number of trips were operated to care for regular schedules and extra trips; a total seating capacity of 18,470, of which capacity 10,876 seats were occupied resulting in 7,594 seats being unused or approximately 41 per cent.

During the period February 1 to 10, 1919, inclusive- Los Angeles to Whittier- 280 regular trips were operated and 245 extra trips or a total of 525. These trips offered a seating capacity of 7,576 of which number 5,556 seats were used leaving 2,020 unused seats or approximately 26.6 per cent seating capacity unused.

During the same period - Whittier to Los Angeles- the same number of regular and extra trips were operated offering a total seating capacity of 7,576 of which number 5,141 seats were used leaving 2,435 unused seats or approximately 32 per cent.

Further statements were filed as exhibits showing the empty cars operated to and from Whittier during the months of

August and September 1918.

This statement shows the following result:

	<u>From Whittier</u>	<u>From Los Angeles</u>
August 1918	91 trips	51 trips
September 1918	<u>93 trips</u>	<u>54 trips</u>
	Total-184 trips	105 trips

The total number of empty seats represented by these statements, according to computations of protestant, White Bus Line, aggregated 4,072 and, as all these busses were operated empty, the primary reason for such operation was for the protection of schedules and for overloads beyond the capacity of regularly assigned scheduled cars.

The months for which statements have been submitted as exhibits are stated to be typical months as regards stage operation, although the figures applicable to the portion of the month of February, 1919 were prepared with a view of indicating actual conditions as existing for the period just preceding the hearing on this application.

It is apparent that the White Bus Line have, by reason of operating extra cars and in many instances without any patronage whatsoever, endeavored to reduce to a minimum the matter of overflow loads which may occur and which can not be cared for due to the limitation imposed by the Commission's regulation prohibiting the overcrowding of cars. It is also, however, apparent that some over loading has existed.

The Pacific Electric Railway Company protests the granting of this application for the reason that such company claims that it has adequate seating capacity in its cars to

care for any and all traffic which may offer between Los Angeles and Whittier although this company does not serve some intermediate points which are reached directly by the auto stage lines.

There was no controversy as to the Pacific Electric Railway Company possessing adequate equipment to satisfactorily handle the traffic or as to the ability of such company to place additional equipment in service should the demands of traffic justify. Witnesses, however, testified that they preferred the service of the auto stage lines for the reason that the fares were less on the stage lines and also the time consumed between Los Angeles and Whittier.

The schedules of the White Bus Line specify forty five minutes as the running time between Los Angeles and Whittier, also those of the A. R. G. Bus Company. The schedules of the Pacific Electric Railway Company specify from forty four to forty six minutes as the running time between Los Angeles and Whittier. A comparison of the fares charged by the White Bus Line, the A. R. G. Bus Company and the Pacific Electric Railway Company is as follows:

	<u>Pacific Electric Railway</u>	<u>White Bus Company</u>	<u>A.R.G. Bus Company</u>
One way	41¢	30¢	30¢
Round trip	67¢	45¢	45¢
10 ride	\$2.87	\$ 1.75	\$1.75
30 ride family	\$6.83	\$ 5.20	\$5.20
60 ride individual	\$8.33	-	-
52 ride individual	-	\$ 6.50	-

It is apparent from the above compilation that the present rates of the automobile stage lines are more attractive, if coupled with service consuming approximately the same

scheduled time, than are the rates offered the traveling public by the Pacific Electric Railway Company.

While the evidence in this proceeding indicates, that in some instances passengers have not been able to secure transportation on the first stage leaving terminals on the scheduled time as filed with this Commission, and while some scheduled trips have been omitted, the evidence indicates that proper efforts are being made to provide adequate equipment for the transportation of the patrons of the White Bus Line between Whittier and Los Angeles, the operating rules and safety regulations of the Commission prohibiting the carrying of more passengers than are cared for by the seating capacity of stages, such rule having been made in the interest of safety and to prevent overcrowding of cars with the consequent danger to the public using such method of transportation. This necessitates a considerable amount of equipment being required to handle over flow loads beyond that requisite for the protection of scheduled trips and as is indicated in exhibits of the protestant, White Bus Line, hereinabove referred to, also results in the operation of a considerable amount of unprofitable mileage to protect over flow loads which may offer at the peak hours at the time of scheduled trips.

We are of the opinion that the protestant, White Bus Line, is able to furnish adequate transportation facilities for all passengers desiring stage transportation over the portion of the route between Los Angeles and Whittier as sought by the applicant herein, and that the public convenience and necessity would not be served if an additional operative right were to be



granted applicant herein, as such authorization would only serve to reduce complaint as to overload conditions at the time of peak loads, the evidence not indicating that there is sufficient business at other hours to justify the establishment of an additional line. It is the duty, however, of protestant, White Bus Line, to so arrange its schedule and operating methods that the causes of complaint relative to overcrowding and delay, as indicated by the evidence in this proceeding, may be eliminated and the public hereafter receive the character of service to which protestant, White Bus Line, has obligated itself when assuming the duties of a common carrier and as required by the regulations of this Commission, otherwise, the Commission will give consideration to application for additional competitive service over the portion of the route herein sought.

After careful consideration of all the evidence and of the exhibits filed in this proceeding, we are of the opinion and find as a fact that public convenience and necessity do not at this time require the operation of an additional automobile stage line as a common carrier of passengers over the route within the city of Whittier as herein applied for by applicant, and that the existing stage line operated by the protestant, White Bus Line, is able and willing to furnish adequate transportation service for the public desiring accommodation by stage service between Whittier and Los Angeles over the portion of the route herein sought by applicant.

#### O R D E R

A. R. G. Bus Company, a corporation, having petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by it of an auto-

mobile stage line as a common carrier of passengers within the incorporated limits of the city of Whittier; public hearings having been held, the matter having been duly submitted, and the Commission being fully advised and basing its order on the finding of fact as set forth in the preceding opinion,

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity do not at this time require the operation of an additional automobile stage line as a common carrier of passengers within the incorporated limits of the city of Whittier, and,

IT IS HEREBY ORDERED that this application be and the same hereby is denied without prejudice to a renewal of same if after a period of sixty days the operative conditions of protestant, White Bus Line, have not been improved to properly care for travel during peak hours of travel.

Dated at San Francisco, California, this 24th day of April, 1919.

Ewing O. Egerton  
H. S. Portland  
Frank R. Perkins  
Irving M. Martin