

Decision No. 7388

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of RALPH ATKINSON for a certificate of public convenience and necessity to operate an auto stage service between Santa Monica and Long Beach, via Ocean Park, Venice, Playa del Rey, El Segundo, Manhattan Beach, Hermosa Beach, Redondo Beach, Clifton, Harbor City and Wilmington.

COPY

Application No. 5921

In the Matter of the Application of E. B. and H. L. DILLINGHAM for certificate of public convenience and necessity to operate an automobile stage and express service between Santa Monica and Long Beach, California.

Application No. 6611

In the Matter of the Application of TATE G. TULLOS for certificate of public convenience and necessity to operate auto stage service between Venice and Long Beach, California, via Playa del Rey, El Segundo, Manhattan Beach, Hermosa Beach, Redondo Beach, Torrance, Lomita, Harbor City, and Wilmington.

Application No. 6625

In the Matter of the Application of Walter Goslin, by J. A. Smith, attorney in fact, for certificate of public convenience and necessity to operate passenger auto stage service between Long Beach and Wilmington and junction of Gaffey Street and Anaheim Road, City of Los Angeles.

Application No. 6655

In the Matter of the Application of the COMPTON TRANSPORTATION COMPANY for certificate of public convenience and necessity to operate an automobile bus or stage service between Long Beach and Venice, California.

Application No. 6830

In the Matter of the Application of RALPH ATKINSON for authority to transfer and assign all of his right, title, and interest in and to the certificate of public convenience and necessity to operate an automobile stage service between Santa Monica and Long Beach.

Application No. 6881

In the Matter of the Application of WALTER GOSLIN for permission to sell and assign, and of J. A. SMITH to acquire and exercise, certain automobile stage line operating rights between Redondo and San Pedro, California, and points intermediate thereto.

Application No. 7018

Clyde Bishop for E. B. and H. L. Dillingham.
H. W. Kidd for Walter Goslin and J. A. Smith.
Griffith Jones & J. A. Craig, by R. J. Farr,
for Tate G. Tullos.
Desmond & Larzelere, by C. Lav. Larzelere,
for Compton Transportation Co.
Rollin L. McNitt for Ralph Atkinson and Tate G.
Tullos in Applications 5921 and 6881.
R. C. Gortner for Pacific Electric Railway Co.
T. A. Woods and N. Thompson for American Rail-
way Express Co.

BY THE COMMISSION.

O P I N I O N

Messrs. E. B. Dillingham and H. L. Dillingham, by Applica-
tion No. 6611, seek authority to operate an automobile passenger and
express service between Long Beach and Santa Monica via Venice, Re-
dondo, Clifton-by-the-Sea and Wilmington.

By Application No. 6625, Tate G. Tullos applies for auth-
ority to operate an auto stage service between Long Beach and Venice,
by the above route, except that he would serve Torrance by a detour
between Redondo and Harbor City and would not serve Clifton-by-the-
Sea.

By Application No. 6830, Compton Transportation Company
seeks authority to operate an automobile stage service between Long
Beach and Venice via Compton, Gardena, and Inglewood.

By Application No. 6655, Walter Goslin, who now operates a
stage line serving Redondo, Torrance, Harbor City, and San Pedro, by
J. A. Smith, as his attorney in fact, seeks authority to extend his
line to Long Beach from a point near Harbor City at the junction of
Gaffey Street and Anaheim Road, operating over the latter thorough-
fare.

By Application No. 7018, Walter Goslin seeks authority to
transfer to J. A. Smith, his attorney in fact, his present line and
the extension, if granted.

Under Application No. 5921, the Commission issued its order directing Ralph Atkinson to show cause why certificate of public convenience and necessity granted under Decision No. 8414 of December 4, 1920, should not be revoked, the recited ground of the order being report that he had failed to maintain the service contemplated by his filed schedules, and had purported to transfer or lease his operative rights without the authority of the Commission. The rights referred to authorized operation between Long Beach and Santa Monica, via Clifton-by-the-Sea, Redondo, and Venice, these rights being limited by Decision No. 8435 of December 11, 1920, as to the handling of certain local traffic.

By Application No. 6881, Ralph Atkinson seeks authority to transfer to Tate G. Tullos the above described operative rights, and the latter joins in the application.

Public hearings upon the above applications and order to show cause were held by Examiner Westover at Los Angeles and Long Beach; numerous witnesses were examined and exhibits filed; the matters were consolidated for hearing and decision so far as the evidence might prove applicable, and the matters have been finally submitted and are now ready for decision.

Commissioner Loveland, by his Decision No. 8414 of December 4, 1920, and Supplemental Decision No. 8435 of December 11, 1920, found that public convenience and necessity would be served by the operation of a stage line between Long Beach and Santa Monica via Redondo, and authorized Ralph Atkinson to operate such service, but prohibited said applicant from carrying local traffic between Santa Monica and Redondo and intermediate points, except El Segundo, and also prohibited the carrying of local passengers between Wilmington and Long Beach and intermediate points. It appears from the testimony herein that the line was patronized during the short time it was operated, the bulk of its patronage being through business, thus

amply justifying the original order authorizing its establishment.

It appears from the testimony of witnesses examined at the hearings held by Examiner Westover that there is at present a public need for such a direct service, as the only present means of public transportation between Long Beach and Redondo is the Pacific Electric system via Watts, and between Long Beach and Santa Monica-Venice is the Pacific Electric system via Los Angeles. Travel via these routes between these points is relatively inconvenient, slow, and expensive.

Mr. Dillingham and Mr. Tullos each stipulated that the same restrictions relating to local traffic imposed in the authority for the Atkinson line would be acceptable to them. The Pacific Electric, therefore, withdrew any opposition to such applications.

Messrs. Dillingham propose to operate six round trips per day, leaving each terminal at two hour intervals from 8:00 A.M. to 6:00 P.M., the running time being $1\frac{1}{2}$ hours between Santa Monica and Long Beach. The equipment to be used consists of new Menominee trucks with 25 passenger bodies, the same type of equipment which applicants are using on their Long Beach-Whittier line, which they have operated successfully for several years.

Mr. Tullos proposes to operate six round trips per day, leaving each terminal at two hour intervals from 7:00 A.M. to 5:00 P.M., the running time being 1 hour and 40 minutes between Long Beach and Venice. His equipment will consist of one Bethlehem chassis with 16 passenger body and one Reo chassis with 14 passenger body. Each of these two applicants appears to be financially able to establish and operate their proposed service and add equipment as needed.

There are other considerations, however, which are controlling in considering the merits of these two applications. Messrs. Dillingham have not only operated their present Long Beach-

Whittier line successfully, but in compliance with all of the rules, regulations, and requirements of the Commission and in consultation with the Commission's staff. It appears from the testimony of Mr. Tullos herein that he transferred, without the authority of the Commission, a line which he formerly operated between Santa Monica and Sawtelle; and it appears from his testimony and that of Mr. Atkinson that during all the time the Atkinson line was operated, Mr. Tullos used one of his stages on the line when he had no interest in the operative right and did not lease his equipment to Mr. Atkinson, but operated his own stage at his own expense, taking and retaining, by mutual agreement with Mr. Atkinson, the entire earnings of his stage; this method of operating being in direct violation of the express terms of the authority under which the Atkinson line was originally established. His operation was further irregular in that, while his equipment was operated under the name used by the Atkinson line, the casualty insurance was carried in Mr. Tullos' name and upon his equipment, the result being that, in the event of injury to a passenger, recovery might have been prevented or rendered more difficult. Under circumstances where the Commission may decide between one who operates in violation of law and one who has complied with the law and observed the rules and regulations of the Commission, it will favor the latter.

During the course of the hearings, E.B. and E. L. Dillingham and Walter Goslin entered into a written stipulation providing that if the operative rights sought by the former were granted, they would exchange passengers to or from points on the Goslin line at the junction of Gaffey Street and Anaheim Road near Harbor City and at Redondo. It also appeared in evidence that the parties

have
/ agreed to erect and maintain at said junction point near Harbor City, a suitable passenger shelter at their equal expense.

It appears from the testimony that Mr. Goslin has been absent from the State for many months, his line being operated by James A. Smith, who joins in the application for transfer and who has acted under power of attorney for Mr. Goslin. Mr. Smith appears to be able, financially and otherwise, to continue the service as well as it is now being conducted, and to add to the equipment if and when necessary. There appears to be no objection to authorizing the transfer.

Compton Transportation Company, which now operates a passenger line between Long Beach and Huntington Park, applies for authority to operate a stage service between Long Beach and Venice, a distance of about thirty miles, via Compton, Gardena and Inglewood, operating 15- and 20-passenger stages four round trips per day, leaving each terminal at 8:00 and 10:00 A.M., and 2:00 and 4:00 P.M., making the trip in each direction in 1 hour and 40 minutes. The only present means of public transportation in the territory in question is the Pacific Electric system. Although it serves all of the above points except DeLava Creamery and Boulevard Garage, it has no reasonably direct line between the points it serves. Connections through Los Angeles, Watts and Redondo make the routes of travel by it circuitous. It appears from the testimony that the estimated population of Long Beach is about 70,000, and the estimated population served along the proposed route between Long Beach and Venice about 16,000. The population of Venice shown by the 1920 census was at that time 10,385, and that of Santa Monica, immediately adjoining it, 15,252. Besides this there is a large tourist and floating population visiting the beaches and pleasure resorts at Venice and vicinity, and at Long Beach. Witnesses from Inglewood, Moneta, and Gardena testified to the present inconvenience of their

transportation facilities for reaching either Long Beach or Venice, or traveling locally between Compton, Gardena, Hawthorne, and Inglewood.

Upon applicant stipulating not to handle local passengers between Long Beach, Compton, and Willowville, nor locally between Moneta and Gardena, the Pacific Electric Railway Company withheld any opposition.

No testimony was offered by any applicant on the question of need of express service; therefore, the order will relate only to passenger traffic.

ORDER

Public hearings having been held upon the above entitled matters, all being submitted and ready for decision,

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require operation by E. B. and H. L. Dillingham of an automobile stage line for the common carriage of passengers between Long Beach and Santa Monica, serving as intermediate points Santa Monica, Ocean Park, Venice, Playa del Rey, El Segundo, Manhattan, Hermosa, Redondo, Clifton, Weston Ranch, Harbor City and Wilmington; but public convenience and necessity do not require local service between Santa Monica and Redondo nor any points intermediate thereto except El Segundo, nor does it require local service between Long Beach and Wilmington. Nothing herein contained, however, shall be construed to prohibit said applicant from discharging northbound passengers at points along its route between Windward Avenue, Venice, and its Santa Monica terminal, nor giving through and local service to El Segundo along Main Street; nor to prohibit the carrying of passengers between points in one of said zones and points in another of said zones.

The prescribed route of said applicants is as follows:

"From a fixed terminal in the city of Santa Monica at or near the corner of Third and Santa Monica Sts., thence over Santa Monica St. to Ocean Avenue, thence over Ocean

Avenue to Pico Blvd., thence over Pico Blvd. to Main Street, thence over Main Street to Pier Avenue, thence over Pier Avenue to Speedway, thence over Speedway through Venice to Playa del Rey, thence over Coast Highway to Main Street in El Segundo, thence over Main Street through El Segundo to Coast Highway, thence over Coast Highway to Highland Ave. in Manhattan Beach; thence over Highland Ave. to Manhattan Ave., thence over Manhattan Ave. and Hermoso Ave. to Redondo Beach, thence over Pacific Ave. and El Planada Ave. through Redondo Beach and Clifton to Redondo and Wilmington Blvd., thence over said boulevard to 250th St. in Harbor City, thence along said street to its intersection by Bell Port Ave., thence along Bell Port Ave. in Harbor City to its intersection by Lomita, Wilmington and San Pedro Blvd., also known as Anaheim Road, thence along said boulevard to Canal Street, thence along Canal Street to "B" Street in the city of Wilmington, thence over Canal Street to Anaheim Street, thence over Anaheim Street to American Ave. in the city of Long Beach, thence over American Avenue to Ocean Ave., thence along Ocean Ave. to a terminal in the city of Long Beach at No. 245 East Ocean Ave., in said city."

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by Compton Transportation Company of an automobile stage line as a common carrier of passengers between Long Beach and Venice, serving as intermediate points Compton, Boulevard Garage, Gardena, Moneta, De Lava Creamery, and Hawthorne, Inglewood; but public convenience and necessity do not require local service by said applicant between Long Beach, Willowville, and Compton, nor local service between Moneta and Gardena, there being at present sufficient service by Pacific Electric Railway Company between said last named points, but nothing herein contained shall be construed to prohibit said company transporting passengers between points in one of said zones and points in another of said zones.

The operative rights and privileges hereby established may not be transferred, leased, sold nor assigned, nor the said service abandoned unless the written consent of the Railroad Commission thereto has first been procured.

No vehicle may be operated in said service unless said vehicle is owned by the applicant herein or is leased by said ap-

plicant under a contract or agreement satisfactory to the Railroad Commission.

IT IS HEREBY ORDERED that applicants shall, within fifteen days from the date hereof, file with the Railroad Commission its schedules and tariffs covering said proposed service, which shall be in addition to proposed schedule and tariff accompanying the applications, and shall set forth the date upon which the operation of the lines hereby authorized will commence, which date shall be within thirty days from date hereof, unless the time to begin operation is extended by formal supplemental order.

The authority herein contained shall not become effective until and unless the above mentioned schedules and tariffs are filed within the times herein limited.

IT IS HEREBY FURTHER ORDERED that Walter Goslin be and he is hereby authorized and empowered to transfer to James A. Smith his right to operate a passenger stage line between Redondo and San Pedro via Torrance, as prayed for in Application No. 7018. The rights herein referred to are those acquired pursuant to the Commission's Decision No. 8000 of August 23, 1920, upon Application No. 5939, and Decision No. 8432 of December 8, 1920, upon Application No. 6107.

1. The amount paid for the purchase of said rights transferred shall not be considered as a measure of value thereof in any proceeding before this Commission.

2. Said transferor shall immediately cancel all tariffs and time schedules relating to said route with the Railroad Commission; and transferee shall immediately file tariffs and time schedules in his own name, or adopt as his own the tariff and time schedule relating to said route heretofore filed with the Railroad Commission; but all fares to be identical with those now on file with the Commission. Such filing, cancellation, or adoption shall be in

conformity with the provisions of General Order No. 51 and other regulations of the Railroad Commission, which, so far as applicable, are made a part hereof.

3. The rights and privileges hereby authorized to be transferred shall not again be sold, leased, transferred, or assigned, nor shall operation thereunder be discontinued without the previous written consent of the Railroad Commission.

4. No vehicle may be operated in the service hereinabove described unless such vehicle is owned by the owner of said operative rights, or is leased by such owner for a specified amount for a trip or a specific term. The leasing of equipment shall not include the services of a driver or operator. All employment of drivers or operators of leased cars shall be under contract by which the driver or operator shall bear the relation of an employee to the transportation company.

IT IS HEREBY FURTHER ORDERED that application of Walter Goslin, Application No. 6655, seeking authority to extend operation between a point near Harbor City and Long Beach be and it is hereby dismissed upon motion of counsel for said applicant.

IT IS HEREBY FURTHER ORDERED that Application No. 6281 of Ralph Atkinson and Tate G. Tullos seeking the transfer of certain asserted operative rights be and it is hereby dismissed pursuant to written consent therefor signed by both parties to said application.

IT IS HEREBY FURTHER ORDERED that the rights of Ralph Atkinson to operate a stage line between Long Beach and Santa Monica contained in the orders in Decision No. 8414 of December 4, 1920, and Decision No. 8435 of December 11, 1920, upon Application No. 5921,

be and they are hereby revoked pursuant to written consent there-
for filed herein by said Ralph Atkinson.

IT IS HEREBY FURTHER ORDERED that the application of
Tate G. Tullos, Application No. 6625, seeking authority to oper-
ate between Long Beach and Venice, be and it is hereby denied.

Dated at San Francisco, California, this 19th day
of August, 1921.

H. P. Boudier
H. J. Loveland
Driving Master
Charles H. Rangel
J. J. [Signature]
Commissioners.