

Decision No. 32879.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application of the  
LOS ANGELES RAILWAY CORPORATION for an  
in lieu certificate for its motor coach  
lines.

THIRTY-FIRST SUPPLEMENTAL  
APPLICATION NO. 19179

AMENDED THIRTY-FIRST SUP-  
PLEMENTAL APPL. NO. 19179.

S. M. Haskins, General Counsel, Woodward M.  
Taylor, General Attorney, and Max E. Utt,  
Assistant General Attorney, for applicant.

Clyde Woodworth, City Attorney, for the City  
of Inglewood, interested party.

Vernon E. Spencer, for Inglewood Transit Lines,  
interested party.

K. Charles Bean and Stanley M. Lanham, for the  
Board of Public Utilities and Transportation  
of the City of Los Angeles, interested party.

Charles H. Temple, for Southwest Branch of the  
Los Angeles Realty Board, protestant.

Charles A. Cordano, for the South Side Chamber  
of Commerce, protestant.

Matt Flynn, for certain property owners on  
Van Ness Avenue, and for the Southwest Branch  
of the Los Angeles Realty Board, interested  
parties.

BY THE COMMISSION:

### O P I N I O N

The above entitled proceedings deal with the proposed rerouting and extension of Los Angeles Railway Corporation's Van Ness Motor Coach Line No. 60 in the southwest portion of the City of Los Angeles and in the eastern section of the City of Inglewood.

Public hearings were held before Examiner Ager at Los Angeles on January 15 and 22, 1940, and on the latter date the matters were taken under submission and they are now ready for decision.

The record shows that, pursuant to the authority granted by this Commission in its Decision No. 27142, dated June 8, 1934, in this proceeding, Los Angeles Railway Corporation is operating its Van Ness Motor Coach Line No. 60, in the City of Los Angeles, over the following described route:

Commencing at the intersection of 54th Street and Second Avenue, thence via Second Avenue, Van Ness Avenue, 78th Place, Eighth Avenue, 78th Street, Van Ness Avenue, and Second Avenue to the point of commencement.

In the 31st Supplemental Application in this proceeding applicant seeks the Commission's authority to discontinue that portion of the southern loop from Fifth Avenue and 78th Place, over 78th Place to 8th Avenue and 78th Street to Van Ness Avenue, and to extend the service southerly on Fifth Avenue to Manchester Boulevard, thence over Manchester Boulevard and Crenshaw Boulevard to a connection with the No. 5 rail line at 67th Street and Crenshaw Boulevard. At the suggestion of the Board of Public Utilities and Transportation of the City of Los Angeles, amended 31st Supplemental Application in this proceeding was filed, wherein Los Angeles Railway Corporation seeks to abandon entirely the southern loop and continue the service southerly on Van Ness Avenue to 83rd Street, thence over 83rd Street, Fourth Avenue, 84th Street, Fifth Avenue, Manchester Boulevard and Crenshaw Boulevard to 67th Street, where a connection would be made with the No. 5 rail line as proposed in the original 31st Supplemental Application. At the hearing three additional suggestions for the extension and re-routing were offered, as follows:

Proposal No. 3

Van Ness Avenue, Manchester Boulevard, Crenshaw Boulevard to 67th Street

Proposal No. 4

Van Ness Avenue, Manchester Boulevard, Crenshaw Boulevard, 8th Avenue, 79th Street, Crenshaw Boulevard to 67th Street

Proposal No. 5

Van Ness Avenue, 76th Street, 5th Avenue, Manchester Boulevard, Crenshaw Boulevard to 67th Street

For the purposes of clarity and brevity, the proposed route as set forth in 31st Supplemental Application No. 19179 will hereafter be referred to as Proposed Route No. 1, that set forth in Amended 31st Supplemental Application No. 19179 as Proposed Route No. 2, and the other three routes in the order in which they are above described as Proposed Routes Nos. 3, 4 and 5, respectively.

No change in rates of fare, type of equipment or frequency of service will result from any of the proposed extensions and reroutings.

The record shows that, except for Proposed Route No. 4, the running time and the distances to be operated over any of the proposed routes would be the same; that, except for Proposed Route No. 4, there would be no difference in the operating costs; and that the applicant has expressed no preference as to which of the routes should be authorized. Proposed Route No. 1 carries with it the endorsement of the City of Inglewood, whereas Proposed Routes Nos. 2 and 3 have been endorsed by the City of Los Angeles, through its Board of Public Utilities and Transportation. All of the routes have the same termini - namely, 54th Street and Van Ness Avenue as the northerly terminus and 67th Street and Crenshaw Boulevard as the southerly or westerly terminus. At the latter point contact is made with applicant's No. 5 rail line, which operates from the Eagle Rock section through the central business district of Los Angeles to Inglewood and Hawthorne. No question has arisen as to the necessity for an extension of this service and it therefore becomes the Commission's problem to determine which of the proposed routes will provide the best service to the maximum number of persons without serious inconvenience to those persons

who are now served by the present route.

Complete house counts in the area involved have been made and numerous exhibits were introduced at the hearing, in the form of maps and tabulations, on which this information has been summarized. It has been a more or less general policy of this Commission in past rulings to consider that persons residing within a quarter of a mile of a local transportation line are within reasonable walking distance and therefore are adequately served.

A recapitulation of the information shown on these various exhibits is contained in the following table.

	<u>Proposed Route #1</u>	<u>Proposed Route #2</u>	<u>Proposed Route #3</u>	<u>Proposed Route #4</u>	<u>Proposed Route #5</u>
Total population in area south of 76th St. which would be served by Van Ness Coach Line No. 60	5751	5802	6024	6768	5310
Population in area which is now within $\frac{1}{4}$ mile of and served by applicant's Manchester Blvd. #54 coach line	1611	2076	2499	2499	1611
Population which would be served by Van Ness coach line south of 76th St.	4140	3726	3525	4269	3699
Population within $\frac{1}{4}$ mile of present route which will be removed to greater distance by rerouting	30	702	903	114	0

In the block bounded by 79th Street, 5th Avenue, 80th Street and 7th Avenue there is a school having an attendance of some 500 students. This school is within the one-quarter mile area of the present service but, if Proposed Route No. 3 were adopted, it would be entirely outside the area.

Observation of the above table might suggest that Proposed Route No. 4 would be the correct one, since it is indicated that the largest number of persons would be served by this proposal.

The record shows, however, that this route is some 670 feet longer than any of the other four, thus resulting in the operation of an additional 5759 coach miles per year and increasing operating expenses by \$788.85 per year. The testimony further shows that the pavement surfaces on 8th Avenue and 79th Street are of insufficient thickness to stand up under motor coach operation and that the City of Inglewood is reluctant to spend the necessary funds to make them suitable for such operation, particularly in view of the fact that Crenshaw Boulevard is so adapted in every way to the use of motor coaches.

While Proposed Route No. 5 would continue to provide service to all those persons in the area who are served by the present route, it would fail to serve 492 persons (all residents of the City of Los Angeles), who would be served by Proposed Route No. 1.

The City of Los Angeles takes the position that the orderly development of the mass transportation system of the City of Los Angeles would dictate that the Van Ness Avenue Motor Coach Line should be extended southerly along Van Ness Avenue to Manchester Boulevard, in order to provide proper spacing of transportation lines. Normally, the Commission would subscribe to this theory, but we are not of the opinion that this rule should be axiomatic if such extension results in the sacrifice of transportation to a substantial group of people who happen to be residents of an adjoining city. Careful analysis of the record adduced at the hearing leads us to the conclusion that, for the time being at least, the route proposed in the original 31st Supplemental Application would best meet the public need.

Los Angeles Railway Corporation is placed upon notice that "operative rights" do not constitute a class of property which should be capitalized or used as an element of value in determining reasonable rates. Aside from their purely permissive aspect, they

extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be changed or destroyed at any time by the State, which is not in any respect limited as to the number of rights which may be given.

O R D E R

Public hearings having been had, the matter having been submitted and the Commission being fully advised;

The Railroad Commission of the State of California Hereby Declares that public convenience and necessity require the rerouting and extension by Los Angeles Railway Corporation of its Van Ness Motor Coach Route No. 60, for the transportation of passengers in the Cities of Los Angeles and Inglewood, over a route described as follows:

Beginning at the intersection of 54th Street and Second Avenue, thence via Second Avenue, Slauson Avenue, Van Ness Avenue, 78th Place, Fifth Avenue, Park Circle, Fifth Avenue, Manchester Boulevard, Crenshaw Boulevard to 67th Street, returning via the reverse of the going route to the point of commencement;

instead of over the route authorized by Decision No. 27142, dated June 8, 1934, on Second Supplemental Application No. 19179. The certificate herein granted is to be included as part of the in lieu certificate granted by Decision No. 27052, dated May 14, 1934, in this proceeding.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity for such service be and it is hereby granted to Los Angeles Railway Corporation, subject to the following conditions:

- (1) Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed fifteen (15) days from the date hereof.
- (2) Applicant shall commence the service herein authorized within a period of not to exceed ninety (90) days from the effective date hereof and shall file, in triplicate, and concurrently make effective, on

not less than one (1) day's notice to the Railroad Commission and the public, a tariff or tariffs constructed in accordance with the requirements of the Commission's General Orders and containing rates and rules which, in volume and effect, shall be identical with the rates and rules shown in the application, in so far as they conform to the certificate herein granted, or rates and rules satisfactory to the Railroad Commission.

- (3) Applicant shall file, in duplicate, and make effective within a period of not to exceed thirty (30) days after the effective date of this Order, on not less than five (5) days' notice to the Railroad Commission and the public, time schedules covering the service herein authorized, in a form satisfactory to the Railroad Commission.
- (4) The rights and privileges herein authorized may not be discontinued, sold, leased, transferred or assigned, unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been obtained.
- (5) No vehicle may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by applicant under a contract or agreement on a basis satisfactory to the Railroad Commission.
- (6) Applicant is authorized to turn its motor vehicles at termini either in the intersection of the streets or by operating around a block contiguous to such intersection in either direction, and to carry passengers as traffic regulations of the municipalities may require.

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 12<sup>th</sup> day of March, 1940.

Ray & Remy  
Frank R. Wood  
Robert R. Remy  
H. Hall  
James D. Cramer  
Commissioners.