

ORIGINAL

Decision No. 39342

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of GUY H. BENTON, for a Certificate of Public Convenience and Necessity to Operate Stage Service, as a Common Carrier, between Whittier, Sunshine Acres, and Norwalk.	} } } } } } Application No. 24150.
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Miller & Kepple, by L. Wallace Black,
for Applicant.

Thos. W. Bewley, City Attorney, for the City
of Whittier, Interested Party.

BY THE COMMISSION:

O P I N I O N

The above entitled application was filed by Guy H. Benton, seeking a certificate of public convenience and necessity to transport passengers as a common carrier between Whittier, Sunshine Acres and Norwalk, all in the County of Los Angeles.

Public hearing on this proceeding was held at Los Angeles on May 28, 1941, before Commissioner Havenner and Examiner Ager, at which time the matter was duly submitted, and it is now ready for decision.

The record indicates that applicant has had seven years' experience as superintendent for the owner of the local mass transportation service in the City of Whittier. The area referred to as Sunshine Acres is being newly developed as a residential area and at the present time some 2,000 persons have established themselves as permanent residents. South Whittier Heights, also one of the areas to be served, is likewise a newly developed area, with a

population of some 2,000 or more. Most of the families in these two subdivisions are the owners of but one car and there is an apparent need for a service such as is proposed in the instant application in order that the housewives may have means of traveling to and from the shopping districts of Norwalk and Whittier.

The evidence indicates that the proposed service will be helpful to persons working in the Los Angeles industrial area, in that it will provide means for them to travel to and from connections with Motor Transit lines which operate through Whittier and Norwalk. Many individual requests have been received by applicant for the establishment of the service, and the City of Whittier, through its City Attorney, officially appeared at the hearing and urged favorable action by the Commission. We are not convinced that schedules based on a maximum headway of four hours and a minimum headway of three hours, such as are proposed in the application, can be properly classified as reasonable and adequate transportation service. It is obvious that if there is justification for the establishment of any service at all, then there is justification for the establishment of said service on considerably greater frequency than proposed by applicant.

Since it is proposed to inaugurate the service by the operation of a seven-passenger sedan, the cost of such operation would not be substantial and the applicant, testifying in his own behalf, expressed a willingness to double the frequency proposed in the application if, in the Commission's judgment, it was felt to be in the public interest. He also indicated his financial ability to conduct the operations on such a revised basis.

The total mileage to be operated under the schedules as proposed amounts to 85 miles per day. Doubling this mileage, or the

operation of 170 miles per day, and allowing 5.5¢ per mile as operation costs, would require \$9.35 gross revenue per day to meet operating expenses. In our opinion, if this amount cannot be realized, the service should be discontinued. Until its permanency has been determined, the operator should carry display cards in his car, advising patrons that the success or failure of the operation is entirely dependent upon their patronage and, if the patronage falls short of meeting the out-of-pocket costs, then he will be necessity be forced to discontinue such operation.

Careful consideration of the entire record in this proceeding leads to the conclusion that there is a demand for the service as proposed and that, with the establishment of the augmented schedules, as suggested herein, there is reasonable possibility of its being able to meet at least out-of-pocket costs. The application will be granted.

O R D E R

Public hearing having been held in the above entitled proceeding, the matter having been submitted, and the Commission being fully advised;

IT IS ORDERED that a certificate of public convenience and necessity be and it is granted to Guy H. Benton, authorizing him to operate an automotive passenger stage service, as that term is defined in Section 2½ of the Public Utilities Act, for the transportation of passengers between Whittier, Sunshine Acres and Norwalk.

IT IS FURTHER ORDERED that in the operation of said passenger stage service, pursuant to the foregoing certificate,

Guy H. Benton shall comply with and observe the following service regulations:

- (1) File a written acceptance of the certificate herein granted within a period of not to exceed thirty (30) days from the date hereof.
- (2) Subject to the authority of this Commission to change or modify such at any time by further order, conduct such passenger stage operation over and along the following routes:

Sunshine Acres to Whittier

Commencing at the intersection of Carmenita Road and Beaty Avenue, thence via Carmenita Road, Anaheim-Telegraph Road, Los Nietos Road, Santa Fe Springs Road, Shreve Road, Greenleaf Avenue, Lambert Road, Santa Fe Springs Road, Whittier Boulevard, Pickering Street, Philadelphia Street, to Comstock Street (Pacific Electric Station in Whittier), returning via Comstock Street, Bailey Street to Pickering Street, thence via the reverse of the going route to point of commencement.

South Whittier Heights Loop

Commencing at the intersection of Carmenita Road and Beaty Avenue, thence via Beaty Avenue, Meyer Road, Leffingwell Road, Colima Road, Tedford Drive, Corley Drive, Leffingwell Road and via the reverse of the going route to point of commencement.

Sunshine Acres to Norwalk

Commencing at the intersection of Carmenita Road and Beaty Avenue, thence via Beaty Avenue, Laurel Avenue, Meyer Road, Ranier Avenue, Painter Avenue, Sunshine Avenue, Carmenita Road, Rosecrans Avenue, Norwalk Boulevard, Locust Street, Funston Avenue, Front Street, Clarkdale Avenue and Firestone Boulevard to Motor Transit Company station at Firestone Boulevard and San Antonio Drive, returning via reverse of the going route to point of commencement.

Local Route in Norwalk

Commencing at the intersection of Firestone Boulevard and San Antonio Drive, thence via San Antonio Drive, Locust Street, Clarkdale Avenue, Orange Street, Valencia Street, Pioneer Boulevard, Rosecrans Avenue, Arlee Avenue, Lindale Street, IbeX Avenue, Rosecrans Avenue, Funston Avenue, Front Street, Clarkdale Avenue, Firestone Boulevard to San Antonio Drive, point of commencement.

- (3) Comply with the provisions of General Order No. 79 by filing tariffs in conformity therewith, in triplicate, and Part IV of General Order No. 93-A, within sixty (60) days from the effective date of this order and upon not less than five (5) days' notice to the Commission and the public.
- (4) The service herein authorized shall commence within a period of not to exceed thirty (30) days from the effective date hereof and the initial frequency of operation shall be approximately double that shown in Exhibit "B," attached to the application.

The effective date of this Order shall be the date hereof.

Dated at San Francisco, California, this 24th day of June, 1941.

[Signature]
[Signature]
Justin J. Gaumer
Frank L. Havens
[Signature]

Commissioners.