

Decision No. 35302**ORIGINAL**

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 ) Application No. 24776  
 operate stage service as a common )  
 carrier, between Whittier, Sunshine )  
 Acres and Los Nietos.

G. R. MILLER, for applicant.

BY THE COMMISSION:

O P I N I O N

This is an application by Guy H. Benton for a certificate of public convenience and necessity to operate a passenger stage service as a common carrier between Whittier, Sunshine Acres and Los Nietos, with a special bus service designed to meet the needs of employees of Union Oil Company at its plant at Santa Fe Springs.

A public hearing was held before Examiner Gannon in Los Angeles on March 25, 1942, at the conclusion of which the matter was submitted and is now ready for decision.

The application sets forth that there are several large industrial plants located in and around Los Nietos, and in addition thereto a number of oil fields operating at Santa Fe Springs.

Many of their employees live in Whittier and it is necessary for them to have transportation to and from their work. Heretofore such employees have used their own automobiles but due to the prospective rubber shortage there is demand for a substitute

service between Whittier and the industrial center above referred to. Applicant is now operating a passenger stage service between Whittier, Sunshine Acres and Norwalk and proposes to establish another service into Santa Fe Springs and Los Nietos in connection with his existing operation.

At the hearing applicant testified that the Union Oil Company, located at Santa Fe Springs, employs a large number of men of whom forty have already signed agreements to use the new service should this application be granted. The Pacific Clay Products Company, located at Los Nietos, likewise has a large payroll and approximately forty of the employees of this concern have agreed to use the service. The Globe Oil Tool Company and Fluid Packed Pump Company, both located at Los Nietos, while having made no commitments, would undoubtedly avail themselves of the proposed service, according to applicant's testimony.

The Superintendent of the Union Oil Company testified that his company employs some two hundred men at Santa Fe Springs, a substantial number of whom are prospective patrons of the proposed service. Between eighty and ninety of his employees live in Whittier and at present their only method of getting to and from the plant is by means of their own automobiles.

The Office Manager of Pacific Clay Products Company testified that his company employs approximately 325 men at its Los Nietos plant, about half of whom live in and near Whittier.

Both of these witnesses stated that their respective concerns will arrange working hours of their employees to coordinate with bus schedules. Six daily schedules each way, between Whittier and the Union Oil Shops, are proposed, each of

these serving the industrial plants above referred to. Applicant now operates one 40-passenger Reo bus. Additional equipment will be added as the necessity arises.

During the course of the hearing Mr. Miller, the applicant's attorney, made the following statement:

"I might say, as far as the tire situation is concerned, I happen to be on the Tire Rationing Board, and under the regulations, if there is any method of public conveyance, of course we can't issue tires to defense workers and other essential industries. They have to take the public conveyance.

"We have had quite a few applications from the oil workers for re-treaded tires, but we have issued none so far, but next month we will be able to issue them, and if this application is granted of course then we will tell the people that they have to use public conveyance, if possible, that they are not eligible for tires, on that account, for the service of rubber.

"Passenger conveyances conveying 10 or more passengers in defense activities or essential work are entitled to tires, entitled to new tires, and if they can have the old tires re-treaded, then they take the re-treads; that is, they are entitled to new tires under the present regulations."

A review of the record herein leads us to the definite conclusion that there exists a public necessity for the proposed service, particularly in view of the serious situation confronting those employees who will be compelled to abandon the use of their own cars because of inability to procure new tires.

#### O R D E R

A public hearing having been held in the above entitled proceeding, evidence having been received, the matter having been duly submitted and the Commission being fully advised,

IT IS ORDERED that a certificate of public convenience and necessity is granted to Guy H. Benton, an individual, authorizing operation by him of a passenger stage corporation, as defined by section 2 $\frac{1}{2}$  of the Public Utilities Act, between Whittier, Sunshine Acres and Los Nietos subject to the following conditions:

1. No local passengers may be transported within the corporate limits of the city of Whittier.
2. Guy H. Benton, his successors or assigns, may never claim before this Commission, or any court or other public body, a value for the authority hereby granted in excess of the actual cost thereof.

IT IS FURTHER ORDERED that in the operation of said passenger stage service, 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 effective date hereof.
2. Comply with the rules of the Commission's General Order No. 79 and Part IV of General Order No. 93-A by filing, in triplicate, and concurrently making effective tariffs and time schedules satisfactory to the Commission within sixty (60) days from the effective date hereof and on not less than five (5) days' notice to the Commission and the public.
3. Conduct said passenger stage service over and along the following routes subject to the authority of the Railroad Commission to change or modify them at any time by further order:

Route to Whittier from Sunshine Acres  
via Los Nietos

- (a) Start at Santa Fe Springs and Los Nietos Road (Union Oil Shops); thence northwest on Los Nietos Road to Norwalk Boulevard; thence North on Norwalk Boulevard (through Los Nietos) to Broadway; thence northeast on Broadway to Washington Boulevard; thence east on Washington Boulevard to Whittier Boulevard and Pickering; thence along the route followed by Whittier Sunshine Acres and Norwalk line through Whittier.
- (b) Returning, start at West Philadelphia Street and Comstock Avenue in the city of Whittier via the reverse of the going route to point of commencement (Santa Fe Springs and Los Nietos Roads).

Special route from Whittier to Santa Fe Springs for industrial workers.

- (a) Start at corner of Norwalk and Whittier Boulevards; thence southeast on Whittier Boulevard to Broadway; thence northeast and east on Broadway to Painter; thence south on Painter to Cullen Street; thence northwest on Cullen Street to Greenleaf Avenue; thence southwest on Greenleaf Avenue to Shreve Road; thence northwest on Shreve Road to Santa Fe Springs Road; thence southwest on Santa Fe Springs Road to Union Oil Shops at Los Nietos, at Los Nietos Road.
- (b) Returning, start at Union Oil Shops, Santa Fe Springs Road and Los Nietos Road, via the reverse of the going route to point of commencement.

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

Dated at San Francisco, California, this 28<sup>th</sup> day of April, 1942.

Ray L. Riley

Francis A. Havens  
Richard W. Hulse  
COMMISSIONERS