

Decision No. 36259

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of ASBURY)
RAPID TRANSIT SYSTEM, a corporation, for)
authority to reroute its common carrier)
service for the transportation of passen-)
gers between the intersection of Sepulveda)
Boulevard and Van Owen Street, on the one)
hand, and the Vega and Lockheed Aircraft)
factories in the City of Burbank, on the)
other hand, and for the removal of re-)
strictions on said service.)

Application
No. 25361

DON L. CAMPBELL, R. C. CALE, and RODNEY F. WILLIAMS,
for applicant.

C. W. CORNELL, for Pacific Electric Railway Company,
protestant.

STANLEY M. LANHAM, for Board of Public Utilities and
Transportation of the City of Los Angeles, inter-
ested party.

GROVER C. SWART, for North Hollywood Chamber of
Commerce, interested party.

W. J. RAVENSCROFT, for Van Nuys Chamber of Commerce,
interested party.

DONALD E. MURRAY, for Tujunga-Victory Property Owners'
Association, interested party

WM. D. BENNETT, for Timm Aircraft Corporation, inter-
ested party.

BY THE COMMISSION:

O P I N I O N

In this proceeding, applicant seeks authority to reroute
its present service in the Van Nuys-North Hollywood-Burbank area of
the San Fernando Valley and to remove therefrom certain restrictions. (1)

(1) Decision No. 35114, on Application No. 24795, dated March 10,
1942.

Public hearing was held in this matter before Examiner Cameron at Van Nuys on February 16, 1943, at which time and place evidence was taken and the matter submitted for decision.

Several civic organizations in the area affected favored the rerouting. Pacific Electric Railway Company entered an appearance as a protestant; however, during the progress of the hearing it directed its protest to the removal of restrictions where the proposed service, unrestricted, would duplicate or closely parallel its present service.

Unquestionably, the proposed rerouting will afford a service to a much larger residential area; the evidence, however, fails to support the allegations that the proposed service should be unrestricted.

The authority to operate in this area was originally granted to applicant in an ex parte order of the Commission to provide a service for employees travelling to defense industries, located in the vicinity of the Union Air Terminal at Burbank, and restrictions were imposed to enable applicant to furnish such a service. Applicant insisted that the transportation of defense workers is a secondary consideration and contended that said service should be available to everyone, at all points.

There is a frequent service maintained by the Pacific Electric Railway Company between the commercial areas of North Hollywood and Van Nuys, and, in addition, Pacific Electric Railway Company operates along Lankershim Boulevard to and from the North Hollywood business area. In the vicinity of Van Nuys, this company maintains a frequent service on Van Nuys Boulevard and on Van Owen Street between Van Nuys Boulevard and Sepulveda Boulevard. On

Laurel Canyon Boulevard, between Burbank Boulevard and Magnolia Boulevard, there is also provided by the Pacific Electric Railway Company a service which is available to the residential area in this district. The new residential area recently developed between Laurel Canyon Boulevard and Whitsett Avenue on Victory Boulevard is provided with a frequent service by the Pacific Electric Railway Company's North Hollywood Motor Coach Line.

Under the circumstances, applicant's request for the removal of all restrictions would, in some instances, establish a service directly duplicating the service now available, and, in others, paralleling such service.

In view of the present need for the conservation of transportation equipment in this critical period, and at the same time provide efficient transportation facilities for defense workers, there appears to be no justification for the removal of the restrictions as requested by applicant. The evidence establishes that certain restrictions will, in fact, benefit defense workers requiring through transportation to the defense plants here involved.

We have fully considered all of the evidence in this proceeding and find that public need requires the rerouting requested. However, we further find that in the areas more specifically set out in the order herein, certain restrictions are necessary and will, accordingly, be imposed.

O R D E R

A public hearing having been held in the above-entitled proceeding, the matter having been duly considered, and the Commission being fully advised,

IT IS ORDERED that a certificate of public convenience and necessity is hereby granted to Asbury Rapid Transit System, a corporation, for the establishment and operation of service as a passenger stage corporation, as that term is defined in Section 2 $\frac{1}{2}$ of the Public Utilities Act, for the transportation of passengers between Van Nuys and Burbank and intermediate points, subject to the following restrictions and condition:

1. No passenger shall be transported having both origin and destination between:
 - (a) the intersection of Sepulveda Boulevard and Van Owen Street and the intersection of Victory Boulevard and Tyrone Avenue;
 - (b) the intersection of Bel Aire Avenue and Victory Boulevard and the intersection of Erwin Street and Laurel Canyon Boulevard;
 - (c) the intersection of Burbank Boulevard and Laurel Canyon Boulevard and the intersection of Magnolia Boulevard and Laurel Canyon Boulevard;
 - (d) the intersection of Magnolia Boulevard and Lankershim Boulevard and the intersection of Victory Boulevard and Tujunga Avenue.
2. No through fares shall be published between the points in the restricted areas described in Restriction No. 1 above, and the downtown area of Los Angeles, and no passenger shall be transported between said restricted areas and downtown Los Angeles except upon payment of the combined fares on two or more of applicant's lines.
3. The authority herein granted shall terminate ninety (90) days after the termination of the present war shall have been officially proclaimed, or until such earlier time as the Commission by further order may designate.
4. Asbury Rapid Transit System, its successors or assigns, may never claim before this Commission or any court or other public body, a value, for any purpose, for the certificate herein granted in excess of the actual cost incurred by it in securing said operative authority.

IT IS FURTHER ORDERED that in providing service pursuant to the foregoing certificate, the following service regulations shall be observed and complied with:

- (1) Applicant shall 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) Applicant shall comply with the provisions of 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 one (1) day's notice to the Commission and the public.
- (3) Applicant shall conduct said passenger stage operations over and along the following routes subject to the authority of this Commission to change or modify them at any time by further order:

Commencing at the intersection of Van Owen Street and Sepulveda Boulevard; thence via Van Owen Street to Van Nuys Boulevard; Van Nuys Boulevard to Victory Boulevard; Victory Boulevard to Laurel Canyon Boulevard; Laurel Canyon Boulevard to Riverside Drive; Riverside Drive to Tujunga Avenue; Tujunga Avenue to Magnolia Boulevard; Magnolia Boulevard to Lankershim Boulevard; Lankershim Boulevard to Tujunga Avenue; Tujunga Avenue to Van Owen Street; Van Owen Street to Clybourne Avenue; Clybourne Avenue to Empire Avenue; Empire Avenue to Maria Street; Maria Street to San Fernando Road; San Fernando Road to Hollywood Way; Hollywood Way to Lockheed Airport; Lockheed Airport to Empire Avenue, and returning via the reverse of said route.

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.

IT IS FURTHER ORDERED that the certificate herein granted is in lieu of and not in addition to the certificate of public convenience and necessity heretofore granted by Decision No. 35114, in Application No. 24795, which is hereby revoked and annulled.

IT IS FURTHER ORDERED that the application, as amended, in all respects, except as herein granted, is hereby denied.

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

Dated at San Francisco, California, this 30th day of March, 1943.

Francis D. Havens

Richard K. Hulse

James G. ...

COMMISSIONERS