

Decision No. 38851**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 PETE DRAKE, conducting as sole owner)
 certain automobile passenger stage)
 lines under the name of TERMINAL)
 ISLAND TRANSIT CO., for the removal) Application No. 26506
 of restriction of carrying passengers) 2nd Supplemental
 between the eastern entrance to the)
 Pontoon Bridge over Cerritos Channel)
 and applicant's terminus in the City)
 of Long Beach.)

WILLIAM N. DEATHERAGE, for applicant

BEROL & HANDLER, by EDWARD M. BEROL, and
 ORVILLE A. SCHULENBERG, for Long Beach
 Motor Bus Company and Lang Motor Bus
 Corporation, protestants

IRVING M. SMITH, City Attorney, JOSEPH B. LAMB,
 Deputy City Attorney, and J. R. MCKENRY, for
 City of Long Beach and Bureau of Franchises
 and Public Utilities of City of Long Beach,
 interested parties

BY THE COMMISSION:

O P I N I O N

By Decision No. 37931, dated May 24, 1945, applicant was authorized to establish and operate a service as a "passenger stage corporation" between Terminal Island and the city of Long Beach as an extension and enlargement of his operative rights on Terminal Island and vicinity.

A regular route and an alternate route were prescribed. The former only is relevant in this proceeding and is described as follows:

"Regular Route

"Leaving the eastern terminus of Seaside Avenue on Terminal Island, thence easterly across the pontoon bridge, thence along Seaside Boulevard, Pico Avenue, Ocean Boulevard, Chestnut Avenue, Broadway, Pacific Avenue to terminus at First Street, thence continuing along Pacific Avenue to Ocean Boulevard, thence to Chestnut Avenue."

Operation over said route is restricted as follows:

"(a) No passengers shall be carried locally between the eastern entrance to the pontoon bridge, over Cerritos Channel, and applicant's terminus in the City of Long Beach."

Applicant requests that restriction (a) be eliminated thereby permitting him to transport passengers locally between the pontoon bridge and his terminal in the city of Long Beach.

Public hearings were held in Long Beach on February 13 and 14, 1946, before Examiner Chiesa. Evidence having been adduced, the matter was submitted for decision.

After applicant was granted the certificate in question Naval authorities established an operating base or landing at the foot of Pico Street in Long Beach. This installation is commonly known as "Pico Landing" and is located approximately one mile from applicant's Long Beach terminal and midway of the pontoon bridge (Cerritos Channel) and said terminal. Unrestricted transportation to and from said installation is provided by Lang Motor Bus Corporation, a noncertificated carrier. Applicant's service to Pico Landing is restricted to passengers having point of origin or point of destination on Terminal Island. The evidence shows that in excess of 95 per cent of the local transportation demand east of the pontoon bridge arises from requirements of Naval personnel at Pico Landing.

It is applicant's position that the restriction which he seeks to terminate is difficult to enforce and confusing to the riding public. Confusion on the part of some of the transient passengers appears somewhat unavoidable, although we believe applicant could effect an improvement in this respect by enlarging and changing the wording of the bus signs.

The record in the original proceeding (Decision No. 37931, Application No. 26506) shows that this operative right was granted to applicant as a war emergency service due to an urgent need for transportation for service personnel and war workers between the island installations and downtown Long Beach. Applicant did not then offer to render a local service along the route east of Cerritos Channel. The record in that proceeding also showed that Lang Motor Bus Corporation was rendering a local service between downtown Long Beach and Terminal Island points, all within the city of Long Beach, along a route which is almost identical with applicant's.

Protestant Lang Motor Bus Corporation offered evidence (Exhibits Nos. 6 and 7) showing that it operates approximately 145 schedules daily (except Sundays and holidays) on its Long Beach-Terminal Island line which runs within a block of the Pico Landing gates and, in addition thereto, operates approximately 78 shuttle trips daily directly to the base from Long Beach. Prior to February 11, 1946, Lang Motor Bus Corporation did not operate to the landing between 2 a.m. and 5 a.m.; however, service was recently established on a 24-hour basis. Peak traffic periods between Long Beach and Pico Landing are 5:35 a.m. to 7:35 a.m. and 10 p.m. to 2 a.m. Although on occasion, during

said peak periods, protestant's service has not been entirely adequate, the extent of the demand for transportation during such times is unpredictable and, therefore, in our opinion, would not justify an enlargement of applicant's operative right.

No public witnesses were called by applicant to testify that there is a public need for additional local transportation east of the pontoon bridge, nor does this record otherwise disclose a need for an additional local competitive transportation service.

Upon consideration of the entire record in this proceeding we find that the passenger stage service between the pontoon bridge (over Cerritos Channel) and downtown Long Beach is adequate, and that public convenience and necessity do not require the removal of restriction (a) of the certificate of public convenience and necessity granted to applicant by Decision No. 37931. The application will be denied.

O R D E R

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

IT IS ORDERED as follows:

That Application No. 26506, Second Supplemental, of Pete Drake, doing business as Terminal Island Transit Co., be, and it hereby is, denied.

The effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 9th day of April, 1946.

Harold Rudman
Justus J. Casper
James D. ...
Isaac ...
Harold P. Kule
COMMISSIONERS