

ORIGINALDecision No. 39845

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 Asbury Rapid Transit System, a Corpora-)
 tion, for authority to operate its motor)
 coach transportation service as a common)
 carrier for compensation over a certain)
 alternate route in its Los Angeles-San)
 Fernando Division between Los Angeles,)
 on the one hand, and San Fernando, on)
 the other hand, via Glen Oaks Boulevard,)
 and other streets.)

Application No. 27330

APPEARANCES

DON L. CAMPBELL and RODNEY F. WILLIAMS for Applicant;
 COSCROVE, CRAMER AND DIETHER by LEONARD A. DIETHER, for
 Burbank City Lines, Protestant; ARCHIE L. WALTERS, City
 Attorney, and HARMON R. BENNETT, Transportation and
 Planning Engineer for City of Burbank, Protestant;
 LLOYD GREGG for San Fernando Valley Associated Chambers
 of Commerce, Interested Party; RAY L. CHESEBRO, City
 Attorney for City of Los Angeles, by ROGER ARNEBERGH,
 Assistant City Attorney, and T. M. CHUBB, Assistant
 Chief Engineer for the Board of Public Utilities and
 Transportation for City of Los Angeles, Interested Party.

OPINION

By the above-numbered application, as amended, Asbury Rapid
 Transit System seeks the Commission's authority to establish service
 as a common carrier over an alternate route between San Fernando and
 Los Angeles by way of Glenoaks Boulevard. Public hearings were held
 before Examiner Ager at Los Angeles on May 21, 1946, September 10
 and September 25, 1946, and on the latter date the matter was taken
 under submission and is now ready for determination.

As originally filed, the application proposed a service over
 Glenoaks Boulevard between Sheldon Street on the north and Scott
 Road on the south, but the record shows that subsequent to the
 filing of the application, Burbank City Lines instituted a service (1)
 within the City of Burbank along Glenoaks Boulevard in direct com-
 petition with applicant's proposal. The record also shows that on

(1) Asbury's application was filed on March 19, 1946, and service
 on Glenoaks Boulevard by Burbank City Lines was commenced on
 April 27, 1946.

May 14, 1946, the City Council of the City of Burbank adopted an ordinance (Ordinance No. 818) which prohibited the operation of any motor vehicle on Scott Road, except in a northerly direction, between Burbank Boulevard and Pacific Avenue. Such a restriction prohibited applicant from providing service in accordance with its original proposal, and its amendment was filed revising the route so as not to be in competition with the recently instituted service of Burbank City Lines, and also to eliminate the necessity for operating on this one-way street. The amendment also extended the proposed route northorly along Gleneaks Boulevard from Sheldon Street to Osborne Street.

The new area proposed to be served lies east of the Southern Pacific Main Line tracks and is one of the many areas in the San Fernando Valley in which extensive subdivision and building is being carried on. A witness for the applicant testified that in the district tributary to Gleneaks Boulevard between Hollywood Way and Sunland Boulevard a distance of approximately one mile, there are between 800 and 1000 single-family residences, with an estimated population of from 3200 to 4000 persons. Between Sunland Avenue and Sheldon Street intensive development is also taking place, and 1500 veterans' housing units are being erected in the area north of Gleneaks Boulevard in the vicinity of Osborne Street. The testimony indicates that many of these persons are without automobiles, that they require public transportation to and from their places of employment, and that the housewives require public transportation in order to shop in the Burbank, Glendale and San Fernando areas.

Applicant's present line on San Fernando Road is approximately parallel to the proposed route on Gleneaks Boulevard at distances which vary from about 4800 feet at Osborne Avenue to about 2600 feet at Hollywood Way. In the absence of any unusual conditions it would appear that a considerable portion of the

residents in the Glenoaks Boulevard area would be within reasonable walking distance of the existing service on San Fernando Road. Southern Pacific Company's Main Valley Line operates through this area to the east of and immediately adjacent to San Fernando Road and constitutes a barrier to the free flow of potential passengers from the Glenoaks area to San Fernando Road. There are a number of grade crossings along the section of Southern Pacific Company's rail line involved herein. These grade crossings, however, are separated by considerable distances. Many persons employing the San Fernando Road service cross the tracks at various places other than at authorized crossings which presents a hazardous situation. Furthermore, disregarding the fact that the railroad is located as above described, at least half of the residences in the area are situated at points beyond a reasonable walking distance from San Fernando Road.

Burbank City Lines oppose the granting of this application, unless restrictions are imposed which would protect their operations in the city of Burbank. The restrictions proposed by this protestant are to the effect that no passengers should be picked up or discharged along the route between the intersection of Burbank Boulevard and San Fernando Road on the north, and the intersection of Alameda Avenue and Victory Boulevard on the south. The record shows that applicant and its predecessors in interest have been transporting passengers along San Fernando Road through the city of Burbank without restrictions since 1917. Therefore, to restrict the proposed service along a presently unrestricted portion of applicant's route is not justified on this record. Furthermore, such a restriction would be most difficult to enforce and not in the public interest. Along Alameda Avenue between San Fernando Road and Victory Boulevard there is no competitive service offered by protestant, except on that portion of Alameda Avenue between Lake Street and Victory

Boulevard, a distance of approximately 1100 feet. Applicant now holds a certificate from the Commission for service along Victory Boulevard, and in all probability draws some patronage from residents along this portion of Alameda Avenue who are within reasonable walking distance of the intersection of Alameda Avenue and Victory Boulevard. It would therefore not appear to be in the public interest to impose a restriction on this portion of the proposed route since applicant already, by previous decisions of the Commission, has authority to transport those patrons who desire to walk to its line. Here again if such a restriction were imposed, practical enforcement would be difficult.

A review of the record in this proceeding impels the conclusion that the establishment of service over the alternate route, as proposed in the amended application, will provide a much-needed service to people who are now without any service, and that its establishment will not seriously affect the revenue of the Burbank City Lines.

The territory along Gleneaks Boulevard which applicant proposes to serve is entirely within the city of Los Angeles. The Board of Public Utilities and Transportation of the City of Los Angeles at its meeting on October 8, 1946, has approved this application in so far as it affects the city of Los Angeles.

Predicated upon the foregoing opinion, we believe that the application should be granted, and the following order will so provide.

ORDER

Public hearings having been had in this proceeding, evidence adduced and the matter submitted, and it having been found that public convenience and necessity so require,

IT IS ORDERED as follows:

- (1) That a certificate of public convenience and necessity is

hereby granted to Asbury Rapid Transit System authorizing the establishment and operation of service as a passenger stage corporation, as defined in Section 22 of Public Utilities Act, for the transportation of passengers between Los Angeles and San Fernando over a certain alternate route, including all intermediate points, subject to the following restriction:

No passengers will be carried locally between the Union Bus Depot and the intersection of Riverside Drive and Victory Boulevard (Glendale-Los Angeles city limits), provided, however, that passengers may be picked up and discharged at the main entrance to the Federal Housing Project, located south and west of Riverside Drive at and near the National Guard Airport in the City of Los Angeles, regardless of their origin or destination.

(2) That in providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulations:

- a. Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed 30 days from the effective date hereof.
- b. Within 60 days from the effective date hereof and on not less than 5 days' notice to the Commission and the public, applicant shall establish the service herein authorized and 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, appropriate tariffs and time tables.
- c. Subject to the authority of this Commission to change or modify it by further order, applicant shall conduct operations pursuant to the certificate herein granted over and along the following route:

Commencing at the Pacific Electric Station at Sixth and Main Streets in the city of Los Angeles, thence via Main Street, Sunset Boulevard, North Spring Street, Alpine Street, Castelar Street, North Figueroa Street, Riverside Drive, Victory Boulevard, Alameda Avenue, San Fernando Road, Hollywood Way, Glenoaks Boulevard, Osborne Place, Osborne Street, San Fernando Road, Chatsworth Drive, and Celis Street to the rear of applicant's San Fernando Depot in the city of San Fernando, returning via the reverse of the going route to the intersection of Sunset Boulevard and North Main Street, thence via Sunset Boulevard, Los Angeles Street, Sixth Street, Maple Avenue to the ramp at the rear of Pacific Electric Station, thence via said ramp to Pacific Electric Station at Sixth and Main Streets in the city of Los Angeles.

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

Dated at San Francisco, California, this 7th day of January, 1947.

Harold P. Kula
Justin J. Calver
Francis W. Deary
Walter Powell
R. F. Friedman
.. COMMISSIONERS