

Decision No. 40472

ORIGINAL

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, between the)
City of Los Angeles, on the one hand,)
and that section of the City of Los)
Angeles known as Van Nuys, on the other)
hand, and all intermediate points, via)
Riverside Drive and other streets.)

Application
No. 28322

- DON L. CAMPBELL and RODNEY F. WILLIAMS, for Applicant.
- C. W. CORNELL, E. L. H. BISSINGER and RANDOLPH KARR,
for Pacific Electric Railway Company, Protestant.
- T. M. CHUBB, PAUL L. GARVER and T. V. TARBOT for Board
of Public Utilities and Transportation of the City
of Los Angeles.
- ROGER ARNEBERGH for City Attorney of the City of Los
Angeles.
- JOHN B. KINGSLEY for Hollywood Chamber of Commerce.
- LLOYD GREGG and JAMES W. REITZ for San Fernando Valley
Associated Chambers of Commerce.
- HARMON R. BENNETT and ARCHIE L. WALTERS for City of
Burbank;
- R. A. HAUER, JR. for Burbank City Lines.
- EVERETT L. PARKER and JAMES L. DOUGHERTY for Utility
Workers of America, and
- JOY A. WINANS for the Peoples Lobby of California,
Interested Parties.

O P I N I O N

By the above-numbered application Asbury Rapid Transit System seeks the Commission's authority to establish a motor coach service between the City of Los Angeles and those portions of the City of Los Angeles known as North Hollywood and Van Nuys, by way of Riverside Drive and other streets.)

For a number of years applicant has provided a service along that portion of the proposed route on Riverside Drive between Los Angeles and the intersection of Riverside Drive and

Victory Boulevard, and in the instant proceeding authority is sought to extend this operation so as to serve the more populous areas of the San Fernando Valley.

Public hearings were held in this matter concurrently with hearings which were held on Pacific Electric Railway Company's Third Supplemental Application No. 26636, and Asbury Rapid Transit System's Application No. 27488, and at these hearings it was stipulated by the various parties that those portions of the testimony common to either application would be considered as a part of the record. The hearings were held at North Hollywood on May 22, at Van Nuys on May 23, and at Los Angeles on May 21 and 27, 1947, and on the latter date the matter was duly submitted and is now ready for decision.

Asbury Rapid Transit System and its predecessor in interest, Original Stage Line, have been providing transportation service in the San Fernando Valley, and between the San Fernando Valley and Los Angeles, for a number of years. Except for local service between the Burbank and North Hollywood area, and between North Hollywood and Hollywood through Cahuenga Pass, however, applicant's service has been largely confined to the eastern section of the Valley and more particularly to a through route along San Fernando Road between San Fernando and Los Angeles, with an alternate route via San Fernando Road, Victory Boulevard, and Riverside Drive. With the exception of the local service outlined above, local and interurban service in the Van Nuys and North Hollywood areas, and through service between those areas and the downtown Hollywood-Los Angeles areas, has been pioneered and served by the Pacific Electric Railway Company. The route proposed by Asbury Rapid Transit System, while not identical with that proposed by Pacific Electric, in its Third Supplemental Application No. 26636,

to all intents and purposes, serves the identical area proposed to be served by Pacific Electric. Except for relatively short distances the proposed route of Asbury Rapid Transit System does not duplicate existing services of Pacific Electric, but it does tap unserved area which, because of Pacific Electric having pioneered service in the area, would appear should logically be served by that operator. Further than this, Pacific Electric Railway Company's application was originally filed on March 18, 1946, whereas the proposal of Asbury Rapid Transit System was filed on March 31, 1947.

Many witnesses were produced by both applicants in support of their contention that a definite need exists for the service between Van Nuys, North Hollywood, and Los Angeles via the routes proposed and it is only fair to say that all of these witnesses, whether testifying for Pacific Electric Railway Company or for Asbury Rapid Transit System, expressed the opinion that both operators should be granted certificates. Such procedure, as is well known, would be adverse to the public interest and could conceivably result in losses to each carrier of such magnitude as to bring about an abandonment of the service. Further than this, two certificates, if granted, would inevitably result in over-service between the points in question, which could only be provided at a sacrifice to the existing passenger rail service of Pacific Electric Railway Company, retention of which is of paramount interest to all residents of the San Fernando Valley.

The record discloses that the Board of Public Utilities and Transportation of the City of Los Angeles has not given approval to the service proposed in Application No. 28322.

Concurrently with the issuance of this Decision, there is being issued a Decision on Third Supplemental Application No. 26636, which authorizes the issuance of a certificate and operation

of the service proposed by Pacific Electric Railway Company and, for reasons outlined above, we cannot justify the issuance of two certificates for substantially the same route. Such being the case it becomes necessary that the instant application be denied and the following Order will so provide.

O R D E R

Public hearing having been held and the Commission being fully advised,

IT IS ORDERED that the Application of Asbury Rapid Transit System for authority to operate a transportation service between the City of Los Angeles and those sections of the City of Los Angeles known as North Hollywood and Van Nuys, via Riverside Drive, be, and the same hereby is, denied.

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

Dated at San Francisco, California, this 28th day of June, 1947.

Harold P. Hills

Justin F. Craven

Leo S. Russell

A. F. Murray

Samuel P. Little
Commissioners