

Decision No. 40789

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

**ORIGINAL**

In the Matter of the Application of  
 DEAN CARSON and HOWARD CARSON, doing  
 business as CROSS TOWN BUS LINES,  
 for a certificate of public convenience  
 and necessity to operate a bus line for  
 the transportation of persons between  
 Lynwood, on the one hand, and contiguous  
 territory, on the other hand.

Application No. 27740

and

In the Matter of the Application of  
 DEAN CARSON and KENNETH CARSON, doing  
 business as CROSS TOWN BUS LINES,  
 for a certificate of public convenience  
 and necessity to operate a bus line for  
 the transportation of persons between  
 Lynwood, on the one hand, and Hawthorne,  
 on the other hand.

Application No. 28065

Arthur H. Glanz and Theodore W. Russell for applicant.  
Collamer A. Bridge for Sunset Stages; Vernon P. Spencer for Ingle-  
 wood City Lines and South Los Angeles Transportation Company;  
Gibson, Dunn & Crutcher by Max E. Utt for Los Angeles Transit Lines;  
E. L. H. Bissinger for Pacific Electric Railway Company; Charles F.  
Koors, for Southern Cities Transit, Inc.; Spray, Davis & Gould by  
Charles W. Bowers for Landier Transit Co., Inc.; protestants.

O P I N I O N

Dean Carson, William K. Carson, and David M. Carson,  
 copartners, doing business as Cross Town Bus Lines<sup>(1)</sup>, request auth-  
 ority to establish and operate a passenger stage service (a) within

(1) An amendment to Applications Nos. 27740 and 28065 was filed  
 April 18, 1947, whereby Dean Carson, William K. Carson, and David  
 M. Carson were substituted as partners of Cross Town Bus Lines.  
 Said amendment consolidates the original matters into one appli-  
 cation.

the City of Lynwood; and (b) between Lynwood and Huntington Park via Century Boulevard, State Street, and Gage Avenue; (c) between Lynwood and Vernon via Atlantic Boulevard and District Boulevard; (d) between Lynwood and Hawthorne via Imperial Highway; (e) between Lynwood and Compton via Pine Street, Santa Fe Avenue, Rosecrans Avenue and Tamarind Street; (f) between Lynwood and the intersection of Firestone Boulevard and Alameda Street (Los Angeles County) via Tweedy Boulevard and Alameda Street; and (g) between Lynwood and Hollywood Park Race Track via Imperial Highway and Prairie Avenue.

Public hearings were held before Examiner Chiesa at Lynwood on May 28, 29, and June 18, 1947, and at Los Angeles on June 19, 20, and 23, 1947. Evidence having been adduced, the matters were submitted for decision.

The record shows that applicants have been operating a non-certificated bus transportation service within the City of Lynwood since November, 1945. A partner testified that the City of Lynwood recently granted him a twenty-year franchise authorizing the operation of a bus service within said city. Applicant is now operating two lines or routes within Lynwood, along streets and highways which are practically the same streets and highways applicant would use for the city routes herein proposed. Applicants' present operations are competitive only with those of protestant Pacific Electric Railway Company. Both carriers now perform unrestricted operations along Long Beach Boulevard and Fernwood Avenue<sup>(2)</sup>. It does not appear that a

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(2) Pacific Electric Railway Company operates an intercity and local bus service along Long Beach Boulevard and a similar rail service along Fernwood Avenue. Both carriers also operate along Atlantic Boulevard within the City of Lynwood where protestant Pacific Electric Railway Company is restricted as to local traffic.

continuation by applicants of their present bus service along said streets would materially affect this protestant's revenues. The evidence shows, and we find, that applicants' present and proposed local operations, within the City of Lynwood, are in the public interest.

Many public witnesses, including housewives, employees, employers, businessmen, and church, school, and city representatives, testified in support of this application. The witnesses generally favored applicants' entire proposed operations but each was particularly interested and testified as to their need for service along one or two of the proposed routes<sup>(3)</sup>.

Without reviewing the record in detail there is substantial evidence therein, and we find, that public convenience and necessity require the establishment and operation by applicant of a passenger stage service as hereinabove described in parts (a), (d), (e), (f), and (g); within Lynwood, and between Lynwood, on the one hand, and Hawthorne, Compton, the intersection of Firestone Boulevard and Alameda Street, and Hollywood Park Race Track, on the other hand<sup>(4)</sup>. We also find upon the evidence of record herein that public

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(3) Applicant actually proposes to establish six routes, three of which are almost entirely within the City of Lynwood (Routes Nos. 1, 2, and 7), one between Lynwood and Huntington Park (Route No. 3), one between the intersection of Firestone Boulevard and Alameda Street and Compton, via Lynwood (Route No. 4), and one between Hawthorne and Vernon, via Lynwood (Route No. 6). Shorter routes, designated shuttle services, are also proposed along Route No. 4 (Route 4-A), and along Route No. 6 (Route No. 5). The route to Hollywood Park Race Track is practically the same as Route No. 6, between Lynwood and the race track, except that Prairie Avenue will be used northerly from Imperial Highway, and is designated Route No. 8.

(4) Applicant will be restricted from carrying local passengers along Route No. 4, the Compton route, southerly of the intersection of Santa Fe Avenue and Feck Street, as this area is now being served by protestant Southern Cities Transit Inc.

convenience and necessity do not require that applicants operate a passenger stage service as proposed, between Lynwood, on the one hand, and Huntington Park and Vernon, on the other hand, ((b) and (c) hereinabove).

There is insufficient evidence to justify the establishment of a competing service along Atlantic Boulevard, between the cities of Lynwood and Maywood. Protestant, Pacific Electric Railway Company, now operates nine daily schedules in each direction, between Pasadena and Long Beach, via Atlantic Boulevard, serving the intermediate points of Lynwood, South Gate, Bell, and Maywood. Its route, between Lynwood and Maywood, is the same as proposed by applicants. There is no evidence that Protestant's service along Atlantic Boulevard is inadequate, nor does the record show that there is a need for the proposed service to Vernon. It is almost always possible to devise a new route or service which is more direct and convenient for some persons than the existing route or service of another carrier, but such new operation, when only a very limited patronage is indicated, is not necessarily in the public interest. Under the circumstances of record it does not appear that a public need exists for an additional passenger stage service between Lynwood and Vernon, as proposed by applicants, and we so find.

Applicants' proposed service between Lynwood and Huntington Park (Route No. 3) is opposed by the Pacific Electric Railway Company and the Los Angeles Transit Lines.

Pacific Electric Railway Company operates one of its principal bus routes between the Cities of Long Beach and Huntington Park, serving the intermediate community of North Long Beach and the

Cities of Lynwood and South Gate. This route is along Long Beach Boulevard, the principal north-south street directly connecting the cities of Long Beach, Lynwood, South Gate, and Huntington Park. This protestant operates from 8 to 18 coaches daily along said route and has approximately 78 daily schedules, Monday through Friday, and 100 daily schedules on Saturday. Schedules are as frequent as six and one-half minutes but generally are every 10, 12, or 15 minutes. It therefore appears that this carrier furnishes a direct and frequent service between Lynwood and Huntington Park. The passenger traffic manager of this protestant testified that his company is in a position to provide all the service demanded along this route and that, although peak-hour demand has increased, the demand during the base period, and for night service, is diminishing.

As heretofore indicated, applicants' proposed Huntington Park route (Route No. 3) is along Century Boulevard in the City of Inglewood, thence northerly through the Cities of South Gate and Huntington Park along State Street to Gage Avenue, thence easterly along Gage Avenue to Huntington Park. This route is intended primarily for persons desiring to travel between Lynwood or Huntington Park, on the one hand, and points along State Street, on the other hand. No local service between points along Gage Avenue is proposed as this portion of the route is served by protestant Los Angeles Transit Lines. The establishment of this route through South Gate and Huntington Park is vigorously opposed by the latter protestant on the grounds that the area in said cities, through which this route would pass, was originally pioneered and is now being adequately served by said protestant. The evidence shows that

the protestant first established service in said area in 1934, and since then has made numerous changes in service for the public's convenience. Protestant, in the past, has made extensions, effected reroutings and established new routes in South Gate and Huntington Park in the vicinity of State Street. Protestant's traffic manager testified that, as recently as 1946, his company rerouted its lines through this area at the request of the residents, the South Gate Chamber of Commerce, and city representatives. At the present time Los Angeles Transit Lines is operating five bus lines which cross State Street at intervals of approximately one-half mile between Cage Avenue and Tweedy Boulevard. All of said lines (known as Nos. 55, 46, 63, 59, and 51) cross State in an easterly-westerly direction and operate either directly into Huntington Park or make connections with protestant's street car line J at Seville Avenue where passengers are afforded direct connections to Huntington Park or Los Angeles. The schedules on all of said bus lines and the car line are operated at more frequent intervals than applicants' proposed schedules along State Street (Exhibits Nos. 3 and 18). At no point along that portion of State Street proposed to be served by applicant is the public now required to walk more than a reasonable distance to one or the other of protestant's lines. Applicants' proposed service along State Street would be an added convenience to some persons residing in this area but the evidence of record, in our opinion, is insufficient to justify the establishment and operation of this route and does not justify a finding that public convenience and necessity require the granting of a certificate for said operation. The evidence in this proceeding does not show that protestant is not adequately serving this area. Further, it appears

that protestant is willing to provide any additional service in this territory that is needed and justified. Under the circumstances apparent in this record, protestant is entitled to protection against a new carrier offering to establish a competitive service of questionable necessity. Therefore, we find that public convenience and necessity do not require the establishment and operation by applicants of a passenger stage service between Lynwood and Huntington Park, as proposed herein.

Concerning the proposed Lynwood-Compton line (Route No. 4) the evidence discloses that, at present, there is no direct transportation between said cities nor is any bus service available to persons residing along Pine and Santa Fe Avenues. Many witnesses testified that a public need exists for a more direct and convenient transportation service between the Lynwood area, the Compton business section, and Compton Junior College. Passengers desiring to travel between said points now must use the lines of two of the protestants, requiring at least one transfer, and payment of two fares; whereas applicants' proposed service would not only provide direct transportation for one fare but would bring a bus service into a new area. The southerly portion of this route, however, would traverse the same streets along which protestant, Southern Cities Transit, Inc., now operates two of its lines and, therefore, applicants should be restricted against performing a competitive service along the same streets or area. There appears to be a public need for the northerly segment of Route No. 4 (along Alameda St.) to accommodate persons who are employed in the plants and factories situated along, and in the vicinity of, Alameda Street and Firestone Boulevard.

Although protestant, Los Angeles Transit Lines, now operates a line along Truba Avenue, in the vicinity of Alameda Street, this service is not convenient for persons residing in the Lynwood area.

A service which appears to be of considerable benefit to the public is that portion of Route No. 6, along Imperial Highway between the Cities of Lynwood and Hawthorne. The distance between said cities, which lie directly east and west of each other, is approximately eight miles. There is no through parallel transportation service closer than Manchester Boulevard, approximately two miles northerly of the proposed Imperial Highway route. On the other hand, this route will cross, and afford connections with, north-south lines of at least eight other certificated or municipal bus or rail passenger lines, at the intersections of practically all the principal north-south streets and Imperial Highway, between Atlantic Boulevard in Lynwood and Hawthorne Boulevard in Hawthorne. Along this entire eight-mile route Imperial Highway is now traversed only by protestant, South Los Angeles Transportation Company, between Central Avenue and Avalon Boulevard, a distance of less than two-thirds mile, and by protestant, Inglewood City Lines, between Crenshaw Boulevard and Prairie Avenue, a distance of approximately a mile. The evidence offered by said protestants does not justify a favorable consideration of their objections. Inglewood City Lines contends that, as it now offers a direct service between Inglewood and the area along Imperial Highway, between Prairie Avenue and Crenshaw Boulevard, applicants' proposed operation would be competitive in that it would offer passengers an alternate means of travel to and from Inglewood or Hawthorne. This point, in view of



the necessity of a transfer to a second line and the payment of two fares, has little merit. Also, there is no evidence that either of these protestants performs any substantial local service between points on Imperial Highway. From the evidence of record it appears that applicants' proposed service along Imperial Highway should result in mutual financial benefits for the carriers and in an improved public service. Many witnesses testified that the proposed service along Imperial Highway would be a public convenience and is necessary to meet their transportation requirements. The record shows that several large residential developments are now in progress along said route.

Applicant also proposes to operate a special race-track service along Imperial Highway and Prairie Avenue. No local service is to be performed on said line. Schedules will meet the convenience of race-track patrons and special fares will be charged.

It appears that applicants have the equipment, office, and garage facilities, and financial ability to conduct the proposed bus transportation service (Exhibits Nos. 2,4,5,6,&8).

Applicants' proposed schedules will be on a 20-minute to an hourly headway, depending on the time of day and route. More frequent schedules will be established if required. As most of applicants' operations will be new, schedules and routes may require some revision.

Applicants are willing to conform to the needs of the traveling public in said respects. A ten-cent basic fare is proposed with free transfer privileges. An additional fare of 10 cents will be charged for transportation between any two points, both of which lie

outside the City of Lynwood, where it is necessary to pass into and out of, said city in order to complete passage.

Having fully considered the entire record herein, and having found that public convenience and necessity require the establishment of a passenger stage service as hereinabove set forth, the application will be granted in part and denied in part.

Applicants are hereby placed upon notice that operative rights, as such, do not constitute a class of property which may be capitalized or used as an element of value in rate-fixing for any amount of money in excess of that originally paid to the State as the consideration for the grant of such rights. Aside from their purely permissive aspect, they extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be changed or destroyed at any time by the State, which is not in any respect limited to the number of rights which may be given.

O R D E R

A public hearing having been held on the above-numbered applications, the matters having been submitted for decision and the Commission being fully advised in the premises; it being found that public convenience and necessity so require,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity be, and it hereby is, granted to Dean Carson, William K. Carson, and David M. Carson, copartners, doing business as Cross Town Bus Lines, authorizing the establishment and operation of a service

as a passenger stage corporation, as defined in Section 2½ of the Public Utilities Act, for the transportation of passengers between Lynwood, on the one hand, and Hawthorne, Compton, the intersection of Firestone Boulevard & Alameda Street (County of Los Angeles), the intersection of Batavia Avenue & Adella Avenue (City of South Gate), and Hollywood Park Race Track, on the other hand, subject to the following conditions and restrictions:

- (a) No passengers shall be carried having both origin and destination between the intersections of Peck Street with Santa Fe Avenue and Chester Avenue (Compton), and applicants' terminus at Compton Junior College, all points inclusive.
- (b) No race-track passengers shall be carried whose origin and destination are both westerly of the intersection of Imperial Highway & Wilmington Avenue.
- (c) The Hollywood Park Race Track service shall be operated only on the days when horse racing is conducted at said track.

(2) That in providing service pursuant to the certificate herein granted, Dean Carson, William K. Carson, and David M. Carson shall comply with and observe the following regulations:

- (a) Applicants 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.
- (b) Applicants shall, within sixty (60) days from the effective date hereof and upon not less than one (1) day's notice to the Commission and the public, 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, tariffs and time schedules satisfactory to the Commission.
- (c) Subject to the authority of this Commission to change or modify such at any time, Cross Town Bus Lines shall conduct said passenger stage operation over and along the following described routes:

Route No. 1

Beginning at the intersection of Century Boulevard & State Street (City of Lynwood), thence along State Street, Tecumseh Street, Long Beach Boulevard, Century Boulevard, Little Alameda, Fernwood Avenue, Bullis Road, Morton Road, Atlantic Avenue, Fernwood Avenue, Caress Street to its intersection with Morton Road.

Route No. 2

Beginning at the intersection of Long Beach Boulevard & Century Boulevard (City of Lynwood), thence along Long Beach Boulevard, Orchard Avenue, Bullis Road, Agnes Avenue, Broadway, Atlantic Avenue, Abbott Road, Century Boulevard to its intersection with Long Beach Boulevard.

Route No. 3

Beginning at the intersection of Tweedy Boulevard & State Street (City of Lynwood), thence southerly along State Street, Long Beach Boulevard, Century Boulevard, Atlantic Avenue, Broadway, Agnes Avenue, Bullis Road to its intersection with Century Boulevard.

Route No. 4

Beginning at the intersection of Alameda Street & Firestone Boulevard (County of Los Angeles), thence along Firestone Boulevard, Juniper Street, Manchester Avenue, Alameda Street, Tweedy Boulevard, Long Beach Boulevard, Pine Avenue, Santa Fe Avenue, Rosecrans Avenue, Tamarind Avenue, Myrrh Street, Oleander Street, Laurel Street, Acacia Street to its intersection with Myrrh Street.

Also, beginning at the intersection of Long Beach Boulevard and Tweedy Boulevard, thence along Tweedy Boulevard, State Street to its intersection with Long Beach Boulevard.

Also, beginning at the intersection of Santa Fe Avenue and Chester Avenue (Compton), thence along Chester Avenue, Rosecrans Avenue to its intersection with Santa Fe Avenue.

Also, beginning at the intersection of Rosecrans Avenue & Alameda Street, thence along Alameda Street, Spruce Street to its intersection with Tamarind Street.

Route No. 4-A

This route is the same as Route No. 4 except that its northern terminus shall be at Tweedy Boulevard and its southern terminus shall be at Rosecrans Avenue.

Route No. 5

This route is the same as that portion of Route No. 6 (hereinafter described) which is easterly of the intersection of Imperial Highway & Wilmington Avenue, with the additional right to operate a loop along Wilmington Avenue to 114th Street, and Grape Street to its intersection with Imperial Highway.

Route No. 6

Beginning at the intersection of Imperial Highway & Acacia Avenue (City of Hawthorne), thence along Acacia Avenue, 116th Street, Hawthorne Avenue, Imperial Highway, Wright Road (City of South Gate), Batavia Avenue, Adella Avenue, Blumont Road to its intersection with Wright Road.

Route No. 7

Beginning at the intersection of Long Beach Boulevard & State Street (City of Lynwood), thence along State Street, Pine Avenue, Long Beach Boulevard to its intersection with State Street, the point of beginning.

Route No. 8 (Hollywood Park Race Track)

In the operation of this route applicants may operate along any of the hereinabove described routes (Routes Nos. 1 to 7, inclusive), and also along Prairie Avenue between Imperial Highway and the Hollywood Park Race Track entrance or entrances.

Applicants are authorized to turn their motor vehicles at termini and intermediate points, in either direction, at intersections of streets or by operating around a block contiguous to such intersection, or in accordance with local traffic rules.

(3) In all other respects Applications Nos. 27740 and 28065 be, and they hereby are, denied.

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

Dated at San Francisco, California this 6<sup>th</sup> day of October, 1947.

Harold D. Huls  
Justus J. Coe  
W. H. Russell  
A. J. [unclear]  
COMMISSIONERS