

Decision No. 41052

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
J. DONALD ATKINS for a certificate)	
to operate a passenger motor coach)	Application No. 28069,
service between Monrovia, Arcadia)	as amended
and South Arcadia.)	

J. Donald Atkins, in propria persona; T. Guy Cornyn, City Attorney, for City of Arcadia; William Libby, Secretary, and F. Harold Roach, Chairman of the Transportation Committee, for Arcadia Chamber of Commerce; Paul F. Garber, City Attorney, for City of Monrovia; Albert Cates, President, for Monrovia Chamber of Commerce; Glanz & Russell, by T. W. Russell, for El Monte Transit Lines, protestant; John G. Evans, General Manager, for Pasadena City Lines; Fred W. Dailey, for certain property owners.

O P I N I O N

The original application of J. Donald Atkins in this proceeding, filed December 16, 1946, sought authority to inaugurate a bus service in and near Temple City, located in the San Gabriel Valley east of Los Angeles. Two days prior to the hearing, set for April 2, 1947, applicant, by his counsel, requested that the matter be removed from the calendar, which was done. During the next five months Mr. Atkins filed four amended applications, each proposing a different service from that contemplated by the original pleading.

The fourth amended application, filed August 27, 1947, was submitted at a hearing held at Monrovia on September 10, 1947, during the course of which the application was further amended in four respects. On September 19, 1947, a letter was received from applicant stating that he was endeavoring to make new financial arrangements in place of those previously in effect with one Dudley Atkins, and therefore he did not wish to have a decision issued on

the basis of the record made at the hearing. On November 6, 1947, applicant filed a petition requesting, among other things, that the submission be set aside and that he be granted a further hearing in order to submit a new financial basis for the proposed operation. On November 19, 1947, the Commission issued its order setting the submission aside and reopening the application for further hearing at Monrovia on December 5, 1947. A copy of the order was mailed on November 21, 1947, to applicant and to all other parties who appeared at the September 10th hearing.

On November 24, 1947, Mr. Atkins wrote the Commission stating he had received notice of the further hearing, but that "Due to an unforeseen condition" the December 5th date was unsatisfactory. He requested that the hearing be set for some date after January 1, 1948. In response to a telegram asking for reasons for the requested postponement, Mr. Atkins wrote on November 28, 1947, that the financial details for the proposed operation had not yet been completed and that he was "looking for a partner in this matter, and to date have not found one to my satisfaction." The proceeding was accordingly removed from the calendar on December 1, 1947, and formal notice of such action was mailed on December 2, 1947, to all parties of record, including applicant.

We conclude that the time has now arrived to dispose of this application. The order setting aside submission and reopening the proceeding for further hearing will accordingly be vacated, and we now turn to a consideration of the application on its merits.

Applicant's final plan, upon which he went to hearing, contemplated a local bus service over three routes, totalling about 15 route miles, from Monrovia and Arcadia on the north, to South

Arcadia and the American Manor and Trailer Town tracts east of Temple City, on the south. The proposed service area is bounded loosely by Colorado and Foothill Boulevards on the north, Myrtle Avenue and Peck Road on the east, Live Oak Avenue on the south, and Santa Anita Avenue on the west. The north-south distance is approximately two miles, while in an east-west direction the area measures about a mile and one-half.

Other public passenger carriers operating in the vicinity are Pacific Electric Railway Company, offering both rail and bus service, and Pasadena City Lines and El Monte Transit Lines, both of which are bus operators. Applicant's proposal, however, was designed to meet the needs of residents in the area for transportation chiefly in a north-south direction between their homes and shopping facilities in Monrovia and Arcadia. Existing public carriers do not now render such a service.

Applicant's showing with respect to financial ability and experience was not of a nature to suggest a successful outcome for the venture. Applicant is a school teacher by profession, and appears to possess a theoretical, rather than a practical, acquaintance with the business he seeks to enter. His financial resources were not disclosed, other than by his statement to the effect that an unnamed person at an unspecified future date would loan him \$2,000, which sum would constitute the major part of his investment in the operation. He expected to acquire three new Ford passenger coaches at \$7,200 each, requiring total down payments of \$4,200. These buses, it was stated, would be purchased and leased to applicant by Dudley Atkins who would make the down payments and who also, aided by anticipated revenues, would complete the purchase of the vehicles. It has since developed that applicant and Dudley Atkins

have terminated their arrangement for the acquisition and operation of the motor vehicle equipment. Applicant also stated that he expected to hire six drivers at an hourly wage of 70 cents. The going wage for union drivers in this area was stated to be about \$1.30 per hour.

Four residents in the proposed service area testified in applicant's behalf. Three of the witnesses were housewives, who stated that no adequate public transportation was available to them and that they had to use taxicabs or walk to shopping centers in the vicinity when family cars were in use. The fourth witness, a gentleman who had lived for eleven years near the central part of the area proposed to be served, stated that he had to pay a taxi fare of 35 or 40 cents whenever he wanted to make connections with the Los Angeles or Pasadena buses. All who testified said they would use the proposed service if it were established.

The City Attorneys of Arcadia and Monrovia and the representative of the Arcadia Chamber of Commerce joined in voicing a need for public bus facilities in the neighborhood to the south of those communities. They were, however, unanimously of the opinion that applicant's showing fell far short of indicating that the public need felt to exist would be adequately met.

We are persuaded by this record that there is a need for public transportation facilities in the area applicant has proposed to serve. Applicant's showing, however, does not satisfy us that he is qualified, either financially or by experience, to render the transportation service here proposed. The application must accordingly be denied. If at some future time applicant's plans should crystallize, he may then renew his request for operating authority.

ORDER

Public hearing having been held on the fourth amended application, as amended, of J. Donald Atkins, for a certificate of public convenience and necessity to establish service as a passenger stage corporation, as defined in Section 2-1/4 of the Public Utilities Act, generally between Monrovia, Arcadia and South Arcadia, in Los Angeles County, it having been found that applicant has not made the showing requisite to the issuance to him of such a certificate, and the Commission now being fully advised,

IT IS ORDERED:

(1) That the order of the Commission, dated November 19, 1947, setting aside submission of this proceeding and reopening the same for further hearing be and it is hereby vacated, and said proceeding is hereby resubmitted for decision.

(2) That Application No. 28069, as amended, of J. Donald Atkins, be and it is hereby denied without prejudice.

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

Dated at San Francisco, California, this 22nd day of December, 1947.

Harold P. Huls
Justice F. G. Galloway
Charles R. Riddle
R. T. Johnson

COMMISSIONERS