

ORIGINAL

Decision No. 42261

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 BELVEDERE TRANSIT, INC., a California)
 corporation, as substitute applicant)
 in the place and stead of Pacific Motor)
 Tours, Inc., for a certificate of public)
 convenience and necessity to operate a) Application No. 28956
 new passenger stage service between) (Third Amended)
 points in the City of Montebello, Cali-)
 fornia, Monterey Park, California, and)
 3rd and Indiana Streets, County of Los)
 Angeles, California.)

James J. Broz for original applicant, Pacific Motor Tours, Inc., and substituted applicant, Belvedere Transit, Inc.; Charles F. Koors for applicant, Belvedere Transit, Inc., protestant in application of Pacific Motor Tours, Inc.; E. L. H. Bissinger and H. O. Marler for Pacific Electric Railway Co., protestant in application of Pacific Motor Tours, Inc. and interested party in application of Belvedere Transit, Inc.; Gibson, Dunn & Crutcher, by Max Eddy Utt, Frank L. Mallory, and David D. Canning for Los Angeles Transit Lines, protestant in application of Pacific Motor Tours, Inc. and interested party in application of Belvedere Transit, Inc.; Earl A. Bagby for Pacific Greyhound Lines, interested party; H. S. Farrell, Alva J. Hasty, and Tom F. McQuire for City of Montebello, protestant in both applications; Glanz & Russell, by T. W. Russell, for El Monte Transit Lines, Inc., protestant in application of Pacific Motor Tours, Inc.

O P I N I O N

On December 17, 1947, Pacific Motor Tours, Inc., a California corporation, filed its original application for authority to establish and operate a passenger stage service between Los Angeles and El Monte, including the intermediate areas of Belvedere, Bella Vista, and the Cities of Montebello and Monterey Park. Several amendments were subsequently filed. Hearings were held in Los Angeles on April 1, 2, 15, and 16, May 26, and September 30,

1948. Protestants to the application were Pacific Electric Railway Company, Los Angeles Transit Lines, Belvedere Transit, Inc. (later to be substituted as the applicant), El Monte Transit Lines, Inc., and the City of Montebello which operates a municipal bus service in part of the area proposed to be served.

On August 11, 1948, after five days of hearing, and before applicant had completed the presentation of all of its evidence, said applicant, Pacific Motor Tours, Inc., filed a joint application (designated Second Amended Application) with Belvedere Transit, Inc., requesting authority to substitute the latter company as the applicant in this proceeding.

On the 30th day of September, 1948, the application for substitution of applicants was heard and granted. James J. Broz, attorney, appeared for both applicants at that hearing at which time he requested the dismissal of the application of Pacific Motor Tours, Inc. The matter was then taken off calendar to permit Belvedere Transit, Inc. to file an application in conformity with Title 20 of the California Administrative Code. The Third Amended Application was filed on October 11, 1948, and the matter was again placed on the calendar for October 26, 1948, when it was heard and submitted for decision.

Belvedere Transit, Inc. operates a passenger stage service in the Belvedere district of Los Angeles County. By this application it seeks authority to (1) extend its First Street Line easterly from the intersection of First Street & Schoolside Avenue to the intersection of Third Street & Mesa Drive, (2) establish a new line between the intersection of Indiana & Third Streets and the intersection of Beverly Boulevard & Hay Street, (3) abandon a portion of

of its present First Street Line along Telford Street, Gladmar Street, and Sherbrook Avenue, which is now used as a turnaround.

The primary purpose of applicant's proposal is to establish, for the convenience of the residents of the areas along Third Street and Beverly Boulevard, an interchange service to the City of Los Angeles. The proposed extension and new lines will also afford them a local service but with the exception of transportation to and from certain schools and partially developed business areas, the latter service, at present, would not of itself justify or support the proposed operations.

Without reviewing the record in detail, it appears, and we find, that there is substantial evidence that public convenience and necessity require applicant's proposed service. The evidence shows that the areas of Bella Vista⁽¹⁾, Third Street (between Sadler Avenue and Mesa Drive), and Beverly Boulevard (between Atlantic Avenue and Hay Street) have been developing rapidly as residential and small business communities and that the present state of growth justifies the establishment of the proposed bus services.

The City of Montebello has protested on the grounds that the proposed services are competitive with its present operations in said city and vicinity. A map filed by protestant (Exhibit No. 24) clearly shows that applicant's proposed extension easterly along Third Street, and its route along Beverly Boulevard easterly of Woods Avenue are not competitive in any material degree with either protestant's Bradshaw Avenue or Via Acosta Line. A portion

(1) An area generally bounded by Brooklyn Avenue on the north, Beverly Boulevard on the south, Fetterly Avenue on the west, and Simmons Avenue on the east.

of applicant's proposed Third Street Line will duplicate protestant's service along Third Street between Indiana Street and Beverly Boulevard for a distance of approximately two miles; however, protestant offered no evidence showing what revenue it derives from that portion of its line nor was any evidence presented showing the amount of loss it would incur should applicant be permitted to operate along said street. We cannot accept the unsupported statement of the superintendent of protestant's lines to the effect that applicant's service along that portion of its Beverly Boulevard Line would cause a material loss of revenue. The record shows that protestant did not establish its service along said portion of Third Street until June of 1946 which was six months after applicant's predecessor in interest herein had filed its application for authority to serve the area. It also clearly appears that Third Street, between Indiana Street and Beverly Boulevard, is squarely within applicant's service area. Upon this record protestant's objections do not appear to be well founded nor are they supported by substantial evidence.

Applicant's vice-president and general manager testified that the required additional equipment is available. The First Street Line, with the proposed extension, will be 4.25 miles in length and the Beverly Boulevard Line, 4 miles. The schedule for the latter will be on a 15-minute headway from 6 a.m. to 6 p.m., and a 30-minute headway from 6 p.m. to midnight. The First Street Line schedule will be every 25 minutes from 6 a.m. to 6:05 p.m. and every 40 minutes thereafter to 11:45 p.m. Applicant proposes to establish a second zone easterly of Atlantic Avenue. Its intrazone fare will remain as at present, 6 cents, with an interzone fare of 7 cents.

Where transfer to applicant's lines is issued an additional 3 cents will be charged.

Applicant's proposed operations will afford its patrons a convenient interchange with the lines of the Los Angeles Transit Lines at Third and Indiana Streets and at First Street and Rowan Avenue with the latter's No. 47 bus line and "P" rail line, respectively. Interchange schedules will be integrated. The fare to and from Los Angeles will be the sum of the fares of the two lines.

Applicant estimates that it will be required to operate an additional 680 miles daily; that it will receive an additional revenue of \$75,403.89 for the 12 months following inauguration of service and that its expenses will be \$68,611.14, resulting in an additional net profit of \$6,792.75 for the 208,760 added miles.

Permission to discontinue service along Telford Street, Gladman Street, and Sherbrook Avenue is requested so as to eliminate the present terminal loop. This will not materially inconvenience any persons now using applicant's service.

Upon consideration of this entire record we are of the opinion and find that public convenience and necessity require the establishment and operation of the passenger stage services proposed. The application of Belvedere Transit, Inc. will be granted as hereinbelow set forth. The application of Pacific Motor Tours, Inc. will be dismissed.

O R D E R

A public hearing having been held on the above-entitled matter, the Commission now being fully advised in the premises and having 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 Belvedere Transit, Inc., a corporation, authorizing the establishment and operation of a service as a "passenger stage corporation" as defined in Section 2 $\frac{1}{2}$ of the Public Utilities Act, for the transportation of persons, between (1) the intersection of First Street and Schoolside Avenue, County of Los Angeles, and the intersection of Third Street and Mesa Drive (City of Monterey Park), and (2) between the intersection of Indiana and Third Streets (City of Los Angeles) and the intersection of Beverly Boulevard and Hay Street (City of Montebello), as an extension and enlargement of, and to be consolidated with, its present operative rights.

(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 them by further order, applicant

shall conduct operations pursuant to the certificate herein granted over and along the following routes:

Extension of First Street Line

Beginning at the intersection of First Street and Schoolside Avenue, in the County of Los Angeles, thence along Schoolside Avenue, Brooklyn Avenue, Sadler Avenue, Third Street to its intersection with Mesa Drive.

Beverly Boulevard Line

Beginning at the intersection of Indiana and Third Streets, thence along Third Street, Beverly Boulevard, Via Acosta, Hay Street, Beverly Boulevard to its intersection with Via Acosta.

d. Applicant is authorized to turn its motor vehicles at terminal or 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) That applicant be, and it hereby is, authorized to discontinue and abandon its operation over and along Telford Street, Gladmar Street, and Sherbrook Avenue.

(4) That the route description appearing in Paragraph (2), subparagraph (c), of the Order in Decision No. 40367, in Application No. 26299, reading as follows:

"Beginning at the intersection of East First Street and Gage Avenue thence along First Street, Telford Street, Gladmar Street and Sherbrook Avenue to First Street."

be, and it hereby is, amended to read as follows:

Beginning at the intersection of First Street and Gage Avenue, thence easterly along First Street to its intersection with Schoolside Avenue.

(5) That in all other respects the application of Belvedere Transit, Inc., be, and it hereby is, denied.

(6) That the application of Pacific Motor Tours, Inc., be, and it hereby is, dismissed.

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

Dated at San Francisco, California, this 23rd day of November, 1948.

R. E. Inderman

August Kuegel

Harold Heils

Harriet L. Tolson

COMMISSIONERS