

ORIGINAL

Decision No. 42325

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
BELVEDERE TRANSIT, INC., for a certi-)
ficate to operate a local bus service)
within and in the vicinity of the)
City of Whittier, California, and for)
authority to connect and integrate)
said Whittier operation with appli-)
cant's present operation.)

Application No. 30092

Charles F. Koors, for applicant; Thomas W. Bewley,
City Attorney, Whittier, interested party; and
Frank Gill, for Pacific Electric Railway, interested party.

O P I N I O N

Applicant has, by proper proceedings, changed its name from Belvedere Transit, Inc., to Eastern Cities Transit, Inc., by which latter name it will hereafter be referred to in this decision. Applicant is now and has been operating as a passenger stage corporation in the East Los Angeles-Montebello Area, in Los Angeles County, under authority of this Commission⁽¹⁾.

A public hearing was held before Examiner Rowe, at Whittier, on April 18, 1949, at which time oral and documentary evidence was adduced and the matter was submitted for decision.

Applicant requests authority to conduct a passenger stage service as a common carrier within and in the vicinity of the City of Whittier, California, and also authority to connect such proposed operation with its existing common carrier operation in the East Los Angeles-Montebello Area.

The City of Whittier is now serving the public in that municipality and surrounding territory by its Whittier Municipal Bus Line. The City Council of said City of Whittier has, by Resolution No. 2201, duly approved and consented to the application

(1) Decision No. 40367 on Application No. 28299;
Decision No. 42261 on Application No. 28956.

of Eastern Cities Transit, Inc., applicant herein. Resolution No. 2200 of said City Council finds, determines, and declares that the public interest and necessity require that the public utility owned and operated by the city under the name of Whittier Municipal Bus Lines should be sold.

In order to effect and authorize such sale of said public utility properties, the City Council has duly adopted Ordinance No. 995, calling a special municipal election on Tuesday, May 10, 1949, whereby the electors of said city may, pursuant to Act 5203, Deering's California General Laws (Statutes 1921 page 829) lawfully authorize the sale of the utility properties. Under the provisions of this Act, the City Council, after advertising for bids, is authorized to sell the utility to the highest and best bidder.

Eastern Cities Transit, Inc., from the evidence of record, is found as a fact to be adequately financed and its managing officers have sufficient experience and ability to assure competent and continued operation of the lines for which a certificate of public convenience and necessity is requested. The price offered by applicant of \$48,000 for the eight 1946 and 1947 model Ford 8 Transit buses, included in the equipment to be sold by the city, together with the price of the inventory of spare parts and tires at a cost of not to exceed \$1,000, appears, and is found as a fact, to be reasonable, and its payment in cash will leave the company in a financially sound position.

It is further found as a fact that there is a public need for the service as proposed, and as at present operated by the city. But it is found that there is no public need or

convenience for the service now provided by the city and, at the same time, a duplication of such service by a competing carrier, such as applicant. Consequently, it is found that the public convenience and necessity require the service as proposed by applicant only upon condition that the city legally withdraw from the field by sale to applicant or otherwise.

In view of the fact that the Legislature in Section 3 of said Act 5203 has provided that the sale of a city's public utility properties may only be made to the highest and best bidder, this opinion and the following order must not be construed as, and they are hereby declared not to be, prejudicial to the right of any other person, firm, association, or corporation to bid for the purchase of such properties and to apply for a certificate of convenience and necessity to offer to the public the service now being operated by said city. The certificate of public convenience and necessity to be granted hereby to applicant will be made upon the express condition that the City of Whittier has withdrawn from its passenger stage operation which fact may be evidenced by a deed conveying such municipally owned public utility to applicant.

Upon full consideration of the record in this proceeding, the Commission finds that public convenience and necessity require the establishment of passenger stage service in and around the City of Whittier in Los Angeles County as proposed by applicant upon the condition stated in the order.

ORDER

Public hearing having been held in the above-entitled proceeding, the Commission 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 Eastern Cities Transit, Inc., authorizing the establishment and operation of service as a passenger stage corporation, as defined in Section 2 $\frac{1}{2}$ of the Public Utilities Act, for the transportation of passengers within the City of Whittier, and between points within the City of Whittier, on the one hand, and points outside said city, on the other hand, subject to the following condition:

That applicant purchase from the City of Whittier its public utility property known as Whittier Bus Lines pursuant to Section 3 of Act 5203, Deering's General Laws (Statutes of 1921, Page 829), within 90 days from the effective date of this order.

(2) That in providing service pursuant to the certificate herein granted, applicant Eastern Cities Transit, Inc., 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 after the effective date hereof.
- b. Applicant shall immediately, upon the abandonment by the city, and, within 91 days after the effective date hereof, and upon not less than 5 days' 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 schedules satisfactory to the Commission.

- (c) Subject to the authority of this Commission to change or modify such at any time, Eastern Cities Transit, Inc., shall conduct said passenger stage operation over and along the following described routes:

ROUTE 1:

From Whittier Boulevard along Laurel Avenue, Oak Street, Barton Road, Whittier Boulevard, Central Avenue, High Street, Painter Avenue, Philadelphia Street, Milton Avenue, Hadley Street, See Drive, Glengarry Drive, Loch Avon Drive, Redman Avenue, Holbrook Avenue, Norwalk Boulevard, Rincon Drive, See Drive, and Glengarry Drive to See Drive.

ROUTE 2:

From Guirado Road in front of Rose Hill Memorial Park along Workman Mill Road, Norwalk Boulevard, Monte Vista Drive, Magnolia Avenue, Floral Drive, Pickering Avenue, Beverly Boulevard, Greenleaf Avenue, Shreve Road, Santa Fe Springs Road, McGee Drive, Villa Drive, Lambert Road to Greenleaf Avenue.

ROUTE 3:

From Beverly Boulevard along Painter Avenue, Philadelphia Street, Pickering Avenue, Broadway, El Rancho Drive, Orange Drive, Redman Avenue, Whittier Boulevard, Guirado Road, Beverly Boulevard, Rosemead Boulevard, Lexington and Gallatin Road, Durfee Road, Friendship Avenue, Amistad Avenue, Melita Street and Tobias Avenue to Beverly Boulevard.

ROUTE 3A:

From Passons Road along Holbrook Avenue, Pico Vista Avenue, Bexley Drive, Passons Road, Whittier Boulevard, Redman Avenue, Orange Drive, El Rancho Drive, Broadway, Pickering Avenue, College Street, Comstock Avenue, Philadelphia Street, Whittier Boulevard, Broadway, Broadhurst Street, Cedarcliff Avenue, Dicky Street, Gretna Avenue to Washington Boulevard, Gretna Avenue, Dicky Street, Cedarcliff Avenue, Winchell Street and Broadway to Broadhurst.

Applicant is authorized to turn its 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.

- (d) Within ninety-one (91) days after the effective date of this order applicant shall file with this Commission a certified copy of a deed conveying the City of Whittier municipally owned bus line utility to applicant.

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

Dated at San Francisco, California, this 3rd day of May, 1949.

R. T. Johnson
Justice F. Calver
Harold P. Hills
Kenneth F. Totten
COMMISSIONERS