

ORIGINAL

Decision No. 43020

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 SWENSON'S LIVERY, INC., a corporation,)
 for the modification and extension of)
 its certificates of public convenience) Application No. 30069
 and necessity authorizing the trans-)
 portation of passengers between Santa)
 Monica and Hollywood Park Race Track,)
 and Santa Anita Race Track.)

Arlo D. Poe, for applicant; Wyman C. Knapp, for
Tanner Motor Tours, Ltd., and Rodney F. Williams,
 for Asbury Rapid Transit System, protestants.

O P I N I O N

In this application, Swenson's Livery, Inc., a corporation, requests certificates of public convenience and necessity permitting it to serve the territory adjacent to its terminal at 7136 Santa Monica Boulevard. Authority to render service to this community, which is in an unincorporated but built-up and populous territory, is sought to be consolidated with, and operated in connection with, its existing certificates to carry passengers to Hollywood Park race track and Santa Anita race track from the city of Santa Monica⁽¹⁾.

Applicant alleged that it can provide the service for which authority is herein requested without altering its authorized

(1) Dec. No. 42346 on Ap. No. 29909;
 Dec. No. 38222 on Ap. No. 26950; and
 Dec. No. 39540 on Ap. No. 27581.

routes other than designating its terminal facilities in said unincorporated territory as the commencing point for the Hollywood Park race track operation and as an intermediate point for its Santa Anita race track operation. It was further asserted that no additional equipment would be required nor any operating mileage need be added nor additional expense incurred.

Public hearings were held before Examiner Rowe in Los Angeles on April 11, 1949, and on May 16 and 17, 1949, and the matter was submitted on concurrent briefs, which were duly filed on June 6, 1949.

The application is protested by Tanner Motor Tours, Ltd., and by Asbury Rapid Transit System, each of which claims that its transportation services adequately and conveniently serve race track patrons residing in the Hollywood area, including the territory adjacent to applicant's terminal which it seeks to serve by this application.

Applicant failed to challenge the claims of Tanner and Asbury, the protestants, that they are fully performing their duty to the public in regard to service, fares and facilities. Referring to its own witnesses, applicant states, in its brief, that some had used Tanner service from the Roosevelt Hotel, but expressed a preference for applicant's proposed service because of the proximity of its terminal to their homes. These witnesses testified, generally, that the service proposed by the applicant would be convenient for them when desiring transportation to the race tracks, principally because such terminal is within walking distance of their homes.

The evidence was conclusive that public transportation to enable connection with either protestant was abundant and reasonably rapid and available at moderate expense.

The points of pickup in Hollywood of protestants are readily accessible and convenient for race track transportation patrons working or living in the vicinity of applicant's Santa Monica Boulevard terminal. The Hollywood Hotel, one of Tanner's pickup points, is less than one mile from said terminal and less than five minutes' ride by either bus or taxi, available at fares of ten cents and fifty cents, respectively. The nearest pickup point of Asbury is eight-tenths of a mile from Swenson's terminal to Santa Anita and that to Hollywood Park is less than half a mile. A number of witnesses objected to paying 20 cents bus fare to and from the Tanner pickup point. However, with the lower Asbury fares such patrons could travel from Swenson's terminal to the nearest Asbury pickup point by bus or street car, and from there to the respective race tracks, and their total transportation cost, including Asbury's charge, would be less than applicant's proposed fare. The proposed route to Hollywood Park from applicant's terminal is much more circuitous and requires more time in transit than that of either protestant.

Upon a review of the record herein, we are of the opinion, and consequently find as a fact, that there is no public need for the proposed service, and the locality herein sought to be served is at present adequately and properly served by protestants Tanner Motor Tours, Ltd., and Asbury Rapid Transit System, and, consequently, the public convenience and necessity do not require the granting

of the application of Swenson's Livery, Inc. to carry passengers to and from its terminal located at 7136 Santa Monica Boulevard, Los Angeles County, to and from Hollywood Park race track and Santa Anita Park race track.

O R D E R

A public hearing having been held in the above-entitled proceeding, the matter having been submitted on briefs, and the Commission being fully advised,

IT IS ORDERED that Application No. 30069, of Swenson's Livery, Inc., for a modification and extension of its certificates of public convenience and necessity, by the designation of its terminal facilities at 7136 Santa Monica Boulevard, in Los Angeles County, as a point for the pickup and discharge of passengers to and from Hollywood Park race track and Santa Anita Park race track, and for the issuance of necessary certificates of public convenience and necessity be, and it hereby is, denied.

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

Dated at San Francisco, California, this 21st day of June, 1949.

R. J. [Signature]
Justus F. [Signature]
[Signature]
[Signature]
[Signature]
COMMISSIONERS