

Decision No. 43339

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
DEAN, WILLIAM K., and DAVID M. CARSON,)
individuals doing business as copart-)
ners under the firm name of CROSS TOWN)
BUS LINES, for a Certificate of Public)
Convenience and Necessity authorizing)
the operation of a passenger stage)
business between Lynwood, California,)
on the one hand, and Huntington Park,)
California, on the other hand, includ-)
ing all intermediate points (extension)
of operations).)

Application No. 30316

Glanz and Russell by Theodore W. Russell for
applicants. Gibson, Dunn & Crutcher by
Max Eddy Utt for Los Angeles Transit Lines,
E. L. H. Bissinger for Pacific Electric Railway
Company, Spray, Davis & Gould by Joseph A. Spray
and Charles W. Bowers for Landier Transit Co.,
Inc., protestants; and George A. Willson for
State Street Businessmen's Ass'n., interested
party.

O P I N I O N

Dean Carson, William K. Carson, and David M. Carson,
copartners, doing business as Cross Town Bus Lines, request
authority to establish and operate a passenger stage service from
Fernwood Avenue, in the City of Lynwood, California, along Bullis
Road, Century Boulevard, Long Beach Boulevard, State Street
through the City of South Gate, thence along Randolph Street, in
the City of Huntington Park, thence along Miles Avenue, Zoe Avenue,
Santa Fe Avenue, and Gage Avenue to Compton Avenue, in the County of
Los Angeles.

Public hearings were held before Examiner Rowe at Huntington Park, on June 9, 10, 13, 29, and 30, 1949, and at Los Angeles on July 13, 14, and 15, 1949, at which time oral and documentary evidence was adduced. The matter was submitted upon concurrent opening and closing briefs to be filed by October 5, 1949. Subsequently, the parties stipulated that briefs and arguments were waived and that the matter should stand submitted upon the record made.

Except for approximately one mile west of Santa Fe Avenue along Gage Avenue, and a slight variation, in that the line travels along Randolph Street and Zoe Avenue in Huntington Park instead of along Gage Avenue, substantially all of the requested route was included in an application by this carrier filed with the Commission and denied in October, 1947, by Decision No. 40789 on Applications Nos. 27740 and 28065.

In denying the previous request, this Commission pointed to the fact that Los Angeles Transit Lines was operating five bus lines which cross State Street, at intervals of approximately one-half mile between Gage Avenue and Tweedy Boulevard. All of these lines (known as 55, 46, 63, 59, and 51) cross State Street in an easterly-westerly direction and operate either directly into Huntington Park or make connections with that 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 were then, and are now, operated at much more frequent intervals than applicants' proposed schedule along State Street (Exhibits

Nos. 14 and 28). At no point along that portion of State Street, proposed to be served by applicants, was the public then, nor is the public now, required to walk more than a reasonable distance to one or the other of said 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 the previous hearings was considered insufficient to justify a finding that public convenience and necessity required the granting of a certificate for such operation.

It was held that Los Angeles Transit Lines was adequately serving this area and was willing to provide any additional service in this territory that was needed and justified. The Commission, therefore, felt that said protestant was entitled to protection against a new carrier offering to establish a competitive service of questionable necessity. As a consequence, it was found that public convenience and necessity did not require the establishment and operation, by applicant, of the passenger service between Lynwood and Huntington Park.

The evidence before the Commission in the present application shows that the service presently rendered by Los Angeles Transit Lines is substantially the same as it was at the time Applications 27740 and 28065 were heard. Also, protestant, Pacific Electric Railway Company, introduced evidence showing that it will be affected adversely by the granting of the requested rights to Cross Town Bus Lines. At present, Cross Town Bus Lines gathers and delivers many passengers from the Lynwood area to the Pacific Electric Long Beach line which carries them into Huntington Park.

Many of those passengers picked up by Cross Town Bus Lines would, if this application were granted, remain on the same bus and be carried into downtown Huntington Park.

While the present application does not request authority to operate along Gage Avenue, where it is traversed by Los Angeles Transit Lines' Coach Line 55, it does propose to cross this avenue twice and to operate along Randolph Street a short distance to the north of Gage Avenue and along Zoe Avenue which is less than a quarter of a mile to the south of Gage. In this area, therefore, these lines would certainly be competitive, and protestant, Los Angeles Transit Lines, is entitled to protection.

The requested operation along Gage Avenue west of Santa Fe Avenue, except for a short distance of less than a quarter of a mile, goes through territory served by protestant, Landier Transit Company, and by Pacific Electric Railway Company. Residents in this area may, by the use of those lines, transfer to the Los Angeles Transit Lines' east-west lines along Slauson Avenue, or other lines south of Slauson, and thereby ride into Huntington Park, South Gate, or Lynwood.

Many witnesses appeared on behalf of applicant and testified as to the inconvenience involved in the fact that to get to points along the proposed line, circuitous routes and from one to three transfers, as well as delays, were involved. A large percentage of these witnesses admitted that the present lines of protestants were meeting their major needs in carrying them to work in Los Angeles or Pasadena. In spite of the large number of witnesses who testified that they, or members of their families,

would use the proposed service, it does not appear that the traffic which could reasonably be anticipated would justify a finding that the public necessity required its institution. All the witnesses, by suffering some inconvenience, could travel to within reasonable walking distance of their destination in the area by the use of presently operated lines.

The greatest inconvenience shown by the evidence was in reaching the Saint Francis Hospital situated at the corner of Century Boulevard and Imperial Avenue. A number of hospital employees have experienced difficulty in reaching this location from points as far away as Los Angeles. In response to this showing, protestant, Los Angeles Transit Lines, has filed its Application No. 30433, requesting authority to extend its Line No. 59 southerly approximately a half mile to the hospital.

A few people living along and adjacent to Gage Avenue between Wilmington Avenue and Regent Street, a distance of approximately a quarter of a mile, reside more than a reasonable walking distance from public transportation. The public need along this short distance included in the extreme northwesterly portion of the proposed route is not sufficiently great to alone justify the granting of the whole route as requested.

It is manifest, therefore, that the decision on the present application must be the same as Decision No. 40789, on Applications Nos. 27740 and 28065, with regard to the substantially similar rights there requested along State Street and along Gage Avenue through Huntington Park. The rights applied for now are, with the minor exceptions above noted, the same as those previously

adjudicated, and the evidence in support of, and opposed to, such rights are without material difference.

The chambers of commerce and the city councils of the three cities involved appear unanimously in favor of applicants instituting the proposed route. But the resolutions of these organizations contained nothing of an evidentiary nature to support the application. A mere expression of a desire is of little assistance in passing on this issue. A great volume of cumulative evidence was added to similar evidence of residents along the requested route to the effect that they have suffered inconvenience in not having a direct route to the places they, from time to time, might wish to reach along the route. However, no evidence in the present hearings added a valid new reason for granting the rights sought.

It was conclusively proved that the carriers presently operating in the territory are adequately meeting the vital needs of the public in furnishing direct transportation for the greatest number of people to the centers of population, such as Huntington Park and Los Angeles, and are furnishing transportation which, in view of the need, is not too circuitous or slow. Considering the proposed time table of applicants, of thirty minutes to one hour headway, in comparison with the numerous schedules of protestants, it is doubtful whether the proposed service, if instituted, would result in any material lessening of the average time required by the public in moving to and from points along the proposed route.

The net advantage to the public of granting the application would be merely the elimination of the inconvenience of from one to three transfers. Convenience to the public along this route

is not alone sufficient to justify the issuance of a certificate of public convenience and necessity. The Commission finds, as a fact, that there is no substantial need for the proposed service and an insufficient public convenience to justify the inevitable injury to the carriers now operating in the territory who are rendering adequate service which is meeting the real and basic need in this area for transportation to and from the three cities of Huntington Park, South Gate, and Lynwood.

O R D E R

Public hearings having been held, the Commission being fully advised and having found that public convenience and necessity do not require the granting of the application therefor,

IT IS ORDERED that the application of Dean Carson, William K. Carson, and David M. Carson, copartners, doing business as Cross Town Bus Lines, for authority to operate a bus transportation service as described in said Application No. 30316 be, and the same hereby is, denied.

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

Dated at San Francisco, California, this 27th day of September, 1949.

Justus D. Craven
Harold T. Hilde
Kenneth T. Lott
COMMISSIONERS