

ORIGINAL

Decision No. 43372

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 Asbury Rapid Transit System, a corporation,)
 for authority to: temporarily re-route)
 certain existing services, temporarily)
 suspend operations over certain portions of) Application No. 30638
 certain streets, and establish certain)
 additional services, as a common carrier)
 for compensation of certain motor coach)
 transportation services, in the City of)
 Burbank and that part of the City of)
 Los Angeles known as North Hollywood.)

Rodney F. Williams, Don L. Campbell, Bart F. Wade, and
R. C. Cale, for applicant; Archie L. Walters, Howard I. Stites,
and Harmon R. Bennett, for City of Burbank; K Charles Bean, for
City of Los Angeles; Franklin Lowney, for Burbank Chamber of
Commerce; Grover C. Swart, for North Hollywood Chamber of Commerce;
R. A. Hauer, Jr., for Glendale City Lines.

O P I N I O N

By the above-numbered application, as amended, Asbury Rapid Transit System, hereinafter sometimes referred to as Asbury, seeks the Commission's authority to take over the operation of certain motor coach service in the City of Burbank presently being conducted by the Burbank City Lines.

A formal hearing in the matter was held at Los Angeles on September 30, 1949. It was duly submitted and is now ready for determination.

The record indicates that Burbank City Lines, operator of a local motor coach service wholly within the City of Burbank and outside the jurisdiction of this Commission, has served

notice on officials of the City of Burbank that, effective as of 12:01 a.m. on October 16, 1949. it proposes to discontinue all operations. Asbury Rapid Transit System and the City of Burbank through a series of informal conferences, have developed a plan by which it is mutually agreed and understood that Asbury, subject to the approval of this Commission, will institute a local service within the City of Burbank, which, to all intents and purposes, will duplicate the service presently being rendered and, in order that there shall be no break in the continuity of service, urge expeditious handling of the present application.

The record is rather incomplete as to any showing relative to the financial results which will obtain should the certificate sought be granted. This is accounted for by reason of the fact that a final plan, agreeable to both the City of Burbank and Asbury, was not agreed upon until Wednesday, September 28, 1949. Neither was there substantial showing as to public convenience and necessity which will be served by the institution of the service as proposed, and in this respect the Commission must, of necessity, be guided by the fact that service has heretofore been rendered and that therefore there must have been some justification for such service.

Applicant and the City both urged that any certificate issued by the Commission be for a period of nine months. Such a time limit is suggested for the following reasons:

1. So that the City of Burbank may recapture complete jurisdiction over the added service in the event a franchise shall not have been made effective prior to the expiration of the temporary order.

2. The City of Burbank objects to Asbury's securing permanent authority for the added service unless a franchise agreement with the City of Burbank shall first have been entered into. Time will not permit this since, as is indicated above, service must be commenced on October 16, 1949, in order that there shall be no break in its continuity.
3. Six months' experience should fairly well reflect the results from unification of the new service with the Asbury service now operating under certificates from this Commission.
4. If the unified service meets the requirements of the respective parties, the additional three months would afford sufficient time to work out and make effective a long-term franchise on a fair and equitable basis, in the light of actual experience, before expiration of the temporary authority, and would also permit Asbury to secure permanent authority from this Commission. If experience develops during the trial period that the service is unsatisfactory to the City or to Asbury, the temporary period of nine months would afford ample time to make other arrangements for public transportation, without fear of interruption of service.

It is a matter of common knowledge that it is not the policy of this Commission to issue temporary certificates of public convenience and necessity. In this particular instance, however, extenuating circumstances appear to justify modification of the rule which governs normal procedure. As has been stated previously, the present operator has announced definitely that it will leave the field as of 12:01 a.m. on October 16, 1949, and if the City of Burbank is to continue to have a local service, prompt action is necessary on the part of everyone concerned. The service as proposed will in no way conflict with, or result in a deterioration of, present services rendered by Asbury under certificates issued by this Commission.

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Applicant proposes a minimum fare of 10 cents, which is identical with those fares now being collected on the lines of Burbank City Lines. It is also applicant's intention to work out a transfer system within the City of Burbank, in so far as it is able to do so without conflicting with basic fares on its main line routes. The fare proposals meet with the entire satisfaction of the City of Burbank.

No Sunday or holiday service is proposed.

The Board of Public Utilities and Transportation of the City of Los Angeles has as yet had no time to conduct its hearing in this matter, but its Chief Engineer and General Manager appeared and indicated that he could see no reason why the Board would oppose the matter. Any apparent delay on its part is due to franchise requirements imposed by the City.

Pacific Electric Railway Company and Glendale City Lines have indicated that they will offer no opposition to the proposal. The City of Burbank has officially gone on record, by Resolution No. 5787, adopted September 27, 1949, supplemented by Resolution No. 5789, adopted at a special session of the City Council on September 29, 1949, as being in favor of the application, as amended.

No one appeared in protest, and a careful consideration of the entire matter leads to the conclusion that the certificate sought should be granted. The following order will so provide.

O R D E R

Application as above entitled having been filed, the Commission being fully advised in the premises, and it having been 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 Asbury Rapid Transit System, authorizing the establishment and operation of a service as a passenger stage corporation, as defined in Section 2½ of the Public Utilities Act, for the transportation of passengers in the City of Burbank and in the community of North Hollywood.

(2) That the authority herein granted is for a nine months' period only, dating from the effective date of this order, and upon termination of that period, if applicant and the City of Burbank have not reached an agreement upon which a permanent service may be based, applicant may, ipso facto, resume operations under its existing certificates.

(3) That any financial losses incurred by reason of the operations herein authorized shall not be used as an argument by applicant before this Commission for increases in fares on the more productive lines of its system.

(4) That in providing service pursuant to the certificate herein granted, there shall be compliance with the following service regulations:

- (a) Applicant shall file a written acceptance of the certificate herein granted, within a period of not to exceed thirty (30) days after the effective date hereof.

- (b) Applicant shall establish the service herein authorized, on October 16, 1949, on not less than one (1) day's notice to the Commission and the public, and may deviate from the terms of Rule 8(g) of General Order No. 79 to the extent necessary to enable it to supplement its presently effective tariff.
- (c) Subject to the authority of this Commission to change or modify such at any time, Asbury Rapid Transit System shall conduct the services authorized herein over and along the following described routes:

Commencing at Sunset Boulevard and Wilcox Avenue in Hollywood; thence via Sunset Boulevard, Cahuenga Avenue, Barham Boulevard, Olive Avenue, Fairview Street, Verdugo Avenue, Olive Avenue, Glen Oaks Boulevard, Keystone Street, Peyton Avenue, Glen Oaks Boulevard to Olive Avenue; thence via the reverse of the going route to the point of commencement.

Commencing at the intersection of Rowland Avenue and Olive Avenue in the City of Burbank; thence via Olive Avenue, Alameda Avenue, Lake Street, Verdugo Avenue, San Fernando Road, Burbank Boulevard, Victory Boulevard, Evergreen Street, Jeffries Avenue, Manning Street, Victory Boulevard to Burbank Boulevard; thence via the reverse of the going route to the point of commencement. Service on this line is to be operated in conjunction with presently established service on applicant's North Hollywood-Studio City line and its North Hollywood-Burbank via Magnolia Boulevard line.

Commencing at the intersection of Victory Boulevard and Olive Avenue; thence via Olive Avenue, San Fernando Road, Burbank Boulevard, Evergreen Street, Edison Boulevard to Burbank Boulevard, returning via the reverse of the going route. Service on this line is to be operated in conjunction with applicant's existing service between Los Angeles and Burbank via Victory Boulevard and Riverside Drive.

During the temporary trial period, applicant is authorized to suspend service on its Olive Avenue route along Olive Avenue from Fairview Street to Verdugo Avenue.

Applicant is also authorized to suspend service, on school trips only, over that portion of its Warner Brothers-North Hollywood route from the intersection of Lankershim Boulevard and Chandler

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Boulevard; thence via Lankershim Boulevard, Burbank Boulevard, and Colfax Avenue to Chandler Boulevard, and operate via Magnolia Boulevard, Lankershim Boulevard, Chandler Boulevard, Colfax Avenue, and Magnolia Boulevard.

Applicant is authorized to turn its motor vehicles at termini or intermediate points, in either direction, at intersections of streets or by operating around a block contiguous to such intersections, or in accordance with local traffic rules.

The effective date of this order shall be five (5) days after the date hereof.

Dated at San Francisco, California, this 4th day of October, 1949.

R. Z. [Signature]
Justice J. [Signature]
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COMMISSIONERS