

Decision No. 43862

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
BEVERLY HILLS GARAGE, INC., a corpora- )  
tion, doing business as BEVERLY MOTOR )  
LIVERY, for a Certificate of Public ) Application No. 30177  
Convenience and Necessity authorizing )  
the operation of special per capita )  
race track tour operations. )

Paul D. Holland and Glanz & Russell by Arthur H. Glanz  
for applicant; Rodney F. Williams and Don L. Campbell for Asbury  
Rapid Transit Lines, interested party; Gordon, Knapp & Hennessy  
by Wyman C. Knapp for Tanner Motor Tours, Ltd., protestant.

OPINION AFTER REOPENING

In this amended application, Beverly Hills Garage, Inc.,  
doing business as Beverly Motor Livery, a corporation, seeks a  
certificate of public convenience and necessity, as required by  
Section 50 1/4 of the Public Utilities Act, to operate a passenger  
bus service from two points in Beverly Hills and from a point in  
Westwood Village, in Los Angeles, California, on the one hand, to  
Hollywood Park race track and Santa Anita race track, on the other  
hand.

Hearings were first held on the application during May,  
1949, and on September 13, 1949, and the Commission rendered its  
Decision No. 43299 granting a certificate authorizing the carriage  
of passengers to the tracks from Westwood Village only and denying  
the application to serve the points in Beverly Hills. Applicant  
then accepted the certificate as granted but petitioned for a

reconsideration of the decision which denied rights in Beverly Hills. On November 22, 1949, the Commission ordered the reopening of the proceedings, for the purpose of determining whether Decision No. 43299 should be rescinded, altered, or amended in so far as said decision related to petitioner's request for a certificate of public convenience and necessity between points in Beverly Hills and the said race tracks. Hearings on reopening were held in Los Angeles before Examiner Rowe on January 12, 1950, and the matter was argued on January 23, 1950, when the matter was again taken under submission.

After reopening, applicant presented evidence supplementary to that originally given. Of significance was the testimony of the manager of the Beverly Hills Hotel, that because of the present contract between that hotel and applicant as to limousine service his company would not deal with protestant, Tanner Motor Tours, Ltd., or permit it to enter its grounds for the purpose of loading and unloading passengers. Other hotel employees had previously stated that they had not recommended the use of the Tanner service. This protestant has, since the original hearings, operated its buses to the corner of Canon Drive and Santa Monica Boulevard and to a spot near the Beverly Hills Hotel to pick up passengers. The Beverly Hills manager for said protestant testified that very few persons have been picked up, as a result of applicant's extended operation, at either of the spots sought to be served by applicant.

Without expressing any view as to the right of such protestant to pick up passengers in Beverly Hills, at points not on a route expressly described under the service regulations of the decision granting protestant a certificate, it is apparent either

that service to such points does not meet a public need, or that, as to the Beverly Hills Hotel location, only a carrier which has the hotel's cooperation can properly serve the public to the satisfaction of this Commission.

As to the pickup at the intersection of Canon Drive and Santa Monica Boulevard, it is manifest that there is no public need for picking up and discharging race track passengers. According to its testimony, Tanner has never received more than two passengers per racing day who boarded at that spot. These two persons were perhaps inconvenienced by this pickup, but there was no showing of necessity for a pickup there.

The situation at the Beverly Hills Hotel indicates the existence of different factors which must be considered in determining whether or not to grant applicant operating rights at that point. The testimony of the doorman that he would direct the hotel guests to use the service of applicant, similar testimony from the owner of the travel agency there and from hotel employees, together with the hotel manager's refusal to deal with protestant, Tanner, may well explain the fact that never more than two passengers have boarded that protestant's bus from a spot near that hotel.

The evidence shows, and the Commission finds, that residents of Beverly Hills, living north of Santa Monica Boulevard, persons living to the north and west of said city, and guests of the Beverly Hills Hotel are in need of public bus transportation to and from the two race tracks in Los Angeles County. Applicant's counsel stated that it had no objection to a provision limiting it to off-street pickup and unloading points. Authorizing such

service will result in competition, which most of the public witnesses said they desire.

After carefully considering the entire record, including that arising since the making of Decision No. 43299, we conclude that a sufficient showing has been made to justify amending said decision to include granting to applicant a certificate of public convenience and necessity authorizing the operation of a common carrier bus service from an off-street point at the Beverly Hills Hotel, in the city of Beverly Hills, to both Hollywood Park race track and Santa Anita race track during the periods racing operations are carried on at such tracks. The Commission is not warranted in receding from the view expressed in the previous decision herein that applicant should be denied authority to pick up or discharge passengers at any other point in Beverly Hills. Upon the facts presented, the Commission is of the opinion, and finds as a fact, that public convenience and necessity require the granting of a certificate of public convenience and necessity authorizing the applicant to serve the public in Beverly Hills as above indicated. An appropriate order will be entered.

#### O R D E R

Public hearings having been held after reopening in this proceeding and the Commission, upon the evidence received, having found that public convenience and necessity so require,

IT IS ORDERED that the order in Decision No. 43299 be, and it hereby is, amended to read as follows:

(1) That a certificate of public convenience and necessity be, and it hereby is, granted to Beverly Hills Garage, Inc., a California

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corporation, to operate as a passenger stage corporation as that term is defined in Section 2-1/4 of the Public Utilities Act, for the transportation of persons between a point at the intersection of Wilshire Boulevard and Westwood Boulevard, in Westwood Village in the city of Los Angeles, and an off-street point located on the grounds of the Beverly Hills Hotel, in the city of Beverly Hills, on the one hand, and on the other, the Santa Anita race track at Arcadia and the Hollywood Park race track at Inglewood, subject to the following restrictions:

- (2) The authorized service shall be rendered only during such periods as horse racing is conducted at Santa Anita race track and Hollywood Park race track, respectively.
- (b) No passengers shall be picked up or discharged at any intermediate points other than those specifically authorized above.
- (2) That in providing service pursuant to the certificate herein granted, Beverly Hills Garage, Inc., shall comply with and observe the following service regulations:

- (a) Within thirty (30) days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted.
- (b) Within sixty (60) days after the effective date hereof, and upon not less than five (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, tariffs and time schedules satisfactory to the Commission.
- (c) Subject to the authority of this Commission to change or modify such at any time, Beverly Hills Garage, Inc., shall conduct said passenger stage operation over and along the following routes:

(The Santa Anita Route)

From Westwood Boulevard along Wilshire Boulevard, Santa Monica Boulevard, Canon Drive, Sunset Boulevard, Vermont Avenue, Los Feliz Boulevard, Glendale Avenue, Colorado Boulevard, Linda Vista, West Holly,

Orange Grove, Walnut Avenue, Foothill Boulevard,  
Rosemead Boulevard, and Colorado Boulevard.

(The Hollywood Park Route):

From an off-street point on the Beverly Hills  
Hotel grounds, along Sunset Boulevard, Canon  
Drive, Santa Monica Boulevard, Wilshire Boule-  
vard, Sepulveda Boulevard, Manchester Boulevard,  
and Prairie Boulevard.

IT IS FURTHER ORDERED that in all respects not granted  
herein the amended application of Beverly Hills Garage, Inc., 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 28<sup>th</sup>  
day of February, 1950.

R. F. Dumas  
Justice J. C. Cullen  
James H. Dumas  
Harold H. Hula  
Frederick P. Potter  
COMMISSIONERS