

ORIGINAL

Decision No. 44213

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
BEVERLY HILLS GARAGE, INC., )  
(BEVERLY MOTOR LIVERY) )

- (1) To extend race track service )  
presently authorized to Culver )  
City, California; and )
- (2) To provide a per capita charter )  
type service from Truman's )  
Restaurant at Westwood and )  
Wilshire Boulevards and from )  
the Beverly Hills Hotel to the )  
Pasadena Tournament of Roses )  
and to the Annual Rose Bowl )  
Football Game, and return on )  
the day of said events each )  
year (usually on January 1 or )  
January 2 of each year). )

Application No. 30809

Glanz & Russell, by Arthur H. Glanz, for applicant.  
B. T. Galahan, for Board of Public Utilities and Transportation of  
the City of Los Angeles, and Hugh Gordon for Tanner Motor Tours,  
interested parties. Don L. Campbell and Rodney Williams for Asbury  
Rapid Transit Co., protestant.

O P I N I O N

By this application, Beverly Hills Garage, Inc., a corpo-  
ration, doing business as Beverly Motor Livery, 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 as  
follows:

- (1) From Culver City, on the one hand, and on the other hand,  
during the respective racing seasons to Santa Anita Race Track and

to Hollywood Park Race Track.

(2) From Truman's Restaurant at Westwood and Wilshire Boulevards and from the Beverly Hills Hotel in Beverly Hills, on the one hand, and on the other hand, to the Tournament of Roses Parade and to the annual Rose Bowl football game at Pasadena, both of which are usually held on January 1 of each year, except when said date falls on Sunday, in which case the events are held on January 2.

Hearings were held on the application on March 15 and 16, 1950, before Examiner Rowe, at which time evidence, both oral and documentary, was adduced and the matter was submitted for decision.

According to the testimony of applicant's president, it has sufficient equipment and financial resources and operating experience to properly carry on the proposed service and is prepared to purchase any additional equipment which might be required. Arrangements have been concluded with the City of Culver City for a stand on the street at the intersection of Duquesne Avenue and Washington Boulevard for the purpose of loading and discharging race track passengers.

Seven public witnesses from Culver City testified on behalf of applicant. One of these witnesses who conducted a travel agency there testified that he received many inquiries as to the existence of a service such as that proposed. Most of the witnesses indicated a preference for a deluxe service such as that proposed, as distinguished from the service rendered by protestant. The service rendered by Asbury is a satisfactory service, but the witnesses stated they preferred a service which assured them a seat on the return trip. It appears that those standing on the Asbury buses

do so as a matter of preference rather than wait a few minutes for the next bus. While a few of the witnesses stated they liked the lower fares of Asbury, it appears there is a public need and convenience to be served by the proposed operation. The Commission is of the opinion that protestant Asbury will suffer no material loss of business by reason of the Commission's authorizing the requested operation for the reason that patrons wishing a luxury type of race track transportation have not, and will not, use Asbury's service over its regular routes in transit-type buses, regardless of its efficiency.

One witness who was a member of the Tournament of Roses Committee of the City of Pasadena testified that there was a need for public transportation from Westwood and Beverly Hills to Pasadena on New Year's Day. Another witness, who resides at the Beverly Hills Hotel and is a professor of transportation at the University of Southern California, expressed the opinion that the proposed New Year's Day service was required by the public convenience and necessity. The Secretary of the Beverly Hills Shrine Club and of the Westwood Chamber of Commerce testified that this service was needed. There was no protest expressed as to this latter operation.

The Commission finds, as a fact, that public convenience and necessity require both services as proposed. The application will, therefore, be granted.

Beverly Hills Garage, Inc., is hereby placed upon notice that operative rights, as such, do not constitute a class of property which may be capitalized or used as an element of value in rate-fixing for any amount of money in excess of that originally paid to

the State as consideration for the grant of such rights. Aside from their purely permissive aspect, they extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be changed or destroyed at any time by the State, which is not in any respect limited to the number of rights which may be given.

O R D E R

Application as above entitled having been filed, public hearings having been held thereon, the matter having been submitted, and the Commission hereby finding 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 Beverly Hills Garage, Inc., a California corporation, authorizing the establishment and operation 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 (1) between the intersection of Duquesne Avenue and Washington Boulevard in Culver City, on the one hand, and on the other hand, the Santa Anita race track in Arcadia and the Hollywood Park race track in Inglewood, as an extension and enlargement of, and to be consolidated with, applicant's present operative rights, and (2) between the off-street loading zones at the Beverly Hills Hotel in Beverly Hills and at Truman's Restaurant at the corner of Westwood and Wilshire Boulevards, on the one hand, and on the other hand, to the

Tournament of Roses Parade area and to the Rose Bowl Stadium in Pasadena, subject to the following restrictions:

- (a) The authorized service to the race tracks shall be rendered only during such period as horse racing is conducted at Santa Anita race track and Hollywood Park race track, respectively.
- (b) No passenger shall be picked up or discharged at points between the intersection of Duquesne Avenue and Washington Boulevard in Culver City and the respective race tracks unless such pickup or discharge be specifically authorized by a prior decision of this Commission.
- (c) No passenger shall be picked up or discharged at points between Truman's Restaurant in Westwood and the Tournament of Roses Parade area or the Rose Bowl Stadium in Pasadena, other than at the Beverly Hills Hotel.
- (d) The Rose Bowl and Tournament of Roses Parade service shall be conducted only on the day or days that said football game or parade are conducted in Pasadena.

(2) That, in providing service pursuant to the certificate hereby granted, Beverly Hills Garage, 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 thirty (30) days after the effective date hereof.
- (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 described routes:

The Race Track Route

From Sepulveda Boulevard along Washington Boulevard, Duquesne Avenue and Culver Boulevard to Sepulveda Boulevard, thence along applicant's existing authorized routes to either race track. Also, from Duquesne Avenue along Washington Boulevard, La Cienega Boulevard to Sunset Boulevard, thence over the existing authorized route to Santa Anita Park race track.

Rose Bowl and Tournament of Roses Parade Route

From Truman's Restaurant along Wilshire Boulevard, Canon Drive, Sunset Boulevard, Vermont Avenue, Los Feliz Boulevard, Glendale Avenue, Colorado Street to Pasadena, thence over such city streets, highways, or roads, as traffic regulations of said city on said dates may dictate, to the Tournament of Roses Parade area and to the Rose Bowl Stadium.

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

Dated at San Francisco, California, this 23<sup>rd</sup> day of May, 1950.

A. E. Anderson  
Justin J. Cooper  
James H. Powell  
Harold A. Hicks

COMMISSIONERS

Kenneth Pottor  
Commissioner....., being necessarily absent, did not participate in the disposition of this proceeding.