

Decision No. 45317

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
S. H. and P. R. BENTON, doing business)	
under the name of BENTON BUS LINES,)	
for authority to operate over certain)	Application No. 31903
streets as extensions of existing)	
routes and abandon certain portions)	
of existing routes.)	

Guy H. Benton for applicants. Mrs. Florence Clark
for Rivera Coordinating Council, and John W. Chapman for
Holbrook Bus Lines, interested parties.

O P I N I O N

The application seeks certificates of public convenience and necessity in the vicinity of the line's present operations, to better serve the community of Rivera and that of Los Nietos. In the Rivera area, extensions are proposed between Parsons Boulevard and Slauson Avenue along Rivera Road and Topeka Street, and between the intersection of Rosemead Boulevard and Aero Drive and that of Manzanar Avenue and Anaheim-Telegraph Road, traveling generally along Aero Drive, Lemoran Avenue, Shade Lane, Parsons Boulevard, and Anaheim-Telegraph Road. In the Los Nietos area the proposed operation is from the intersection of Los Nietos Road and Lincoln Avenue to that of Bradwell Avenue and Anaheim-Telegraph Road over and along Lincoln Avenue, Danby Avenue, Haughton Street, Anaheim-Telegraph Road, Bradwell Avenue, Terradell Street,

Pioneer Boulevard, and Charlesworth Road to its intersection with Lincoln Avenue.

The route description along Lincoln Avenue between Los Nietos and Broaded Avenue constitutes a minor route change⁽¹⁾ of the line's present Whittier to Los Nietos route. Consequently, the requested abandonment along Alabama Street, Los Nietos Road to Lincoln Avenue, and along Millergrove Drive and Broaded Avenue, will be permitted by modifying the route description of Route No. II, Whittier to Rivera via Los Nietos and Flood Ranch, appearing in ordering paragraph number (3) of Decision No. 44052, dated April 18, 1950, on Application No. 31000, and by including in the new certificate herein granted the necessary operating rights along Lincoln Avenue. The requested abandonment of operations between Anaheim-Telegraph Road and Second Street along Lexington-Gallatin Road and Downey Road will be discussed further later in this opinion.

Public hearing was held in the City of Downey on January 15, 1951, at which time oral and documentary evidence was adduced and the matter was duly submitted. No one appeared to protest the granting of the application. Pacific Electric Railway Company stated, in a letter to the Commission, that it did not object to the application.

After this application was filed, Stanley H. Denton and Paul R. Benton transferred, with the approval of this

(1) Decision No. 44052, dated April 18, 1950, on Application No. 31000.

(2)
Commission , all their interest in this line, together with their rights under the present application, to Guy H. Benton. The latter Mr. Benton stated at the hearing that he wished to adopt the application, and requested that it be granted. He further stated that, in compliance with instructions from the Commission, the public had been notified of the proposed abandonment by posting in the buses operated in the territory. No posting was had in the company terminals, for the reason that no terminals are maintained.

All of the requested extensions appear to be required by public convenience and necessity, as they will afford service to a total of five large subdivisions completed within the last year. Most of the homes in these subdivisions have been occupied for some time, and the people have been without bus service except that reached by an excessive walking distance. According to the testimony of the representative of the Rivera Coordinating Council and another witness residing in that area, the service offered by this application is vitally needed.

The manager of Benton Bus Lines testified that he had caused a check of the operation between Second Street and Anaheim-Telegraph Road, via Lexington-Callatin Road and Downey Avenue, for a period of six weeks ending January 13, 1951. The total operating expense over this portion of the line amounted to \$174.24, at a cost per mile of 22 cents. The total operating revenue during that time was \$131.85. Therefore, the net operating loss came to \$42.39 for this period of time.

(2) Decision No. 45080, dated December 7, 1950, on Application No. 31914.

This abandonment will be authorized, as residents in the area will still have adequate transportation service. Pacific Electric Railway Company operates a passenger stage line over the route on an approximate one-hour headway. Holbrook Bus Lines also operates between Downey and Anaheim-Telegraph Road over a slightly different route. Adequate service will be afforded residents in the area by these other passenger bus lines, and under such conditions applicant cannot be expected to continue to carry on the operation at a loss.

Upon full consideration of the record in this proceeding, it is found as a fact that the proposed extensions are required by public convenience and necessity, and that the motor bus operation of applicant between Anaheim-Telegraph Road and Second Street in the Downey area has not been, and cannot be, made profitable, and that the public interest will not be adversely affected by the proposed abandonment. Accordingly, the application will be granted.

O R D E R

Application as above entitled having been filed, a public hearing having been held, the Commission being fully advised in the premises and the matter being under submission,

IT IS ORDERED:

(1) That Decision No. 44052, dated April 18, 1950, on Application No. 31000, be, and the same hereby is, amended by changing Route No. II - Whittier to Rivera via Los Nietos and Flood Ranch, in ordering paragraph numbered (3) appearing on page 3 of said decision, to read as follows:

Route No. II - Whittier to Rivera
via Los Nietos and Flood Ranch.

Commencing at the intersection of Comstock Avenue and Bailey Street, to Pickering Avenue, Washington Boulevard, Broadway, Norwalk Boulevard, Los Nietos Road, Carpenter Lane, now known as Los Nietos Road, to Lincoln Avenue, thence easterly along Carpenter Lane, now known as Los Nietos Road, Rivera-Los Nietos Road, Passons Boulevard, Slauson Avenue, Bequette Street, returning same route to Rivera-Los Nietos Road, Walnut Street, Norwalk Boulevard to point of commencement.

(2) That, in all other respects, said Decision No. 44052 shall remain in full force and effect.

(3) That a certificate of public convenience and necessity be, and it hereby is, granted to Guy H. Benton, doing business as Benton Bus Lines, authorizing the establishment and operation of service as a passenger stage corporation, as defined in Section 2-1/4 of the Public Utilities Act, for the transportation of passengers (a) between the intersection of Los Nietos Road and Lincoln Avenue, on the one hand, and, on the other hand, the intersection of Anaheim-Telegraph Road and Bradwell Avenue, (b) between the intersection of Rosemead Boulevard and Aero Drive, on the one hand, and, on the other hand, the intersection of Manzanar Avenue and Anaheim-Telegraph Road, and (c) between the intersection of Slauson Avenue and Topeka Street, on the one hand, and, on the other hand, the intersection of Passons Boulevard and Rivera Road, serving all intermediate points between said respective above-named terminal points.

(4) That, in providing service pursuant to the certificates herein granted, applicant 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 19 of General Order No. 98, 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, Guy H. Benton, doing business as Benton Bus Lines, shall conduct said passenger stage operation over and along the following-described routes:

(1) From Los Nietos Road along Lincoln Avenue, Danby Avenue, Houghton Street, Anaheim-Telegraph Road, Bradwell Avenue, Terradell Street, Pioneer Boulevard and Charlesworth Road to Lincoln Avenue.

(2) From Rosemead Boulevard along Aero Drive, Lemoran Avenue, Shade Lane, Passons Boulevard, and Anaheim-Telegraph Road to Manzanar Avenue. Also, from Anaheim-Telegraph Road along Manzanar Avenue, Terradell Avenue and Arrington Avenue to Anaheim-Telegraph Road.

(3) From Passons Boulevard along Rivera Road and Topeka Street to Slauson Avenue.

(5) That Guy H. Benton, doing business as Benton Bus Lines, be, and he hereby is, authorized to abandon and discontinue his passenger stage service between Anaheim-Telegraph

Road and Second Street, and intermediate points along Lexington-Gallatin Road and Downey Avenue.

(6) That the applicant be, and he hereby is, authorized to cancel all fares, rules, regulations, and schedules applying to said service between Anaheim-Telegraph Road and Second Street and intermediate points.

(7) That the operating rights conferred under authority of the certificate of public convenience and necessity granted to Stanley H. Benton and Paul R. Benton in the third ordering paragraph of said Decision No. 44052, dated April 18, 1950, on Application No. 31000, and subsequently acquired by Guy H. Benton, be, and the same hereby are, revoked and rescinded, but such revocation and rescission are effective only so far as such operating rights apply to that portion of Route No. I - Whittier to Downey, as lie between Anaheim-Telegraph Road and Second Street over and along Lexington-Gallatin Road and Downey Avenue.

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

Dated at San Francisco, California, this 30th
day of January, 1951.

R. F. Murray

Justice D. C. Cullen

Harold P. Hall

Samuel P. Hall

COMMISSIONERS