

Decision No. 46413

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 FOSTER TRANSPORTATION, INCORPORATED,)
 to extend and reroute the MOONEY,)
 MARENGO, and DEL MAR bus routes.)

Application No. 32734

Charles H. Foster for applicant; R. M. Klein for the City of Monterey Park, protestant; Woody Wade for Alhambra Chamber of Commerce, and Alhambra Associates; Ed. Bruner for Monterey Park Chamber of Commerce; James Greer for Red & White Bus Company and Milton Gringold for the Merchants of Monterey Park, interested parties.

O P I N I O N

Foster Transportation, Incorporated, a California corporation, operates as a passenger stage corporation in, and in the vicinity of, the Cities of Alhambra, San Gabriel and Monterey Park, California^{1/}. The route changes proposed by the present application are alleged to be necessary in order to provide a quicker and more convenient service to the public by

^{1/} Decision No. 34456 dated July 29, 1941, on Application No. 24100, Decision No. 35671 dated August 11, 1942, on Application No. 25063, Decision No. 36834 dated January 25, 1944, on Application No. 25795, Decision No. 39420 dated September 17, 1946, on Application No. 27569, Decision No. 41024 dated December 17, 1947, on Application No. 28917, Decision No. 42522 dated February 15, 1949, on Application No. 29970, Decision No. 43281 dated September 1, 1949, on Application No. 30558, Decision No. 42965 dated June 7, 1949, on Application No. 30230, Decision No. 43609 dated December 13, 1949, on Application No. 30558, 1st Supplemental and Decision No. 45392 dated February 27, 1951, on Application No. 32069.

offering a more direct operation with a shorter running time. The Del Mar route as proposed will terminate at Garvey Avenue with a turnaround, using Garvey Avenue, Evelyn Avenue and Emerson Place instead of ending at Graves Avenue as at present authorized. The southeastern end of the Mooney route now consists of a loop commencing at the intersection of New Avenue and Newmark Avenue. This loop is along Newmark Avenue, Pomelo Avenue, Mooney Drive and Del Mar Avenue, Graves Avenue, Jackson Avenue and Newmark Avenue. As proposed, this loop would be enlarged, commencing at the intersection of Garvey Avenue and New Avenue and proceed along New Avenue, Newmark Avenue, Pomelo Avenue, Mooney Drive, Del Mar Avenue and Garvey Avenue.

As proposed the Marengo route which at its southerly end consists of a loop along Marengo Avenue, Campbell Avenue, Hellman Avenue, Sixth Street and Valley Boulevard would be divided into two operations out of Alhambra. One would operate along Marengo Avenue, Valley Boulevard, Atlantic Avenue, Emerson Avenue, Midwickhill Drive, Campbell Avenue and Hellman Avenue to Atlantic Avenue. The other operation from Alhambra would operate along Sixth Street to Hellman Avenue and return after a turnaround of one block along Hellman Avenue, Seventh Street and Ramona Boulevard.

A public hearing was held in Monterey Park on October 22, 1951, before Examiner Rowe, at which time evidence both oral and documentary was adduced and the matter was duly submitted.

Notice of the proposed changes and of the hearing was duly posted in applicant's buses, at its terminal and office continuously for fifteen days prior to the hearing. Pacific

Electric Railway Company advised the Commission that it did not oppose granting this application. The Cities of Alhambra, San Gabriel and Monterey Park were notified of the hearing and served with copies of the application. It was supported by the City of Alhambra and opposed by the City of Monterey Park. The Alhambra Chamber of Commerce also appeared in behalf of applicant and the Monterey Park Chamber of Commerce appeared and opposed the application. The owner of Red & White Bus Company, a company operating exclusively in the City of Monterey Park, stated that he did not oppose the application.

The City of Monterey Park through its representative, stated that it thought the application as drawn should be denied for the reason that a more complete service to the city and its residents was feasible. However, the only reason advanced for denial was that the service proposed tended to carry Monterey Park residents to the shopping areas of Alhambra instead of to the shopping and business areas of Monterey Park.

The proposed operation will actually increase service to Monterey Park residents. No fare changes are involved. Whether the operation can profitably be altered to also carry passengers to the business and shopping districts of Monterey Park is a matter for further study and consideration by applicant. The Commission should not at this time require applicant to render service designed to carry passengers to the business and shopping district of Monterey Park, in the absence of its request for such authority. In addition, Pacific Electric Railway Company operates buses along Garvey Avenue and Garfield Avenue, conse-

quently, any such action must be taken with due consideration of this competitive situation and the Pacific Electric Railway Company must be notified and be afforded an opportunity to be heard. Commission action on the present application should not be refused until after this more controversial matter has been decided. The fact that public convenience and necessity requires the granting of the application forecloses a denial for such reason. The application will be granted by issuing a new certificate authorizing service over all the routes as sought to be modified and over the other routes of applicant not affected by the present application.

O R D E R

An application having been filed, a public hearing having been held, and the matter being under submission and it being hereby found that public convenience and necessity so requires,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity be, and it hereby is, granted to Foster Transportation, Incorporated, authorizing the establishment and operation of service as a passenger stage corporation, as defined in Section 226 of the Public Utilities Act, for the transportation of passengers between downtown Alhambra, on the one hand, and on the other hand, the following points: (1) the intersection of Hellman Avenue and Westmont Drive in the City of Alhambra, (2) the intersection of Emerson Avenue and Atlantic Boulevard in Monterey Park, (3) the intersection of Hellman Avenue and Sixth Street in

Alhambra, (4) the intersection of Mooney Drive and Del Mar Avenue in Monterey Park, (5) the intersection of Del Mar Avenue and Garvey Avenue in the community of Wilmar and (6) the intersection of San Gabriel Boulevard and Garvey Avenue and intermediate points.

(2) That in providing service pursuant to the certificate 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, appropriate tariffs and time tables.
- (c) Subject to the authority of this Commission to change or modify them by further order, applicant shall conduct operations pursuant to the certificate herein granted, over and along the following routes:

- 1. Between Hidalgo Avenue in Alhambra and the intersection of Hellman Avenue and Westmont Drive, over and along Main Street, Atlantic Boulevard, Commonwealth Avenue, Winchester Avenue, Concord Avenue, Mission Road, Fremont Avenue, Valley Boulevard and Westmont Drive.

Also along Hellman Avenue, between Elm Street and Westmont Drive, along Elm Street, Ross Avenue and Fremont Avenue, between Ross Avenue and Valley Boulevard.

2. Between the intersection of Atlantic Boulevard and Main Street in Alhambra, and the intersection of Emerson Avenue and Atlantic Boulevard in Monterey Park, over and along Main Street, Marengo Avenue, Valley Boulevard, and Atlantic Boulevard.

Also along Emerson Avenue between Atlantic Boulevard and Hathaway Avenue, along Hathaway Avenue, Midwickhill Drive, Campbell Avenue and Hellman Avenue between Campbell Avenue and Atlantic Boulevard.

3. Between the intersection of Main Street and Sixth Street and the intersection of Hellman Avenue and Sixth Street, over and along Sixth Street.

4. Between the intersection of Main Street and Chapel Avenue in Alhambra and the intersection of Mooney Drive and Del Mar Avenue in Monterey Park, over and along Chapel Avenue, Corto Street, Almanson Avenue, Adams Avenue, New Avenue, Newmark Avenue, Pomelo Avenue and Mooney Drive.

Also along Del Mar Avenue between Mooney Drive and Garvey Avenue and along Garvey Avenue between New Avenue and Del Mar Avenue.

5. Between the intersection of Main Street and Chapel Avenue in Alhambra, and the intersection of Garvey Avenue and Del Mar Avenue in Wilmar, over and along Chapel Avenue, Alhambra Road, Roses Road and Del Mar Avenue.

6. Between the intersection of Main Street and Hidalgo Avenue in Alhambra, and the intersection of San Gabriel Boulevard and Garvey Avenue in Wilmar, over and along Hidalgo Avenue, Mission Road, Santa Anita Street, Las Tunas Drive and San Gabriel Boulevard.

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

- (3) That the certificates of public convenience and necessity

granted to Foster Transportation, Incorporated, in the orders of Decision No. 34456 as amended, dated July 29, 1941 on Application No. 24100, of Decision No. 35671 as amended, dated August 11, 1942 on Application No. 25063, of Decision No. 41024, dated December 17, 1947 on Application No. 28917, and of Decision No. 43281 as amended, dated September 1, 1949 on Application No. 30558, including the descriptions of routes in said decisions be, and they hereby are, revoked and annulled.

(4) That, at least five (5) days prior to the establishment of service herein authorized, applicant shall post notice of all route changes in all of its buses and terminals.

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

Dated at San Francisco, California, this 13th day of November 1951.

[Signature]
President
[Signature]
[Signature]
[Signature]
Commissioners

