

ORIGINALDecision No. 19118

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of LOS ANGELES TRANSIT LINES for)
authority to exercise rights and)
privileges granted by the City of) Application No. 34057
Los Angeles Franchise Ordinance)
100764 for bus operation on)
Freeways.)

Gibson, Dunn & Crutcher, by Max Eddy Utt, for applicant. Roger Arnebergh, Assistant City Attorney, and T. M. Chubb, Chief Engineer and General Manager, Department of Public Utilities and Transportation of the City of Los Angeles, by T. E. Hoffman, Franchise Engineer of the City of Los Angeles; Downtown Business Men's Association of Los Angeles, by Carl P. Pennema, interested parties.

O P I N I O N

Los Angeles Transit Lines was granted a franchise by the City of Los Angeles by Ordinance No. 100764, authorizing passenger stage operations over portions of freeways in the City of Los Angeles, as follows:

1. Commencing at the intersection of Grand Ave. and Hollywood Freeway; thence via Hollywood Freeway from Grand Ave. to Melrose Ave., and returning via the reverse of said route to Temple St. near Hope St.
2. Commencing at the intersection of Grand Ave. and Hollywood Freeway; thence via Hollywood Freeway from Grand Ave. to Vermont Ave., and returning via the reverse of said route to Temple St. near Hope St.

3. Commencing at the intersection of Grand Ave. and Hollywood Freeway; thence via Hollywood Freeway from Grand Ave. to Silverlake Blvd. and returning via the reverse of said route to Temple St. near Hope St.
4. Commencing at the intersection of Harbor Freeway and Miramar Ave. near Figueroa St.; thence via Harbor Freeway from Miramar Ave. to Hollywood Freeway, and Hollywood Freeway from Harbor Freeway to Melrose Ave., and returning via the reverse of said route to Beaudry Ave. near Second St.
5. Commencing at the intersection of Harbor Freeway and Miramar Ave. near Figueroa St.; thence via Harbor Freeway from Miramar Ave. to Hollywood Freeway, and Hollywood Freeway from Harbor Freeway to Vermont Ave. and returning via the reverse of said route to Beaudry Ave. near Second St.
6. Commencing at the intersection of Harbor Freeway and Miramar Ave. near Figueroa St.; thence via Harbor Freeway from Miramar Ave. to Hollywood Freeway, and Hollywood Freeway from Harbor Freeway to Silver Lake Blvd. and returning via the reverse of said route to Beaudry Ave. near Second St.

In the instant application authority is sought for a certificate of public convenience and necessity to exercise the rights and privileges granted by this franchise pursuant to the provisions of Section 1002 of the Public Utilities Code.

A public hearing was held before Examiner Rogers in Los Angeles on March 12, 1953, at which time evidence was presented and the matter was submitted. Prior to the hearing, notice thereof was published as required by the Commission. ⁽¹⁾

Los Angeles Transit Lines now possesses five franchises: one granted by Ordinance No. 90343 and approved by Decision No. 39163, dated June 25, 1946, on Application

(1) Exhibit No. 1.

No. 27425 (46 CRC 533); one granted by Ordinance No. 90279 and approved by Decision No. 39143, dated June 25, 1946, on Application No. 27454; one granted by Ordinance No. 94372; one granted by Ordinance No. 92319; and one granted by Ordinance No. 66863. The latter three ordinances were approved by this Commission by Decision No. 43416, dated October 18, 1949, on Application No. 30192. The franchise granted by Ordinance No. 66863 will expire in 1955; the other four will expire during the year 1967.

The franchise granted to applicant by Ordinance No. 100764 provides for the payment of annual fees to the City of Los Angeles of 2-1/2 per cent of the gross revenue derived from operations on the freeways involved. It will expire on May 12, 1967, and is now in full force and effect. A copy of the franchise ordinance is attached to the application.

The operations involved in the City of Los Angeles franchise ordinance referred to are over sections of freeways. These freeways present routes which, if used, will in many instances, it is claimed, substantially reduce travel time, particularly in connection with service to localities a substantial distance away from downtown Los Angeles. The City of Los Angeles has arranged for and is arranging for zones permitting interchange of passengers at some important intersections and for acceleration and deceleration lanes thereat which will accommodate applicant's operations without undue interference within the stream of traffic otherwise existing on such freeways. Applicant has not yet made final determination of which of its

various routes and services can most satisfactorily utilize the freeways, but it is having studies made of this situation. It is the opinion of applicant's representatives that it is in the public interest that applicant accept the franchise to cover freeway operations within the City of Los Angeles as may be conducted under city franchise.

The Division of Highways, Department of Public Works, of the State of California, has approved the form of the franchise.
(2)

As was said in Decision No. 39163 (46 CRC 533), involving Franchise Ordinance No. 90343, certain regulatory controls reserved to the City of Los Angeles by Ordinance No. 100764, herein involved, might be construed as possibly conflicting with the authority of this Commission. It is appropriate, therefore, to declare that in finding that public convenience and necessity justify the exercise of the franchise here involved, such action is without prejudice to the power and authority of this Commission hereinafter to exercise fully all jurisdiction vested in it by law with respect to the regulation of the operations and service of the applicant. Accordingly, the order herein will be so conditioned.

We find that public convenience and necessity require that applicant exercise the right or privilege granted to it by Ordinance No. 100764 of the City of Los Angeles.

(2) Exhibit No. 2.

O R D E R

Los Angeles Transit Lines having filed an application for a certificate to exercise the rights and privileges under a bus franchise granted by the City of Los Angeles Ordinance No. 100764, adopted November 26, 1952, and effective December 4, 1952, a public hearing having been held, the matter having been submitted and the Commission being fully advised in the premises and having found that public convenience and necessity so require,

IT IS ORDERED that Los Angeles Transit Lines be and it hereby is granted a certificate to exercise the rights and privileges granted by the City of Los Angeles Ordinance No. 100764, this certificate, however, being subject to the following conditions:

(1) That no claim of value for such franchise or the authority hereby granted in excess of the actual cost thereof shall ever be made by the grantee, its successors or assigns, before this Commission or before any court or other public body;

(2) That the certificate hereby granted shall be without prejudice to the right and authority of this Commission hereafter to exercise fully all jurisdiction vested in this Commission by law with respect to the regulation of the operations

and services of the applicant utility.

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

Dated at San Francisco, California, this 30th day of March, 1953.

R. J. [Signature]
President
Justice F. Caswell
Harold [Signature]
Robert E. [Signature]

Commissioners

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