

ORIGINALDecision No. 49347

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 ASBURY RAPID TRANSIT SYSTEM, a cor-)
 poration, for authority to temporarily)
 reroute certain existing services,)
 temporarily suspend operations over)
 certain portions of certain streets,)
 as a common carrier for compensation)
 of certain motor coach transportation)
 services, in the City of Burbank and)
 that part of the City of Los Angeles)
 known as North Hollywood.)

Application No. 30638
 (Seventh Supplemental)

Thomas Arnott and Rodney F. Williams, for
 Asbury Rapid Transit System, applicant.

Archie L. Walters, for the City of Burbank,
 interested party.

Henry McClernan and John H. Lauten, for the
 City of Glendale, interested party.

M. P. Gainder, for the Department of Public
 Utilities and Transportation of the City
 of Los Angeles, interested party.

William F. Hibbard and Arthur F. Ager of the
 staff of the Public Utilities Commission
 of the State of California.

O P I N I O N

By Decision No. 43372, dated October 4, 1949, the
 Commission granted a passenger stage certificate to Asbury Rapid
 Transit System authorizing the transportation of passengers
 over certain routes within the city of Burbank and the community
 of North Hollywood. The certificate was granted for a temporary

period which has been extended from time to time. The latest extension (Decision No. 49613, dated January 26, 1954) expires June 30, 1954. By its seventh supplemental application herein the applicant asks the Commission to make the authority permanent.

Public hearing was held before Examiner Bryant at Los Angeles on March 18, 1954. A late-filed exhibit has been received in accordance with an understanding reached at the hearing. The matter is now ready for decision.

The record developed on the original hearing held in 1949 was incomplete as to any showing relative to anticipated financial results, and there was not a substantial showing of public convenience and necessity. Nevertheless the operative authority was given on a temporary basis under emergency circumstances in order to prevent a break in the continuity of local service within the city of Burbank.¹ There have been minor route revisions since 1949, but in all important respects the service for which a permanent certificate is now requested is one which the applicant has rendered continuously for nearly five years.

At the hearing on March 18, 1954, applicant's general manager introduced exhibits designed to show that the revenues from the local Burbank lines exceed the total out-of-pocket cost

¹ See Decision No. 43372, supra. The 1949 emergency arose when the operator of a local motor coach service wholly within the city of Burbank and outside the jurisdiction of this Commission served notice that it would discontinue all operations on October 16, 1949.

of performing the service. This witness testified also that these lines serve as feeder routes and thus tend further to improve the financial results of the applicant company. He explained in some detail the routes traversed, the areas served and the services rendered.

A resolution from the Council of the City of Burbank and a letter from the president of the Burbank Chamber of Commerce, received in evidence as exhibits, urged that the application be granted.

The evidence shows that the areas served by the routes herein involved are substantially built up with residences, multiple dwellings and business establishments. One of the lines serves the only major hospital in Burbank. While the record does not show in detail the revenues and expenses from each of the applicant's several routes and lines throughout its system or within the city of Burbank, the testimony is convincing that the local Burbank operations are comparable in their earning results to some of the other lines on applicant's system. It may be stated upon the basis of this record that the Burbank operations are neither the most remunerative nor the least remunerative of applicant's lines.

No one opposed the granting of a permanent certificate. The only issue was raised by the City of Glendale which objected to the sought removal of a condition which was affixed to the temporary certificate as follows:

"Any financial losses incurred by reason of the operations herein authorized shall not be used as an argument by applicant before this Commission for increases in fares on the more productive lines of its system."

In support of its position the counsel for the City of Glendale examined applicant's witnesses and also called as his own witness a transportation engineer of the Commission staff.² He argued that the expense of operating the Burbank local lines may be a factor in causing the company in the future to seek fare adjustments or service curtailments on its other lines, some of which operate through the city of Glendale.

The disputed condition was incorporated in the original temporary certificate because of the unusual circumstances then existing. It is not a limitation normally to be included in a permanent certificate of public convenience and necessity. It may be reasonable that the City of Glendale should seek to retain whatever potential advantage to it may inhere in the restriction, but it would not be reasonable for this Commission to single out the Burbank lines for the imposition of such a condition upon a permanent basis. In any future proceeding dealing with the fares or services of Asbury Rapid Transit System this Commission in its discretion and in accordance with its best judgment will consider the reasonableness of the fares and the reasonableness and adequacy of any or all of the services on any part of the system.

² The engineer introduced and explained an exhibit which he had prepared for presentation in another proceeding relating to the fares of Asbury Rapid Transit System. The fare proceeding (Application No. 34361) has been dismissed at applicant's request. The engineer's study related to traffic checks, service and future mileage estimates for all of the routes and services of Asbury Rapid Transit System.

The evidence is convincing that public convenience and necessity require that the services now performed under temporary operating authority be continued on a permanent basis, and the Commission so finds. The supplemental application will be granted.

O R D E R

Application as above entitled having been filed, the Commission being fully advised in the premises, and it having been found that public convenience and necessity so require,

IT IS ORDERED:

1. That a certificate of public convenience and necessity be and it is hereby granted to Asbury Rapid Transit System authorizing the operation of a service as a passenger stage corporation as defined in Section 226 of the Public Utilities Code for the transportation of passengers as provided hereinafter.

2. That in providing service pursuant to the certificate herein granted Asbury Rapid Transit System shall comply with the following service regulations:

(a) Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed thirty days after the effective date hereof.

(b) Subject to the authority of this Commission to change or modify such at any time, Asbury Rapid Transit System shall conduct these services authorized herein over and along the following described routes:

- (1) Operate as part of Hollywood-Burbank short line via:

Fairview Street and Verdugo Avenue between the intersection of Fairview Street and Olive Avenue and the intersection of Verdugo Avenue and Olive Avenue, in both directions.

Abandon certificate to operate via:

Olive Avenue between the intersection of Olive Avenue and Fairview Street and the intersection of Olive Avenue and Verdugo Avenue.

- (2) Operate:

Commencing at the grounds of the St. Joseph's Hospital at Buena Vista Street, Buena Vista Street to Alameda Avenue, Alameda Avenue to Lake Street, Lake Street to Verdugo Avenue, Verdugo Avenue to San Fernando Road, San Fernando Road to intersection of Olive Avenue and San Fernando Road, and Return via the reverse of the going route.

- (3) Operate:

Commencing at the intersection of Olive Avenue and San Fernando Road, Olive Avenue to Glen Oaks Boulevard, Glen Oaks Boulevard to Peyton Street, Peyton Street to Keystone Street, Keystone Street to the intersection of Keystone Street and Glen Oaks Boulevard, and Return via Glen Oaks Boulevard and Olive Avenue to intersection of Olive Avenue and San Fernando Road.

- (4) Operate:

Commencing at the intersection of Olive Avenue and San Fernando Road, San Fernando Road to Burbank Boulevard, Burbank Boulevard to Victory Boulevard, Victory Boulevard to Evergreen Street, Evergreen Street to Jefferies Avenue, Jefferies Avenue to Manning Street, Manning Street to Victory Boulevard, and Returning via Victory Boulevard, Burbank Boulevard and San Fernando Road to intersection of Orange Grove Avenue and San Fernando Road, Orange Grove Avenue to Third Street, Third Street to Olive Avenue, Olive Avenue to the intersection of Olive Avenue and San Fernando Road.

(5) Operate:

Commencing at intersection of Olive Avenue and San Fernando Road, San Fernando Road to Burbank Boulevard, Burbank Boulevard to Evergreen Street, Evergreen Street to Edison Street, Edison Street to Burbank Boulevard, and Return via Burbank Boulevard and San Fernando Road to intersection of Olive Avenue and San Fernando Road.

(6) Operate in conjunction with Los Angeles-Riverside Drive-Burbank line as follows:

Via Olive Avenue between Victory Boulevard and San Fernando Road in both directions.

(7) Applicant is authorized to turn its motor vehicles at intersections or intermediate points, either in the intersection of the streets or by operating around a block contiguous to such intersection in either direction as traffic requirements of the municipality may require.

IT IS FURTHER ORDERED:

That the temporary operative rights granted by Decision No. 43372 in Application No. 30638 and all extensions thereof and amendments thereto are hereby revoked and annulled.

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

Dated at San Francisco, California, this 20th day of April, 1954.

R. F. [Signature]
President
Justus J. [Signature]
[Signature]
[Signature]
[Signature]
Commissioners