

Decision No. 50887**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 EASTERN CITIES TRANSIT, INC. for)
 authority to operate over and along)
 certain streets as extensions of) Application No. 35750
 existing routes, and for authority)
 to abandon certain portions of)
 existing routes.)

Charles Boehm for applicant. Dean M. Carson,
 doing business as Holbrook-Benton Bus Line, protestant,
Philip B. Berns, for Los Angeles County Road Department,
 interested party, William F. Hibbard of the Public
 Utilities Commission staff.

O P I N I O N

Applicant now operates a passenger stage service in the East Los Angeles-Whittier area pursuant to certificates of public convenience and necessity granted by this Commission. By this application, as amended, it seeks authority to make several route changes on its present lines in order to improve its service.

A public hearing was held at Whittier, California, on November 23, 1954, before Examiner Mark V. Chiesa. Oral and documentary evidence having been adduced, the matter was submitted for decision. Notices of the hearing were published in a newspaper of local circulation and also posted in all of applicant's buses.

Dean M. Carson, owner and operator of bus service along Washington Boulevard in the same area, protested on the grounds that applicant's proposed extension of its No. 3 Line, a distance of approximately 1/5 of a mile, along Glengarry Avenue between Saragosa Street and Washington Boulevard to the new Whittier Downs Shopping Center would have an adverse effect on his operation. The evidence of record clearly shows that applicant's proposal to extend said line is in the public interest as it will provide

transportation for many residents, of an area now served, to and from a new shopping center. Applicant's line will be routed northerly from Washington Boulevard, along Glengarry Avenue, whereas protestant's present service, which is on an hourly schedule, operates easterly and westerly along Washington Boulevard. In the opinion of the Commission, the two operations are not competitive. Applicant will serve a residential area immediately north of the Whittier Downs Shopping Center, while protestant's line will provide transportation for persons traveling to and from the west and east areas bordering the Center. Although both carriers operate into the downtown Whittier business district, no evidence was presented by protestant to show that he will lose any passengers to applicant nor that he now carries any substantial volume of traffic between the intersection of Glengarry Avenue and Washington Boulevard on the one hand, and the downtown Whittier business district on the other hand.

There was no other protest to the application.

The position of the Los Angeles County Road Department was that applicant should construct a concrete slab 12 feet wide by 100 feet long and 9 inches thick wherever it establishes bus stops in county territory. Evidence sufficient to warrant a finding or conclusion in this matter was not presented.) ✓

Applicant's division manager and six public witnesses testified in support of the application. The evidence shows that the proposed changes will result in an improved transportation service throughout applicant's system without any material inconvenience to the riding public. Several diversionary routings will be eliminated, schedules will be improved, and applicant's lines will be brought closer to new residential and shopping areas. A detailed description of all of the proposed changes is not deemed necessary.

A staff engineer has reported favorably on applicant's proposals. The route changes will result in an estimated increase in annual mileage from 319,550 to 326,440 miles. It is not expected that the additional mileage, in view of some expected improvement in patronage, will materially affect applicant's results of operation as set forth in Decision No. 50323, dated July 27, 1954.

Applicant has also requested that it be permitted to divert buses from its regular routes for the purpose of transporting pupils to and from institutions of learning. The request appears reasonable and will also be granted.

The Commission is of the opinion and finds that applicant's proposals are in the general public interest and that public convenience and necessity require that this application be granted.

For the purpose of clarifying applicant's operating authority and in order to eliminate the necessity of having to amend numerous decisions heretofore granted, applicant will be granted a new certificate of public convenience and necessity, and all prior operating rights will be canceled. Applicant's Belvedere Division will also be included in the restated authority although no changes were requested by this application.

Eastern Cities Transit, 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 the 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 as to the number of rights which may be given.

O R D E R

A public hearing having been held, the Commission being fully advised in the premises and having found 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 Eastern Cities Transit, Inc., a corporation, authorizing it to operate as a "passenger stage corporation", as defined in Section 226 of the Public Utilities Code, for the transportation of persons between points and places within the City of Whittier and points and places within the County of Los Angeles, and intermediate points, along the routes as hereinafter described.

(2) That in providing service pursuant to the certificate herein granted there shall be compliance with the following service regulations:

- (a) Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted.
- (b) Within sixty days after the effective date hereof, and upon not less than five days' notice to the Commission and the public, applicant shall establish the service herein authorized and file in triplicate and concurrently make 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, Eastern Cities Transit, Inc., shall conduct said passenger stage operations over and along the following described routes:

Belvedere Division

Kern Avenue Route

From the intersection of Gage Avenue and First Street along First Street, Rowan Avenue, Michigan Avenue, Gage Avenue, Hammel Street, Brannick Avenue, Floral Drive, Ford Boulevard, Brooklyn Avenue, Mednick Avenue, Third Street, Kern Avenue, Whittier Boulevard, Brannick Avenue, Verona Street and Downey Road to its intersection with Whittier Boulevard. Also, along Gage Avenue between First Street and Michigan Avenue, and along Whittier Boulevard between Downey Road and Brannick Avenue.

Ford Boulevard Route

From the intersection of Whittier Boulevard along Ford Boulevard, Eugene Street, Eastern Avenue, Michigan Avenue, Sunol Avenue, Third Street to its intersection with Rowan Avenue.

East First Street Route

From the intersection of Rowan Avenue along First Street, Vancouver Avenue, Brooklyn Avenue, Hillview Avenue, Sadler Avenue, via Campo, Hillview Avenue, Beverly Boulevard, Sadler Avenue, Eagle Street, LaVerna Avenue and Whittier Boulevard to its intersection with Kern Avenue.

Whittier Division

Route No. 1

Beginning at the intersection of Norwalk Boulevard and Loch Avon Drive, thence along Loch Avon Drive, Glengarry Avenue, Townley Drive, Norwalk Boulevard, Reichling Lane, McNees Avenue, Bexley Drive, Redman Avenue, Loch Avon Drive, Norwalk Boulevard, Howard Street, El Rancho Drive, Broadway, Pickering Avenue, Hadley Street, Greenleaf Avenue, Whittier Boulevard, Laurel Avenue, Carnell Street, Jacmar Avenue, Chestnut Street, Walnut Way, Glenn Drive, Gunn Avenue, Carnell Street, Mills Avenue, Anaconda Street, Colima Road, Cullen Street, Cole Road, Santa Fe Street, Stamy Road, Fernview Street, Gladhill Road, Midcrest Drive, Scott Avenue, Santa Fe Street, Cole Road, Dunton Drive, Bluefield Avenue, Danbrook Avenue, Lutweiler Avenue and Colima Road to its intersection with Cullen Street.

Route No. 2

Beginning on Workman Mill Road at Rose Hills Memorial Park, thence along Workman Mill Road, Lemon Street, Palm Avenue, Floral Drive, Pickering Avenue, Beverly Boulevard, Greenleaf Avenue, Foxley Drive, Shoemaker Avenue, Oval Drive, Painter Avenue, Mulberry Drive, Mills Avenue, Oval Drive, and Gunn Avenue to its intersection with Mulberry Drive;
Also, beginning at the intersection of Palm Avenue and Monte Vista Drive, thence along Monte Vista Drive, Norwalk Boulevard, Orange Grove Avenue, Pioneer Boulevard, Floral Drive, Norwalk Boulevard to its intersection with Monte Vista Drive. Also Norwalk Boulevard between Workman Mill Road and Orange Grove Avenue.

Route No. 3

Beginning at the intersection of Philadelphia Street and Pickering Street, thence along Pickering Street, College Street, Comstock Avenue, Philadelphia Street, Pickering Street, Hadley Street, Gretna Avenue, Rosehedge Drive, Cedarcliff Avenue, Winchell Street, Broadway, Mines Boulevard, Glengarry Avenue, Vicki Drive and Glengarry Avenue to its intersection with Washington Boulevard.

Route No. 5

Beginning at the intersection of Comstock Avenue and Philadelphia Street, thence along Philadelphia Street, Painter Avenue, Short Street, Fourth Street, California Avenue, Second Street, Ocean View Lane, Chestnut Street, Gunn Avenue to its intersection with LaForge. Also, LaForge Street between Walnut Way and Gunn Avenue.

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

(3) Authority is hereby granted applicant to divert from its established routes either on its regular schedules or on its special schedules, for the purpose of transporting bonafide pupils, attending institutions of learning, to or from such institutions, provided that such divergence and schedules therefor are filed in the same manner as other time schedules, and whenever special rates are provided the schedule therefor shall also be filed.

(4) That the certificate of public convenience and necessity herein granted to applicant is in lieu of all prior operating authority granted to or acquired by Eastern Cities Transit, Inc., a corporation, and such prior authority and certificates of public convenience and necessity are hereby revoked.

(5) That ten days prior to the establishment and operation of the route changes as authorized by this order, applicant shall have a new timetable, with a description of all of its routes,

available for distribution in all of its buses.

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

Dated at San Francisco, California, this 21st day of DECEMBER, 1954.

Robert E. Mitchell
President

James J. Calver

Kenneth Dutton

Gene Higgins

Ralph Luterman
Commissioners