

Decision No. 51797**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of TANNER MOTOR TOURS, LTD.,
 a corporation, for a certificate of
 public convenience and necessity to
 operate as a passenger stage corporation
 between Beverly Hills, California, and
 Santa Anita Race Track, Arcadia,
 California; and between Beverly Hills,
 California, and Hollywood Park, Inglewood,
 California.

Application No. 35370

In the Matter of the Application of:
 BEVERLY HILLS GARAGE, INC., a California
 corporation doing business as BEVERLY
 MOTOR LIVERY, for a certificate of
 public convenience and necessity author-
 izing it to pick up and discharge
 passengers on its presently authorized
 routes at the intermediate point of
 Beverly Hilton Hotel, pursuant to
 Sections 1031-1036 of the Public
 Utilities Code.

Application No. 35428

Gordon, Knapp & Gill, by Wyman Knapp, for applicant
 Tanner Motor Tours, Ltd., and protestant in
 Application No. 35428.

Glanz & Russell, by Theodore W. Russell, for applicant
 Beverly Hills Garage, Inc., and protestant in
 Application No. 35370.

George J. Corsello, for AirporTransit, interested
 party.

O P I N I O N

The above matters were heard on a consolidated record
 before Examiner Mark V. Chiesa. Oral and documentary evidence having
 been adduced, the applications were submitted for decision.

Applicant Tanner Motor Tours, Ltd., (hereinafter called
 "Tanner") now operates an extensive sightseeing and race track passen-
 ger stage service. It conducts sightseeing tours throughout Southern

California and particularly in Los Angeles and Orange Counties. It also operates a race track service between some of the principal hotels in Los Angeles, Beverly Hills and Long Beach, on the one hand, and the Hollywood Park and Santa Anita race tracks, on the other hand. One of its points of pickup and discharge for sightseeing tours and race track service is the Beverly Wilshire Hotel located on Wilshire Boulevard in Beverly Hills.

"Tanner" seeks authority to add, as a point of service, The Beverly Hilton Hotel, situated at the intersection of Wilshire Boulevard and Santa Monica Boulevard in Beverly Hills, a distance of approximately one mile west of the Beverly Wilshire Hotel. It has entered into a lease agreement with the hotel management whereby it will have the exclusive right to conduct said type transportation service from the hotel grounds, and will have, in addition, garage, parking and loading facilities at the hotel. Its Beverly Hills headquarters will be located at The Beverly Hilton.

"Tanner" will use de luxe type chair car motor vehicle equipment and charge fares similar to those presently published from and to the Beverly Wilshire Hotel. The same routes will be used except that an extension of less than one mile along Wilshire Boulevard will be necessary.

Beverly Hills Garage, Ltd., (hereinafter called "Beverly") protests the granting of the authority sought by "Tanner" on the grounds that it is now operating along Wilshire Boulevard and providing a race track service from several Beverly Hills points such as Beverly Hills Hotel and Beverly Wilshire Hotel. "Beverly's" present authority does not authorize service at The Beverly Hilton location.

In Application No. 35428 "Beverly" requests authority to add The Beverly Hilton as a point of service to all of its present authorized operations which are routed along Wilshire Boulevard past the said hotel. Present points of service include the Los Angeles International Airport, Hollywood Park and Santa Anita race tracks, and the Tournament of Roses and Rose Bowl. It operates seven-passenger Cadillac limousines and also has a 1947 and a 1948 29-passenger Flexible bus and a 1944 41-passenger Super Crown bus. It proposes fares similar to those now published from the Beverly Hills points of service, to-wit, the Beverly Hills Hotel and the Beverly Wilshire Hotel.

"Tanner" protests "Beverly's" application on the grounds that it has the exclusive right to operate on the grounds of The Beverly Hilton; that it renders a sightseeing service such as is not performed by "Beverly"; that it would be a convenience to the public to have all of the services available at one stand from one operator; and that "Beverly" would have to use a street zone for loading and unloading.

The general manager of "Tanner" and the president of "Beverly" testified in support of their respective applications. The sales manager for The Beverly Hilton testified as to the transportation requirements of the hotel and the public need for all types of bus and limousine services.

Having fully considered all the evidence of record, the Commission is of the opinion and finds that public convenience and necessity require the services herein proposed by each of the said applicants. The Beverly Hilton will be one of the largest hotels

in the west. Many thousands of people will patronize the hotel yearly. The services proposed by applicants are not entirely competitive, and it would be a convenience to the public to have available the various services of each applicant.

The applications will be granted as hereinafter set forth.

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 Tanner Motor Tours, Ltd., a corporation, to operate as a passenger stage corporation, as that term is defined in Section 226 of the Public Utilities Code, for the transportation of persons between The Beverly Hilton Hotel in Beverly Hills, California, on the one hand, and the Santa Anita and Hollywood Park race tracks, on the other hand, and from said hotel in sightseeing service as described and defined in Tours 701 and 717, inclusive, of Local Passenger Tariff, Cal. P.U.C. No. 18, effective May 17, 1954, subject, however, to any and all restrictions on present operations as heretofore imposed in any authority previously granted to or acquired by Tanner Motor Tours, Ltd., from this Commission.

(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, Tanner Motor Tours, Ltd., shall conduct said passenger stage operations over and along the following described route:

Beginning at The Beverly Hilton Hotel in the City of Beverly Hills, thence along Santa Monica Boulevard and/or Wilshire Boulevard to Beverly Wilshire Hotel, thence continuing along present authorized routes.

(3) That a certificate of public convenience and necessity be, and it hereby is, granted to Beverly Hills Garage, Inc., a corporation, to operate as a passenger stage corporation, as that term is defined in Section 226 of the Public Utilities Code, for the transportation of persons and their baggage between The Beverly Hilton Hotel in Beverly Hills, California, on the one hand, and, on the other hand, the Los Angeles International Airport, Santa Anita race track, Hollywood Park race track, Tournament of Roses and the Pasadena Rose Bowl, subject, however, to any and all restrictions on present operations as heretofore imposed in any authority previously granted to or acquired by Beverly Hills Garage, Inc., from the Commission.

(4) 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, Beverly Hills Garage, Inc., shall conduct said passenger stage operations over and along the following described route:

Applicant Beverly Hills Garage, Inc., shall operate over and along its present authorized routes.

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

Dated at San Francisco, California, this 9th day of August, 1955.

John E. Farrell
President
Justin F. Casner
Ralph L. Lutz
Mark J. Walsh
P. Hardy
Commissioners