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ORIGINAL

Decision No. 79942

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Applica-  
tion of AIRPORT SERVICE,  
INCORPORATED, a corporation,  
for authority to cease serv-  
ice to the Arroyo Motor Inn  
in the Pasadena Service Area.

Application No. 52901  
(Filed September 30, 1971)

James H. Lyons, Attorney at Law, for  
applicant.

John H. Waldruff, for Arroyo Motor Inn,  
protestant.

Raymond Toohey, for the Commission staff.

O P I N I O N

Airport Service, Incorporated, is a passenger stage corporation as defined by Section 226 of the Public Utilities Code of the State of California and is presently providing service between various points in Los Angeles County and Orange County, on the one hand, and Orange County Airport, Ontario Airport, Long Beach Municipal Airport, Los Angeles International Airport, and Lockheed Air Terminal, on the other hand, as well as service between certain of the airports as set forth in Appendix A of Decision No. 76877, as amended, in Application No. 51591.

Applicant filed this application at the request of the Public Utilities Commission staff and seeks discontinuance of a pickup point on Arroyo Parkway in front of the Arroyo Motor Inn in the City of Pasadena. In addition, applicant seeks an interpretation of its service area authority to file amended tariff pages showing changes in curb and hotel stops along its routes. The protestant is the Arroyo Motor Inn.

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A public hearing was held before Examiner DeWolf on December 28 and 29, 1971 and submitted on the later date subject to the filing of briefs, which have been filed.

This controversy arose when the Hilton Hotel was completed and opened to the public in Pasadena and its off-street driveway made available to applicant for picking up airport passengers.

Applicant amended its tariff to pickup passengers at the Hilton and to discontinue its stop on Arroyo Parkway and claims that two stops in the City of Pasadena, including the Huntington Sheraton Hotel, are sufficient and that other additional stops delay service to the airport.

Many public witnesses who are travel agents, businessmen and users of the bus service in Pasadena appeared and testified to the benefits available at the Hilton Hotel and the public need and necessity for this stop and the Huntington Sheraton Hotel. There was no testimony in the record which questioned the need and public convenience and necessity for the Hilton and the other stop at the Huntington Sheraton Hotel.

The only questions involved in this proceeding then are whether a pickup stop by applicant is required by public convenience and necessity on the Arroyo Parkway and whether the applicant may discontinue the stop under the Commission's general orders for amendment of its tariff, by giving notice as required and without filing a formal application such as this.

The only protestant to this application claims that the stop in front of his motel is necessary for the public. A taxi driver who makes his station at the Arroyo Motor Inn testified in favor of the stop.

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The Arroyo Motor Inn does not furnish a driveway for the bus and is not legally bound to furnish any services to the passengers although the manager claims that it has done so and it will continue to do so. A telephone that was mounted for a time on the building of Arroyo Motor Inn near the sidewalk for use of the airport service was removed by vandals.

No public witnesses appeared who testified that the Arroyo Motor Inn is necessary for their use in securing transportation to the airport.

Exhibits 1 through 4 show the statistics indicating the numbers of passengers using this service and Exhibits 3 and 4 show the trend of traffic for 1971 since opening of the Hilton Hotel.

Percent of passengers using Arroyo Motor Inn  
and Pasadena Hilton Hotel

<u>Period</u>	<u>Arroyo</u>	<u>Hilton</u>
Jan. 26-31, 1971	16.5%	12.3%
February 1971	13.8	13.6
March 1971	12.7	15.2
April 1971	14.1	17.6
Aug. 3-31, 1971	13.8	21.1
September 1971	11.6	23.4
October 1971	7.7	25.4
November 1971	7.4	26.8
Dec. 1-16, 1971	7.1	26.1

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Average number of passengers per trip,  
using Arroyo Motor Inn

<u>Period</u>	<u>No. Daily Trips</u>	<u>Arroyo</u>
Jan. 26-31, 1971	40	1.66
February 1971	40	1.45
March 1971	40	1.40
April 1971	40	1.58
Aug. 3-31, 1971	40	1.77
September 1971	* 40-36	1.10
October 1971	36	1.02
November 1971	36	.85
Dec. 1-16, 1971	36	.61

\* No. trips changed, effective 9/19/71

Exhibit 5 is the Airport Service Pasadena Schedule; Exhibit 6, a map of this part of Pasadena; Exhibit 7, a picture of Arroyo Motor Inn. Exhibits 8, 9, 10, 11, 12, 13, 14, 15, and 16 are copies of letters and news articles. Exhibits 17 and 18 are photographs of the Hilton stop and the Arroyo Motor Inn stop.

Applicant's witnesses testified that continuance of the stop on Arroyo Parkway is costing \$2,000 per month and it is only a short distance from the Hilton Hotel and that there is no inconvenience to passengers to come to that point. Also, public bus transportation serves the Hilton much better than the Arroyo. Additional stops reduce the efficiency of the service.

Protestant would benefit by having the stop at his motel but there is no showing that any travelers would benefit and none have filed any complaints. This is an airport express service depending upon its ability to render a fast service and is not used for extended interurban transportation. The applicant's certificate is an area certificate with curb stops at the street or hotel parking lots, as subsequently designated by applicant in its tariff.

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The purpose of the area certificate is to permit the applicant to change and relocate its terminal points in the service area to give it the flexibility needed to meet the changing patterns of the users of the service. The Commission and the public are advised of changes in pickup points by amendments to the tariff made by the applicant when necessary. The purpose is to eliminate the cost and necessity for filing an application for authority to add, delete or change a pickup point within the service area. Ever-changing patterns, of necessity, mean the establishment of new pickup points and discontinuance of others. There is nothing in the certificate which implies there should always be the same number of pickup and discharge points.

The transportation which Airport Service is authorized and required to render to the public with regard to the instant case is found in First Revised Page 6, Appendix A, Decision No. 76877:

"Los Angeles International Airport--Pasadena-Monrovia Service Area. Commencing at the Pasadena-Monrovia Service Area; thence along the Pasadena Freeway, Harbor Freeway, Century Boulevard to the Los Angeles International Airport."

In the case of C. Crary, et al. (1965), 65 Cal. P.U.C. 545, at page 554, the Commission stated: "Furthermore, the Commission, over the years, has issued various kinds of certificates of public convenience and necessity to passenger stage corporations. These certificates include: . . . (4) area certificates encompassing all points within the area; (5) certificates which in part specify routes and in part are area certificates . . ."

Applicant's witnesses further testified that since there will be the same number of schedules between the two points, and since the fares will be the same between the two points, the net result of the deletion of the Arroyo Motor Inn is not a reduction in service but is in actual fact an increase in service to the public. Mr. Auld testified generally as to the nature of service to and from an airport. In Washington, D. C., there is one stop in the entire city; there is one stop in downtown New York to serve Kennedy Airport and one stop in downtown New York to serve Newark; there is one stop downtown to serve San Francisco. He testified as to other cities within his knowledge where the same situation exists.

The Commission staff appeared and offered no evidence, but took the position that applicant is required to file an application to the Commission for permission to change stops along its routes.

Upon consideration of the evidence the Commission finds that:

1. By Decision No. 72857 dated August 8, 1967, in Application No. 49256, the Commission established the Pasadena-Monrovia Service Area.
2. By said Decision No. 72857 authority was granted to Airport Service to operate service between the Pasadena-Monrovia Service Area, on the one hand, and Los Angeles International Airport, on the other hand.
3. Said Decision No. 72857 provided, that "Passengers shall be picked up or discharged only at points and places to be named in applicant's tariff." (Condition (d), Original Page 3.)

4. In Decision No. 72857 the Commission found that there is a rapid population growth in the area and ever-changing patterns of users of the service and that the public can best be served by the granting of area authority which will give the applicant greater flexibility in rendering service.

5. Rapid growth continues in Pasadena, as a convention center, shopping center, through Foothill Freeway, hotels, and office buildings are to be constructed in the vicinity, and applicant should not be burdened with a cumbersome, lengthy, and unnecessary procedure for changing its curb stops when service is not reduced.

6. On August 20, 1971, Airport Service filed appropriate tariff pages reflecting the deletion of the Arroyo Motor Inn pursuant to its original intention as set forth in First Revised Pages 2, 23, 24, and 25 filed with the Commission on November 13, 1970.

7. On September 13, 1971, Airport Service received notice from the Commission that the proposed tariff pages filed on August 20, 1971 (to become effective September 19, 1971) were rejected.

8. The cost to Airport Service in operating three stops compared to two stops in Pasadena is in excess of \$2,000 per month.

9. The Pasadena Hilton Hotel is a better location and has better and more modern facilities than the Arroyo Motor Inn with which to serve the public.

10. The public prefer to use the Pasadena Hilton Hotel rather than the Arroyo Motor Inn.

11. Use of the Arroyo Parkway stop by airport travelers has declined to less than one passenger per trip (.61), which represents a decline of approximately 2/3 of the number of passengers using the Arroyo Parkway stop.

The Commission concludes that as a result of the 2/3 decline in traffic the applicant should be permitted to reduce its service at the Arroyo Parkway stop by 2/3.

The Commission further concludes that:

1. Airport Service was granted the right to establish, add, change or delete pickup and discharge points and places within the Pasadena-Monrovia Service Area by naming said points in applicant's tariff pursuant to Appendix A, Decision No. 72857, Application No. 49256, and by giving appropriate tariff notices.

2. To require the filing of formal applications in every case to change stops would place an unnecessary and costly burden upon the traveling public, but in this case the application was necessary because of protests.

3. Public convenience and necessity require only 1/3 of the former volume of service at the stop on Arroyo Parkway.


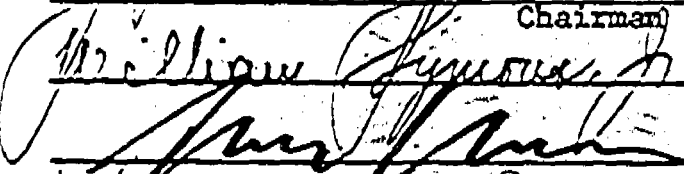


O R D E R

IT IS ORDERED that Airport Service, Incorporated is authorized to file new timetables reducing service at the Arroyo Parkway stop in the City of Pasadena by 2/3. Such timetables shall provide for six schedules in each direction spaced at convenient intervals throughout the day. The timetables shall be filed in accordance with General Order No. 98-A.

In all other respects Application No. 52901 is denied.

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

Dated at Los Angeles, California, this 18<sup>th</sup>  
day of APRIL, 1972.

  
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Chairman  
  
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Commissioner  
  
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