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Decision No. 13946

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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ORIGINAL

In the Matter of the Application of)
 PACIFIC ELECTRIC RAILWAY COMPANY for)
 authority to abandon and remove its : Application No. 7932
 railroad track in the City of Pomona,)
 Ganesha Park Line, commencing at the)
 switch point at Garey and Holt Avenues.

In the Matter of the Application of)
 PACIFIC ELECTRIC RAILWAY COMPANY for)
 authority to abandon and remove its :
 railroad track in the City of Pomona, : Application No. 8391
 on the West Second and Park Line and)
 the Holt Avenue and East Fifth Street)
 Line, and the Garey Avenue and Park Line.:
)

Frank Karr and W.R. Miller for Applicant.

Joseph A. Allard, Jr., City Attorney for
City of Pomona, Protestant.

BY THE COMMISSION,

OPINION

In Application No. 7932, Pacific Electric Railway Company, a corporation, has petitioned the Railroad Commission for an order authorizing the abandonment of its line of railroad known as the Ganesha Park Line in the City of Pomona extending from the intersection of Garey and Holt Avenues along Holt Avenue to private right of way in Huntington Boulevard thence along private right of way to connection with the Garey Avenue Line in the block bounded by Alameda Street, Artesia Street, Park Avenue and Walnut Street.

In Application No. 8391, Pacific Electric Railway Company, a corporation, has petitioned the Railroad Commission for

an order authorizing the abandonment of service and the removal of tracks on its Carey and Park Line, its West Second and Park Line, and Holt Avenue and East Fifth Street Line, all in the City of Pomona.

Public hearings on these applications were conducted by Examiner Handford at Pomona, the matters were consolidated for the purpose of receiving evidence and decision, were duly submitted and are now ready for decision.

Applicant alleges that the lines do not produce revenue sufficient to pay the cost of maintenance and operation and that applicant should be permitted to abandon and discontinue service and remove the tracks in order that the cost of maintenance and operation in excess of the revenue may be saved and that the equipment now used on the said lines may be transferred to other portions of the railway system of the applicant where it will serve a useful purpose.

Witnesses for applicant testified as to the financial results arising from the operation of the Pomona City Lines and abstracts from exhibits show the following data.

Period January to September, 1922, inclusive.

Earnings ,	-	\$11841.17
Operating Expenses	\$16196.71	
Taxes	669.62	
Net Loss	<u> </u>	<u>16866.33</u>
	-	\$ 5025.16

Period January to June, 1923, inclusive.

Earnings ,	-	\$7,868.60
Operating Expenses	\$14172.87	
Depreciation	459.81	
Taxes	863.52	
Net Loss	<u> </u>	<u>15,496.20</u>
	-	\$ 7,627.60

The items of operating expense as appearing above cover only such costs as directly affect the Pomona City Lines and do not include any traffic, general or miscellaneous expenses or

any interest on the investment in track, accessories and equipment.

It appears from the evidence that the volume of traffic has materially decreased and that fare adjustments, including the use of the weekly pass system, have not resulted in the revenue being increased to a point approximating the bare cost of operation. Street improvement work as contemplated by the City of Pomona will also require material expenditures by the applicant to cover the cost of rehabilitating its tracks and paving of a character in conformity with that installed by the City.

At the first hearing on these applications the granting of same was opposed by the City of Pomona on the basis that this Commission had no jurisdiction to authorize the suspension of service and removal of tracks. Briefs setting forth points and authorities were filed by protestant, City of Pomona, and the applicant covering their contentions as to the matter of jurisdiction, and same duly received the careful consideration of the Commission. Without reviewing at length the briefs and authorities submitted we are of the opinion that the matters covered by the applications herein are those over which the Public Utilities Act has conferred jurisdiction upon this Commission.

During the progress of the hearings a survey was made by applicant to determine the possibility of substituting automobile bus lines for the street car service as heretofore rendered and as herein proposed to be abandoned. The results of such survey and the estimates of revenue and expense arising from the operation of the proposed substitute bus service were not sufficiently promising to indicate that the service could be self-sustaining and the applicant was not willing, under such conditions, to stipulate that a substituted bus service would be

installed in lieu of the street car service in the event that these applications should be granted with such condition.

Since the submission of these applications the City Council of the City of Pomona has withdrawn the protest against the granting of these applications as evidenced by certified copy of a resolution duly passed under date of July 15, 1924, by said City Council which has been filed herein by applicant.

After full consideration of the record in these proceedings and the withdrawal of the protest heretofore made by the City of Pomona we are of the opinion that the applications should be granted in accordance with the terms and conditions of the following order.

O R D E R

Public hearings having been held in the above entitled proceedings, the matters having been consolidated for the purpose of receiving evidence and decision and having been duly submitted, the Commission being fully advised and of the opinion that the applications should be granted,

IT IS HEREBY ORDERED that applicant, Pacific Electric Railway Company, a corporation, be and it hereby is authorized to suspend its street car operation in the City of Pomona on its Ganesha Park, West Second and Park, Holt Avenue and East Fifth Street, and Garey Avenue and Park Lines, such street car service having heretofore been given over the following described routes:-

GAREY and PARK LINE

From intersection of Garey and Holt Avenues, west on Holt Avenue; thence northerly on Huntington Boulevard and private right of way to junction with main line of Pacific Electric Railway between Walnut and Artesia Street. Also on Franklin Avenue, from a point near Palomares Street, west to Garey Avenue; thence north on Garey Avenue to Third Street.

WEST SECOND and PARK LINE

On West Second Street, from a point near Lemon Avenue, east to Garey Avenue. Also beginning at junction with Pacific Electric Railway Company main line between Walnut and Artesia Streets, thence southerly over private right of way and on Huntington Boulevard to Holt Avenue, thence east on Holt Avenue to intersection with Garey Avenue.

HOLT AVENUE and EAST FIFTH STREET LINE

On Fifth Street from easterly limits of Los Angeles County, west to Garey Avenue, thence north on Garey Avenue to Third Street. Also on Holt Avenue from intersection with Garey Avenue east to Reservoir Street.

IT IS HEREBY FURTHER ORDERED that applicant, Pacific Electric Railway Company, a corporation, be and it hereby is authorized to abandon and remove such portions of its tracks, overhead construction and other appurtenances as may be located on the hereinabove described lines provided, however, that this authority for abandonment and removal of tracks, overhead construction and appurtenances shall not be effective until there shall have been filed by applicant with this Commission a certified copy of an ordinance, resolution or other appropriate record of action by the City Council of the City of Pomona consenting to the relinquishment of such portions of franchises heretofore granted by the City of Pomona and affecting the lines hereinabove referred to.

Dated at San Francisco, California, this 20th day of August, 1924.

H. B. Brundage
Dwight Martin

J. Whittington
Commissioners