

ORIGINAL

Decision No. 14659

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 PACIFIC ELECTRIC RAILWAY COMPANY for
 authority to abandon service and re-
 move its tracks on Sunset Boulevard
 from Gardner Junction westerly to end
 of line, in the City of Los Angeles,
 California.

Application No. 10864.

C. W. Cornell and O. A. Smith, for Applicant.
 Carl Bush, for Hollywood Chamber of Commerce.
 Jess E. Stephens, City Attorney, by Milton
 Bryan, Assistant Attorney, for City of
 Los Angeles.

J. W. Walters, for Board of Public Utilities
 of the City of Los Angeles.

John A. Evans, for the John A. Evans Corporation.

K. K. Knapp, for West Hollywood Realty Board.

L. J. Durfy, for Sherman Chamber of Commerce.

C. H. Thompson, in propria persona.

SHORE, Commissioner:

O P I N I O N

Pacific Electric Railway Company, a corporation, has petitioned the Railroad Commission for an order authorizing the abandonment and removal of tracks on Sunset Boulevard from Gardner Junction, which is the intersection of Sunset Boulevard and Gardner Street, thence westerly to the end of the line at a terminus at the intersection of Sunset Boulevard and Laurel Canyon Road, all in the City of Los Angeles and as more particularly shown in purple color on a blue-print map, marked "C.E.H. 8306," filed herein as a portion of the application.

A public hearing on this application was conducted at Los Angeles on March 5, 1925, at which time the matter was duly

submitted and it is now ready for decision.

Applicant alleges that the reason for requesting the abandonment is that the business transacted over the line is not sufficient to pay the cost of operation and render a return on the investment; also that a bus service has been installed by the Los Angeles Motor Bus Company, said bus service performing the service formerly rendered by the rail line.

Mr. O. A. Smith, Passenger Traffic Manager of applicant company, testified that the line for which authority for abandonment is herein sought is in poor physical condition, and that it is anticipated that the portion of Sunset Boulevard in which it is laid will shortly be improved by a more modern type of paving - the boulevard now being improved by an oil macadam pavement. In the event of improved paving being undertaken a substantial expenditure would be required to rehabilitate the line with a type of construction suitable for modern paving.

Mr. Carl Bush, representing the Hollywood Chamber of Commerce, directed attention to the desirability of arranging for an assurance whereby no fares would be increased beyond those now applicable in general to the Hollywood community, and that arrangements should be made whereby fares in the district heretofore served by the line now proposed to be abandoned should at all times in the future remain on a parity with other Hollywood district fares. The present service is now given by the Los Angeles Motor Bus Company on the basis of a six cent local fare and a ten cent fare to the down-town or business section of Los Angeles. It appears that an application is now pending before the Board of Public Utilities of the City of Los Angeles wherein the Los Angeles Motor Bus Company has petitioned for an increase in fare on the

basis of a ten cent local fare and a through fare of fifteen cents to the business district of Los Angeles. The applicant herein has also filed an application with this Commission for a certificate of public convenience and necessity to operate a motor bus service from Gardner Junction along Sunset Boulevard, Canyon Drive and Wilshire Boulevard to the intersection of San Vicente Boulevard, such operation paralleling the rail line herein sought to be abandoned. The fares proposed by this application for the establishment of bus service would provide a local fare of six cents to Gardner Junction, from which point the one way fare via the rail line of applicant to Los Angeles is ten cents, a total of sixteen cents.

The rail service on the line herein sought to be abandoned was suspended by applicant in accordance with authority contained in this Commission's Decision No. 13235 on Application No. 9753, decided March 4, 1924. The Opinion preceding the Order in the above mentioned Decision recites the facts presented to the Commission in support of the application and the following are extracts therefrom:

"The portion of the line over which service is proposed to be suspended is .9 miles in length. Motor bus service paralleling the rail service is given on Sunset Boulevard by the Los Angeles Motor Bus Company to the end of the line and applicant has been requested by the Board of Public Utilities of the City of Los Angeles to discontinue the operation of the rail service. The present schedule of service on the rail line between Gardner Junction and the end of the Laurel Canyon line is a fifteen minute headway with a seven and one-half minute headway during the morning and evening peak hours. The bus service operated by the Los Angeles Motor Bus Company is operated on a ten minute headway and with a five minute headway during the morning and evening hours."

It was shown that the average number of passengers per trip in each direction amounted to but 3.2, same being the result of a traffic check made during a 16 day period ending January 7, 1924.

"It is apparent that the limited patronage of the rail line does not justify its continuance when a duplication of service is rendered by a bus line over the same route and on a more frequent schedule both at rush hours and throughout the balance of the day. The fare on the bus line is six cents from the end of the line to and including the Hollywood District and ten cents to the down-town district of Los Angeles. Through service is also available without change on the bus line as against the change of cars required at Gardner Junction by the use of the rail line.

"There was no protest to the granting of the application, it appearing that the representatives of the community served are in favor of the substituted bus service in that through service to the business portion of Los Angeles is thereby available and that with the frequency of service scheduled by the bus line the through service will be more attractive than the former through rail service which was discontinued some years ago. The cancellation of the school fares and commutation rates will not be objectionable as the bus line will transport children to the Hollywood High and Le Conte Junior High Schools in a more satisfactory manner, the route of the bus line being nearer to such schools than that of the rail line."

Careful consideration has been given to the position of the Hollywood Chamber of Commerce in its desire for a retention of a fare basis comparable with other portions of the Hollywood district and particularly as regards fares to and from the Los Angeles down-town or business district. I have considered the situation as presented in the instant application for abandonment as well as that shown in the previous application for suspension of service. It is obvious that service by the rail line cannot be rendered when competition by a parallel bus system reduced the patronage to an average of but 3.2 passengers per single trip. There is presented

also in this proceeding the situation as regards the probability of paving being required on Sunset Boulevard of a type superior to the present oiled macadam. It is reasonable to assume that such paving program, if initiated, will require a modern type of construction which will necessitate a complete rehabilitation of the track with a different type of rail and expensive permanent construction. There is no evidence before the Commission which would indicate that the patronage to be accorded the applicant, were the previous order to be rescinded and the applicant required to restore the rail service, would meet the operating expenses irrespective of the items of depreciation and taxes, together with a reasonable return on a further capital investment which would be required if the track were to be rehabilitated in accordance with the requirements necessitated by a paving program. The matter of increased fares on the bus line operated by the Los Angeles Motor Bus Company is not one that can be determined by the Commission in this proceeding; moreover, the matter of fares on the proposed bus line for which the Pacific Electric Railway Company has filed an application for a certificate is not a matter to be determined herein, but will be determined by the Commission in its consideration of said application. It is, however, in evidence that the public has preferred the bus service to the rail service which was formerly furnished; that patronage was withdrawn from the rail line to such extent that authority was applied for to discontinue such rail service; that the Board of Public Utilities of the City of Los Angeles requested the applicant to discontinue its rail service on Sunset Boulevard to the terminus of the line for the reason that duplicate service was being rendered by the Los Angeles Motor Bus Company; that thereafter application was made to this Commission

for suspension of car service and was granted after public hearing by Decision No. 13235 on Application No. 9753 (decided March 4, 1924).

In view of the above record, I am of the opinion and hereby find as a fact that the continued maintenance of the tracks herein sought to be abandoned is not justified, and I recommend the following form of Order:

ORDER

A public hearing having been held in the above entitled proceeding, the matter having been duly submitted and the Commission now being fully advised, and basing its Order on the finding of fact as appearing in the Opinion which precedes this Order,

IT IS HEREBY ORDERED that applicant, Pacific Electric Railway Company, a corporation, be and the same hereby is authorized to abandon and remove its tracks on Sunset Boulevard from Gardner Junction to the end of the line at the intersection of Sunset Boulevard and Laurel Canyon Road, all in the City of Los Angeles, and over a route more particularly described as follows:

A single track commencing at the switch point just east of the intersection of Gardner Street and Sunset Boulevard; thence westerly along Sunset Boulevard to end of track at Laurel Canyon Road;

Also, that certain siding commencing at a point in abovementioned single track on Sunset Boulevard, 1540 feet, more or less, westerly from above mentioned switch point; thence westerly along Sunset Boulevard, 348 feet, more or less, to a point in abovementioned single track.

The foregoing Opinion and Order are hereby approved and ordered filed as the Opinion and Order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 13th day of March, 1925.

H. B. Bunnell
O. Searcy
Egerton Shore
Commissioners 198