

Decision No. 16569

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application )  
of CITY TRANSIT, INC., a corpor- )  
ation, for certificate of public )  
convenience and necessity to )  
operate motor coach service be- )  
tween Pomona and Claremont and )  
intermediate points in Los Ange- )  
les County, State of California. )

APPLICATION NO. 10612.

ORIGINAL

Allard & Mitchell, by J. A. Allard and Phil  
Jacobson, for Applicant.

R. E. Wedekind and H. O. Marler, for Pacific  
Electric Railway Company, Protestant.

BY THE COMMISSION:

O P I N I O N

City Transit, Inc., a corporation, has made applica-  
tion to the Railroad Commission for a certificate of public con-  
venience and necessity to operate an automobile passenger serv-  
ice between Pomona and Claremont over a route described in the  
application.

A public hearing herein was conducted by Examiner Wil-  
liams at Pomona.

Applicant originally proposed a service approximately  
four and one-half miles long in and between the two contiguous  
communities, based upon a fare of 5 cents within either and a  
fare of 10 cents between. At the hearing applicant amended the

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fare schedule to provide for a straight 10-cent fare within each of the communities or between the two, with commutation fares upon a  $7\frac{1}{2}$ -cent basis. The service proposed is half-hourly until 9:30 p. m. and hourly thereafter until midnight.

Applicant is now in possession of a franchise from the city of Pomona to operate bus service over a number of routes within the city, and also possesses a certificate granted by this Commission for the operation of service between Pomona and San Dimas via La Verne.

The bus service now maintained by applicant within the city of Pomona succeeds local service formerly given by the Pacific Electric Railway, protestant herein. By Decision No. 13946, dated August 20, 1924, protestant was permitted to discontinue this service and remove its tracks on its Genesha Park, West Second and Park, Holt Avenue and East Fifth Street, and Garey Avenue and Park lines. The only service now maintained by protestant in Pomona, outside of through line service, is that between its terminus in Pomona and its station in Claremont, which service is maintained on an approximately hourly basis except during the early and the late hours of the day. The fare between the two communities is 12 cents and the round trip fare of both applicant and protestant is 20 cents.

By its application No. 10522, protestant Pacific Electric Railway Company asked permission to substitute motor vehicle service for rail service now maintained by it between Pomona and Claremont, but this application was withdrawn before the hearing herein. In the present proceeding protestant holds that the service by rail is adequate for the needs of the community.

Pomona is a city of approximately 30,000 population and is contiguous to Claremont, in which Pomona College is an important institution. Claremont has a population of about 2,000, but the presence of the college within its boundaries brings a more or less large transient population. Before the abandonment of the electric line service in Pomona, no motor vehicle service existed in the city. Upon the discontinuance of operations by the Pacific Electric Railway over the lines hereinbefore named, the city granted to applicant a local franchise, under which operations began in November, 1924. After several months' experience, applicant found its business unremunerative at the fares charged, and by agreement with the trustees of the city of Pomona fares were increased to a 10-cent base; and testimony was produced at the hearing that upon this readjustment applicant might be able to maintain service without loss. It is proposed by applicant to extend service to Claremont, with transfer privileges to other bus lines, and thus, in effect, give a universal service between the two communities.

In support of the application, applicant presented eleven witnesses from Claremont and seven from Pomona. In general, the testimony of these witnesses was to the effect that the present rail service of protestant Pacific Electric Railway is inadequate for the reason that passengers must go from all parts of Pomona - sometimes a distance of more than a mile - to gain access to the cars, and that in Claremont access to the cars may be had only at protestant's station or at stops on the main line west of Claremont; also that the service of protestant is not always on time and is not frequent enough to induce travel. Witnesses further testified that, on the other hand,

by boarding busses of applicant within the city of Pomona at points near their homes or places of business, the journey could be accomplished by transfer to the Claremont bus and thus the long walk to the Pacific Electric line could be avoided. Teachers and students at Pomona College, by witnesses and by written documents brought to the hearing by witnesses, asserted that the service proposed by applicant, with its transfer privileges over the larger community, was in some cases a need, and in most cases a convenience, of the public. Some of the witnesses testified to their belief that there is enough travel for both rail and bus service, but the attitude of many was that they preferred bus service to rail service.

Through H. O. Marler, assistant traffic manager of the Pacific Electric Railway, this protestant introduced an exhibit showing that the passengers carried in 1923, 1924, and in January and February of 1925, including all through main line passengers, produced an operating earning of 18 cents per car mile; that the cars now in service carry only about 30 per cent of the seating capacity, and that the entire operation of this service is conducted at a loss, for the convenience of the two communities. Mr. Marler further testified that competition would so impair the revenues of this protestant that rail service would have to be abandoned.

Protestant produced other witnesses who testified that the rail service is efficient and adequate, and disputed applicant's claim that train service had not been prompt, and it appears from the record that the service as scheduled is efficiently maintained by protestant.

Determination of the application herein cannot be made

without consideration of the effect upon the existing rail carrier. We believe the testimony produced by applicant substantial enough to indicate public convenience and necessity, but the granting of such certificate must recognize the probable extinction of rail service between the two communities. By its own showing, protestant has established the fact that the rail operation is not well patronized and is maintained as a convenience to the communities in the absence of any other service. This service is along rigid lines, but it does bring together the business districts of the two communities. The abandonment by protestant of its local service within the city of Pomona has left that city to its own devices to provide internal transportation. Applicant herein is undertaking to provide that service for the community, and the contiguity of Claremont and Pomona and the interrelation of their business and social life, as shown by the testimony of witnesses, attain some importance. This importance, however, is negated by the showing of applicant that its operation at a fare of 6 cents was unprofitable, and that it became necessary to increase the fare to 10 cents. The success of this operation within the city of Pomona appears doubtful and leads to the conclusion that the proposed benefits of universal transfer - an essential part of applicant's offer - might disappear, if unprofitable operation continues, and the value of a connection to Claremont be lost.

It is our opinion that no change in transportation conditions in and between Pomona and Claremont is justified at this time, under the showing made by applicant and protestant, and that the application herein should be denied, in order to

insure the continuance of rail service between the two communities.

We therefore find as a fact, upon the record as hereinbefore stated, that public convenience and necessity do not require the establishment of service as proposed by applicant, and that the application herein should be denied. An order accordingly will be entered.

### O R D E R

City Transit, Inc., a corporation, having made application to the Railroad Commission for a certificate of public convenience and necessity to operate an automobile passenger service between Pomona and Claremont and intermediate points in Los Angeles County, over and along a route described in said application, a public hearing having been held, the matter having been duly submitted and now being ready for decision,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA  
HEREBY DECLARES that public convenience and necessity do not require the establishment of service as proposed by applicant herein, and

IT IS HEREBY ORDERED that the application herein be and the same hereby is denied.

The effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this 26<sup>th</sup> day  
of April 1926.

H. B. Brundage  
C. L. Lewis  
Leon Whitell  
COMMISSIONERS.

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