

Decision No. 17439

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of  
the Pacific Electric Railway Company  
for authority to operate motor coach  
lines in the City of Pasadena, Califor-  
nia.

Application No. 12820.

Frank Zarr and C. W. Cornell, for Applicant.

James E. Howard, City Attorney, for the  
City of Pasadena, Protestant.

George A. Damon, in propria persona, Protestant.

SEAVEY, COMMISSIONER:

O P I N I O N

By this application the Pacific Electric Railway Company, a public utility corporation, requests a certificate of public convenience and necessity to operate its motor coach lines in and about the City of Pasadena, California. Heretofore the applicant has operated these lines under the assumption that a certificate from this Commission was not necessary and that it had to deal only with the City of Pasadena regarding those operations wholly within the incorporated limits of said city. The East Washington Street line, however, extends beyond the City limits, and when this Commission was apprised of such fact, it issued an order directed to applicant to show cause why it should not be ordered to cease and desist from its operations unless and until a certificate of public convenience and necessity was obtained from this Commission. In response to such order this application was filed. A public hearing was held on June 23rd, 1926, in the City of Los Angeles.

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The request contained in the application is for authority to operate over certain defined routes within the City of Pasadena and the route known as the East Washington Street Line, which runs outside the city a short distance into the County of Los Angeles to a point known as Tierra Alta.

Counsel for the City took the position that this Commission does not have jurisdiction over the operations in question; that in effect the City authorities had dealt with the Company for transportation facilities in accordance with the provisions of Section 19, Article XI of the Constitution, and that he found no provision of the law which specifically abrogated the rights of the City under that Section of the Constitution. He maintains that the incident of a stub-end part of the service passing a short distance outside the City limits, should not deprive the City of what he alleges to be its constitutional rights.

It is true that the bus operations here under consideration were inaugurated as a purely municipal service and in reality are such at the present time. It is also true that the Supreme Court of this State at all times has carefully guarded the home rule provisions of our laws. This Commission, however, is faced with the duty of carrying out the provisions of the Transportation Act of 1917, which is the only expression of the legislature governing the rates and service of automotive transportation. This act clearly places all such transportation, that is not exclusively within the limits of a City, under the jurisdiction of this Commission. While the undertaking of applicant is described as consisting of different and seemingly independent bus lines, as a matter of fact from the standpoint of practical operation it is a unified and single service. It therefore appears that the Commission has jurisdiction over the whole operation covered in the application.

While the record in this matter clearly shows that public

convenience and necessity demand some service of this character within the territory involved, it does not warrant the granting of a permanent certificate to the extent applied for. However, it was generally admitted that there is a duplication of service and a supply of service existing at the present time much in excess of that found necessary to serve other similar communities, but there is not sufficient data in the record to determine with finality the exact routes which should be permanently established.

It is our opinion that authority should be granted to operate the East Washington Street Line from Tierra Alta in the County of Los Angeles to and within the City of Pasadena. As to the lines within the City at present being operated by the Company, we can make no permanent finding at this time, but will grant the company a temporary permit to operate them until permanent routes can be established that meet the approval of this Commission.

#### O R D E R

An application having been filed by the Pacific Electric Railway Company for a certificate of public convenience and necessity to operate motor coach lines in and about the City of Pasadena, California, a public hearing having been held, the matter having been duly submitted, and the Commission being now fully advised,

IT IS HEREBY FOUND AS A FACT that public convenience and necessity require the operation by the Pacific Electric Railway Company of a motor coach line from Tierra Alta, in the County of Los Angeles, to and within the City of Pasadena; and

IT IS HEREBY FURTHER FOUND AS A FACT that public convenience and necessity require the temporary operation by the Pacific Electric Railway Company of its motor coach lines at present being operated by it within the City of Pasadena and as set forth in the application herein; and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be, and the same is hereby granted to the Pacific Electric Railway Company for the operation of motor coaches to and within the City of Pasadena from Tierra Alta in the County of Los Angeles over the following routes:

WITHOUT THE CITY LIMITS OF PASADENA

From Sierra Bonita Avenue east on Washington Street in the County of Los Angeles to Tierra Alta and returning west on Washington Street to Sierra Bonita Avenue in the County of Los Angeles;

WITHIN THE CITY LIMITS OF PASADENA

NORTE LOS ROBLES AVENUE LINE:

From Colorado and Pasadena Avenue east on Colorado, north on Los Robles to Woodbury Road, south on Los Robles, west on Montana, south on Marengo, east on Penn, south on Los Robles, west on Colorado, north on Broadway, west on Union, south on Pasadena, to Colorado Street, in the City of Pasadena.

NORTE ORANGE GROVE AVENUE - CENTER STREET LINE:

From Colorado and Fair Oaks, east on Colorado, south on El Molino, east on Center and Del Mar, south on Wilson, east on San Pasqual, north on Hill, east on Charlevoix, south on Sierra Bonita, east on Rose Villa to Meredith, south on Meredith, west on Oakdale, south on Hill and return by same route. From Colorado and Fair Oaks, west on Colorado, north on Orange Grove to Prospect Drive, then make loop via Prospect Drive and Prospect Square to Orange Grove and return by same route in the City of Pasadena.

NORTE EL MOLINO AVENUE LINE:

From Colorado and Pasadena Avenue, east on Colorado, north on El Molino, east on Highland, northwest on Woodbury Road to El Molino, south on El Molino, west on Colorado, north on Broadway, west on Union, south on Pasadena Avenue to Colorado Street, in the City of Pasadena.

NORTE HILL AVENUE LINE:

From Colorado and Pasadena Avenue, east on Colorado, north on Hill, to Topeka Street, and return to Colorado and Broadway, north on Broadway, west on Union, south on Pasadena Avenue, to Colorado Street, in the City of Pasadena.

NORTE STEVENSON AVENUE LINE:

From Colorado and Pasadena Avenue, east on Colorado, north on Stevenson, to Washington Street, and return to

Colorado and Broadway, north on Broadway, west on Union, south on Pasadena Avenue, to Colorado Street, in the City of Pasadena.

NORTH LAKE AVENUE - EAST ORANGE GROVE AVENUE LINE:

From Colorado and Pasadena Avenue, east on Colorado, north on Lake, east on Orange Grove, north on Allen to Casa Grande Street, and return to Colorado and Broadway, north on Broadway, west on Union, south on Pasadena Avenue, in the City of Pasadena. (DAILY EXCEPT SUNDAY.)

CALIFORNIA STREET - SOUTH LOS ROBLES-SOUTH RAYMOND AVENUE LINE:

From Colorado and Raymond Avenue, east on Colorado, south on Los Robles, east on California to Hill Avenue, and return by same route, from Colorado and Raymond Avenue, south on Raymond, west on California, south on Arroyo Drive, east on La Loma Road, north on Grand, east on California, and return on same route, in the City of Pasadena.

SOUTH MARENGO AVENUE - GLENARM STREET LINE:

From Colorado and Pasadena Avenue, east on Colorado, south on Marengo, east on California, south on Los Robles, west on Glenarm, south on Pasadena, west on State, south on Orange Grove to Columbia, and return, east on Columbia, north on Pasadena, east on Glenarm, north on Los Robles, west on California, north on Marengo, west on Union, south on Pasadena to Colorado, in the City of Pasadena.

This certificate is subject to the following conditions:

(1) Applicant shall file its written acceptance of the certificates herein granted within a period of not to exceed ten (10) days from the date hereof.

(2) The operation of motor coaches within the City of Pasadena to be over the routes as described above until otherwise ordered by the Commission except that with the permission of the City Council of Pasadena the applicant may alter the above routes for a trial period in any case not to exceed six (6) months, due notification of such alteration being given this Commission.

(5) The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.

(4) No vehicles may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by it under contract or agreement on the basis satisfactory to the Railroad Commission.

For all other purposes, except as hereinabove stated, the effective date of this order shall be twenty (20) days from the date hereof.

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 6<sup>th</sup> day of October, 1926.

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*C. J. Seaver*  
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*Frank W. ...*  
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*Leon Whitely*  
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Commissioners.