

Decision No. 20085

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of Application of the)
 PACIFIC ELECTRIC RAILWAY COMPANY)
 for certificate of public convenience)
 and necessity to operate motor coach) Application No. 14314
 lines in the City of Glendale, State)
 of California.)

C. W. Cornell, for Applicant.
 W. T. Fox, City Attorney, for City of Glendale, and
 interested parties, Protestants.
 H. W. Kidd, for Motor Transit Company, Protestant,
 Warren E. Libby and Frank B. Austin, by Frank B. Austin,
 for Pickwick Stages System, Protestant.
 Mrs. M. Emens, on behalf of residents of Lake Street.
 Peter L. Ferry, on behalf of residents of the
 Chevy Chase Drive District.
 W. I. Edward, Protestant.
 J. R. Grey, Protestant.
 C. I. Welch, Protestant.

BY THE COMMISSION -

O P I N I O N

ORIGINAL

Pacific Electric Railway Company, a corporation, has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by it of two motor coach routes in the City of Glendale and to coordinate such motor coach service with the rail lines of the applicant in the carriage of through passengers between Glendale and Los Angeles and other points on applicant's system.

A public hearing on this application was conducted by Examiner Handford at Glendale, the matter was duly submitted upon the filing of briefs by counsel, and is now ready for decision.

Applicant is now operating three motor coach routes in the City of Glendale over routes as shown on a blueprint map marked "C.E. 7503-C" as attached to the application and marked "Exhibit A." It is proposed to consolidate portions of the three routes and hereafter operate two routes over streets as shown on the above mentioned "Exhibit A."

The proposed time schedules are set forth in "Exhibit B"; the present fare schedules are set forth in "Exhibits C and D"; the proposed fare schedules are set forth in "Exhibit E"; all exhibits being attached to and made a part of the application herein. The equipment proposed to be used consists of ten White motor coaches, each of twenty-five passenger capacity.

Applicant relies as justification for the granting of the application upon the following alleged facts: (1) that unless the proposed motor coach lines are operated a large portion of the City of Glendale is without public transportation service; and (2) that it is planned to co-ordinate the motor coach service as a service furnishing local transportation between the business and residential sections of the City of Glendale as well as in conjunction with the applicant's interurban rail lines thereby furnishing service between Glendale and Los Angeles and other points in Southern California.

Counsel for Motor Transit Company, Pickwick Stages System, and the City of Glendale objected to the granting of the application on the ground that as the motor coach operation proposed was to be given entirely within the municipal limits of the City of Glendale, the Commission had no jurisdiction to entertain the application or to grant the desired certificate. Counsel filed briefs in support of their contentions on the question of jurisdiction.

From the record herein it appears that motor coaches have been operated by applicant within the city limits of Glendale for the past four years, such lines having been established to furnish not only a local service within the municipality but to augment the interurban rail service of the applicant. Three routes have heretofore been operated and applicant now proposes a rearrangement by which two routes will be hereafter available, such rearrangement of routing being made as will continue service to the territory furnishing the majority of patronage.

Exhibits filed herein show the operations heretofore conducted to have been conducted without profit, the figures showing a net loss of \$2171.75 during the month of November, 1927, and of \$21944.56 for the eleven months period ending November 30, 1927.

The proposed revision of routing eliminates service on portions of the lines which are not productive of patronage, and by the proposed rerouting gives transportation service more directly into the more settled portions of the community.

The granting of the application is protested by residents on the portions of the lines proposed to be eliminated. It is apparent, however, that the operation of the three routes as heretofore conducted by applicant has been conducted at a substantial loss and that the proposed rerouting, while not resulting in profitable operation, will materially reduce the operating deficit and enable service to be continued to a considerable area which otherwise would be deprived of public transportation. The City of Glendale, by its City Manager, has approved the proposal of the applicant as evidenced by a letter under date December 1, 1927, addressed to the Passenger Traffic Manager of applicant and attached to the application as "Exhibit F", such approval referring to the proposal being satisfactory by the unanimous vote of the City Council of Glendale.

After a careful and thorough consideration of the record before us we believe the proposed operations to be in the public interest and justified on grounds of public convenience and necessity. We do not now pass upon the question of jurisdiction. Indeed, the Commissioners assenting to this order are inclined to the opinion that the issuance of a certificate herein may be an idle act. However, we shall issue the certificate as prayed for in order that no further delay may hamper the inauguration of the proposed service.

O R D E R

A public hearing having been held in the above entitled application, the matter having been duly submitted following the filing of briefs by counsel, the Commission being now fully advised and basing its opinion on the conclusion as contained in the opinion which precedes this order,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA, ON THE ASSUMPTION AND TO THE EXTENT IT HAS JURISDICTION HEREIN, HEREBY DECLARES that public convenience and necessity require the operation by Pacific Electric Railway Company, a corporation, of an automobile stage service as a common carrier of passengers, for compensation, over the following routes in the City of Glendale, as a portion of its transportation system:

Route No. 1

Commencing at Broadway and Chevy Chase Drive, thence via Broadway to Verdugo Road, thence via Maple Street, Adams Street, Palmer Avenue, Glendale Avenue, Los Feliz Road, San Fernando Road, Pacific Avenue, Broadway, Jackson Street, Doran Street, and Geneva Street. Thence around a loop via Glendale Boulevard, Ethel Street, Viscaïno Street to Mountain Street (the terminus of the line), thence via Mountain Street, Howard Street and Geneva Street to end of loop at Glenoaks Boulevard. Thence return from intersection of Glenoaks Boulevard and Geneva Street by reverse of above route.

Route No. 2

Commencing at Hill Drive and Chevy Chase Drive, thence via Chevy Chase Drive, Verdugo Road, Colorado Street, Brand Boulevard, California Avenue, Kenilworth Avenue, Arden Avenue, Pacific Avenue, and Kenneth Road.

Thence around a loop via Grand View Avenue and Tenth Street to Alameda Avenue (terminus of the line), thence via Alameda Avenue and Kenneth Road to end of loop at Grand View Avenue.

Thence return from intersection of Grand View Avenue and Kenneth Road by reverse of above route.

Also additional loop from intersection of Kenneth Road and Sonora Avenue via Sonora Avenue, Lake Street, Western Avenue and Kenneth Road to end of loop.

The rights and privileges herein granted are subject to the following conditions:

- 1 - Applicant shall file its written acceptance of the certificate herein granted within a period of not to exceed ten (10) days from date hereof.
- 2 - Applicant shall file, in duplicate, within a period of not to exceed twenty (20) days from the date hereof, tariff of rates and time schedules, such tariffs of rates and time schedules to be those attached to the application herein, or rates and time schedules satisfactory to the Railroad Commission, and shall commence operation of said service within a period of not to exceed thirty (30) days from the date hereof.
- 3 - 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 vehicle may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by it under a contract or agreement on a basis satisfactory to the Railroad Commission.

The Commission hereby reserves the right to make such further order in this proceeding amending routes as may appear necessary after the operation will have been effective for a period of at least sixty (60) days, and as, in its opinion, the public convenience and necessity may demand.

For all purposes, other than hereinabove stated, the effective date of this order is hereby fixed as twenty (20) days from the date hereof.

Dated at San Francisco, California, this 6th day of

August, 1928.

Leon Whitell
Chairman

W. H. Carr
Commissioners.