

Decision No. 22761

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application)
of the UNION PACIFIC STAGE COM-)
PANY, a corporation, for a cer-)
tificate of public convenience and)
necessity authorizing it to operate)
a motor bus service between East)
Los Angeles and East San Pedro; be-)
tween East Los Angeles and Glendale,)
all in Los Angeles County; and be-)
tween East Los Angeles and Anaheim)
in Los Angeles and Orange Counties.)

APPLICATION NO. 16579.

E. E. Bennett and J. L. Ronnow, for Ap-
plicant.

Frank Karr and R. E. Wedekind, for Pacific
Electric Railway Company and Motor Transit
Company, Interested Parties.

BY THE COMMISSION:

O P I N I O N

In this application Union Pacific Stage Company, a Cal-
ifornia corporation, seeks authority to transport intrastate pas-
sengers and baggage between Anaheim, East San Pedro (Terminal
Island) and Glendale via Eagle Rock and Pasadena, and its depot
at East Los Angeles, and for a certificate of public convenience
and necessity therefor.

A public hearing herein was conducted by Examiner Wil-
liams at Los Angeles, at which time the matter was submitted and
now is ready for decision.

By our Decision No. 20167, dated August 29, 1928, on
Application No. 14827 of the Los Angeles & Salt Lake Railroad
Company, the Railroad Company was permitted to withdraw certain

local trains rendering service between Anaheim and San Pedro. Since that time the Los Angeles & Salt Lake Railroad Company, owned by the Union Pacific Railroad Company, has conducted intrastate service between the points named, and also Glendale, under a contract with the Union Pacific Stage Company, applicant herein, serving all intermediate points and feeding such interstate passengers into the rail system of applicant at the East Los Angeles station.

It is now averred by applicant, Union Pacific Stage Company, that there has been a demand by the public to use the same method of transportation to the East Los Angeles station for intrastate passengers seeking points east of Los Angeles on the company's system in California. It is also averred that many passengers wish to have their friends or families accompany them to the rail depot or meet them at the depot on returning. It is this class of patrons only that applicant seeks to serve.

Evidence of the demand for such service was furnished by F. E. Knickerbocker, President of the Union Pacific Stage Company and General Manager of the Los Angeles & Salt Lake Railroad Company, and by C. F. Farmer, agent at Pasadena, C. H. Redmond, agent at Glendale, R. W. Smock, agent at Long Beach, F. W. Snell, agent at East San Pedro, R. A. Parker, agent at Anaheim, L. C. Holdsworth, agent at Fullerton, and G. B. Kennard, agent at Whittier.

The testimony of these witnesses was, in effect, that many passengers using the bus for interstate trips desired their friends or families to accompany them to the station, but that at present such patronage could not be accepted; also that many

passengers from Glendale, Eagle Rock and Pasadena to points east of Los Angeles, such as Pomona, Riverside, San Bernardino, etc., desired to use the stages to reach the East Los Angeles station, thus avoiding a long journey through the congested portion of the city of Los Angeles.

The applicant was also supported by William Dunkerley, secretary-manager of the Civic Bodies of Pasadena; E. D. Melcher, Assistant City Manager of Pasadena; L. H. Myers, Secretary and Manager of the Glendale Chamber of Commerce; A. H. Miller, Secretary of the Long Beach Chamber of Commerce; and H. M. May, Secretary of the Chamber of Commerce at Fullerton.

All of these witnesses testified that the public bodies represented by them had endorsed the establishment of the proposed service. In addition, resolutions adopted by the Glendale Chamber of Commerce, the Eagle Rock Chamber of Commerce and the San Pedro Chamber of Commerce were filed as exhibits, all urging the granting of the certificate for the purposes indicated.

Applicant proposes to charge as a schedule of rates for the intrastate service to be rendered, the exact amount that the rail fare would be if train operation was conducted from each of the points to the rail connection at East Los Angeles.

The routes proposed to be followed by applicant are described in detail in Exhibit #1, and each includes picking up passengers at stations of the applicant and the transportation of passengers only upon the previous purchase of regular tickets at the rates established for rail service. No inter-

mediate local service is to be given and all passengers received at any point are to be transported to the East Los Angeles station or received there and deposited at other stations.

No opposition was made to the granting of the application by Pacific Electric Railway Company and Motor Transit Company after applicant had entered into a stipulation as to the limitations of the service proposed. This stipulation provides:

"That applicant is permitted to handle only such passengers whose origin or destination is at the East Los Angeles station of the Los Angeles & Salt Lake Railroad Company or points beyond said East Los Angeles station via the Los Angeles & Salt Lake Railroad Company, and that the handling of such passengers is permitted only on motor coaches operating as a connecting service for Los Angeles & Salt Lake Railroad Company's passenger trains serving said East Los Angeles station."

Upon the acceptance of this stipulation the interested parties named herein withdrew opposition.

The record discloses a communication from Burt Edwards, general manager of the Harbor Department of the City of Los Angeles, calling attention to the fact that some of the streets which applicant proposes to traverse in the harbor region are not dedicated public streets but are retained under the control of the Harbor Department, and suggesting that its permission be required for all operations authorized by this Commission over such streets. The Harbor Department has provided a map showing all such streets in the harbor area, and this map indicates that the streets to be traversed by applicant in this area include Badger Avenue from Anaheim Street to Dock Street; Dock Street from Badger to Mormon; Mormon from Dock to Ocean Avenue; Ocean Avenue from Mormon to Harris Place; Harris Place from Ocean Avenue to Seaside; Seaside from Harris Place to the Los Angeles & Salt Lake

Railroad Company's depot. All of the other highways to be traversed under this application are undisputed public highways; and as to these, the Commission will grant the certificate asked for by applicant, but as to the streets named in the harbor area, will require, before the certificate becomes effective, the filing of consent from the Harbor Department for the applicant to use the streets named.

The record, we believe, is satisfying that the service proposed by applicant is a need and convenience to the public, and that under its limitations it is a service which no other public carrier can perform, as all the schedules to be established are based upon train connections to and from East Los Angeles and are clearly prolongations of the rail service, both interstate and intrastate. An order accordingly will be entered.

Union Pacific Stage Company, a corporation, is hereby placed upon notice that "Operative rights" do not constitute a class of property which should be capitalized or used as an element of value in determining reasonable rates. Aside from their purely permissive aspect, they extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be changed or destroyed at any time by the state which is not in any respect limited to the number of rights which may be given.

O R D E R

Union Pacific Stage Company, a corporation, having made application to the Railroad Commission for a certificate of public convenience and necessity to establish and conduct an automotive transportation service for passengers and their baggage between Anaheim, East San Pedro and Glendale, via Eagle Rock and Pasadena, and the Union Pacific Railway depot at East Los Angeles, an unincorporated community, 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 require the establish-
ment and operation of automotive service for the transportation of
passengers and their baggage, between Anaheim, East San Pedro and
Glendale, via Eagle Rock and Pasadena, and the Union Pacific Rail-
way depot at East Los Angeles, over and along the following routes:

Anaheim Branch

East Los Angeles to Anaheim:

North on Goodrich Blvd. to Whittier Blvd.
East on Whittier Blvd. to Philadelphia Street,
East on Philadelphia Street to Whittier Depot,
Continue East on Philadelphia Street to Green-
leaf Avenue,
South on Greenleaf Avenue to Whittier Blvd.
East on Whittier Blvd. to Hiatt Street,
South on Hiatt Street to La Habra Depot,
Continue South on Hiatt Street to Ocean Ave.
East on Ocean Avenue to Fullerton Road,
South on Fullerton Road and Spadra Road to
Truslow Avenue,
West on Truslow Avenue to Fullerton Depot,
Continue West on Truslow Avenue to Malden Ave.
South on Malden Avenue to Maple Avenue,
East on Maple Avenue to Spadra Road,
South on Spadra Road to Los Angeles Street,
South on Los Angeles Street to Center Street,
East on Center Street to Anaheim Depot.

Anaheim to East Los Angeles:

West on Chartres Street to Los Angeles Street,
North on Los Angeles Street to Spadra Road,
North on Spadra Road to Truslow Avenue,
West on Truslow Avenue to Fullerton Depot,
Continue West on Truslow Avenue to Highland Ave.
North on Highland Avenue to Wilshire Avenue,
East on Wilshire Avenue to Spadra Road,
North on Spadra Road and Fullerton Road to
Ocean Avenue,
West on Ocean Avenue to Hiatt Street,
North on Hiatt Street to La Habra Depot,
Continue North on Hiatt Street to Whittier Blvd.
West on Whittier Blvd. to Greenleaf Avenue,
North on Greenleaf Avenue to Philadelphia Street,
West on Philadelphia Street to Whittier Depot,
Continue West on Philadelphia Street to Whit-
tier Blvd.
West on Whittier Blvd. to Goodrich Blvd.
South on Goodrich Blvd. to East Los Angeles
Station.

Long Beach - East San Pedro Branch.

East Los Angeles to East San Pedro: (Direct).

From East Los Angeles Depot South on Atlantic Avenue to Ocean Avenue,
East on Ocean Avenue to Alamitos Street,
North on Alamitos Street to 1st Street (Long Beach Depot),
West on 1st Street to Atlantic Avenue,
South on Atlantic Avenue to Ocean Avenue,
West on Ocean Avenue to Pine Avenue,
North on Pine Avenue to Broadway (City Ticket Office),
Continue North on Pine Avenue to Fourth Street,
West on Fourth Street to Pacific Avenue,
North on Pacific Avenue to Anaheim Street,
West on Anaheim Street to Ford Blvd.,
South on Ford Blvd. to Dock Street,
South on Dock Street to Seaside Avenue,
South on Seaside Avenue to East San Pedro Depot.

East Los Angeles to East San Pedro (via Hynes and Bell).

South on Atlantic Avenue to Baker Avenue,
West on Baker Avenue to Salt Lake Avenue (Bell Depot),
South on Salt Lake Avenue to Florence Avenue,
East on Florence Avenue to Atlantic Avenue,
South on Atlantic Avenue to Wright Road,
South on Wright Road to Norton Avenue,
East on Norton Avenue to Michigan Avenue (Workman Depot),
South on Michigan Avenue to Washington Street,
East on Washington Street to Ocean Avenue (in Hynes),
South on Ocean Avenue to Jackson Street,
West on Jackson Street to Hynes Depot,
Continue on Jackson Street to Michigan Avenue,
South on Michigan Avenue to South Street,
West on South Street to Atlantic Avenue,
South on Atlantic Avenue to Ocean Avenue,
East on Ocean Avenue to Alamitos,
North on Alamitos to First Street (Long Beach Depot),
West on First Street to Atlantic Avenue,
South on Atlantic Avenue to Ocean Avenue,
West on Ocean Avenue to Pine Avenue,
North on Pine Avenue to Broadway (Long Beach City Ticket Office),
Continue on Pine Avenue to Fourth Street,
West on Fourth Street to Pacific Avenue,
North on Pacific Avenue to Anaheim Street,
West on Anaheim Street to Ford Blvd.,
South on Ford Blvd. to Dock Street,
South on Dock Street to Seaside Avenue,
South on Seaside Avenue to East San Pedro Depot.

Pasadena - Glendale Branch

East Los Angeles to Glendale:

North on Atlantic Avenue to Garvey Road,
East on Garvey Road to Garfield Avenue,
North on Garfield Avenue to North Atlantic Ave.,
North on North Atlantic Avenue to Los Robles Ave.,
North on Los Robles Avenue to Green Street,
West on Green Street to Marengo Avenue,
North on Marengo Avenue to Colorado Street (Pasadena City Office),
West on Colorado Street to Pasadena Depot,
Continue West on Colorado Street to El Modena St.,
West on El Modena Street to Colorado Blvd.,
West on Colorado Blvd. to Broadway,
West on Broadway to Brand Blvd.,
South on Brand Blvd. to Glendale City Office,
Continue South on Brand Blvd. to Harvard Street,
East on Harvard Street to Kenwood Street,
North on Kenwood Street to California Avenue,
East on California Avenue to Geneva Street,
North on Geneva Street to Glendale Depot.

Glendale to East Los Angeles

West on Lexington Street to Brand Blvd.,
South on Brand Blvd. to Glendale City Office,
Continue South on Brand Blvd. to Harvard Street,
East on Harvard Street to Kenwood Street,
North on Kenwood Street to Broadway,
East on Broadway to Colorado Blvd.,
East on Colorado Blvd. to El Modena Street,
East on El Modena Street to Colorado Blvd.,
East on Colorado Blvd. to Orange Grove Avenue,
South on Orange Grove Avenue to Green Street,
East on Green Street to Pasadena Avenue,
North on Pasadena Avenue to Colorado Street,
West on Colorado Street to Pasadena Depot,
Continue West on Colorado Street to Raymond Avenue,
South on Raymond Avenue to Green Street,
East on Green Street to Marengo Avenue,
North on Marengo Avenue to Colorado Street (Pasadena City Office),
East on Colorado Street to Los Robles Avenue,
South on Los Robles Avenue to Mission Street,
West on Mission Street to Garfield Avenue,
South on Garfield Avenue to Garvey Road,
West on Garvey Road to Atlantic Avenue,
South on Atlantic Avenue to East Los Angeles Station.

Long Beach - East San Pedro Branch

East San Pedro to East Los Angeles (Direct):

North on Seaside Avenue to Dock Street,
North on Dock Street to Ford Blvd.,
North on Ford Blvd. to Anaheim Street,
East on Anaheim Street to Pacific Avenue,
South on Pacific Avenue to First Street,
East on First Street to Pine Avenue,
North on Pine Avenue to Broadway (Long Beach City
Ticket Office),
Continue North on Pine Avenue to Third Street,
East on Third Street to Atlantic Avenue,
South on Atlantic Avenue to Ocean Avenue,
East on Ocean Avenue to Alamitos,
North on Alamitos Avenue to First Street (Long
Beach Depot),
West on First Street to Atlantic Avenue,
North on Atlantic Avenue to Ferguson Drive
(East Los Angeles Depot).

East San Pedro to East Los Angeles (via Hynes and Bell):

North on Seaside Avenue to Dock Street,
North on Dock Street to Ford Blvd.,
North on Ford Blvd. to Anaheim Street,
East on Anaheim Street to Pacific Avenue,
South on Pacific Avenue to First Street,
East on First Street to Pine Avenue,
North on Pine Avenue to Broadway (Long Beach City
Ticket Office),
Continue North on Pine Avenue to Third Street,
East on Third Street to Atlantic Avenue,
South on Atlantic Avenue to Ocean Avenue,
East on Ocean Avenue to Alamitos,
North on Alamitos to First Street (Long Beach Depot),
West on First Street to Atlantic Avenue,
North on Atlantic Avenue to South Street,
East on South Street to Michigan Avenue,
North on Michigan Avenue to Jackson Street,
East on Jackson Street to Hynes Depot,
Continue East on Jackson Street to Ocean Avenue
(in Hynes),
North on Ocean Avenue to Washington Street,
West on Washington Street to Michigan Avenue,
North on Michigan Avenue to Norton Avenue (Workman Depot),
West on Norton Avenue to Wright Road,
North on Wright Road to Atlantic Avenue,
North on Atlantic Avenue to Florence Avenue,
West on Florence Avenue to Salt Lake Avenue,
North on Salt Lake Avenue to Baker Avenue (Bell Depot),
East on Baker Avenue to Atlantic Avenue,
North on Atlantic to Ferguson Drive (East Los Angeles
Depot).

and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity therefor be and the same hereby is granted to Union Pacific Stage Company, a corporation; provided, however, that said certificate shall not become effective until applicant herein has filed with this Commission the written consent of the Board of Harbor Commissioners of the City of Los Angeles to traverse the streets known as Badger Avenue, Anaheim Street, Dock Street, Mormon Street, Ocean Avenue, Harris Place and Seaside Avenue, as set forth in the map marked Exhibit "A" attached to the application, subject to the following conditions:

1. Applicant is permitted to handle only such passengers whose origin or destination is at the East Los Angeles station of the Los Angeles & Salt Lake Railroad Company or points beyond said East Los Angeles station via the Los Angeles & Salt Lake Railroad Company, and the handling of such passengers is permitted only on motor coaches operating as a connecting service for Los Angeles & Salt Lake Railroad Company's passenger trains serving said East Los Angeles station.
2. Applicant shall file its written acceptance of the certificate herein granted within a period of not to exceed ten (10) days from date hereof.
3. Applicant shall file, in duplicate, within a period of not to exceed twenty (20) days from date hereof, tariff of rates and time schedules, such tariff of rates and time schedules to be identical with 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 sixty (60) days from the date hereof.
4. The rights and privileges herein authorized may not be discontinued, sold, leased, trans-

ferred 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 under the certificate herein granted 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.

For all other purposes the effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this 6th day of August 1930.

C. Scavely
Ernest W. ...
W. D. ...
W. P. ...
COMMISSIONERS.