

Decision No. 24381

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
PACIFIC ELECTRIC RAILWAY COMPANY, a)
corporation, to discontinue freight)
service on its branch line between)
the Cities of Santa Ana and Orange)
in the County of Orange, California)

APPLICATION NO. 17792

ORIGINAL

BY THE COMMISSION.

OPINION AND ORDER

The Pacific Electric Railway Company filed the above entitled application with this Commission, requesting authority to discontinue freight service on its branch line between the intersection of Main Street and Fourth Street, in the City of Santa Ana, and the intersection of Lemon Street and Chapman Avenue in the City of Orange, all in the County of Orange, without, however, forfeiting its right to operate thereon as provided for by the provisions of Section 468 of the Civil Code of the State of California, and to temporarily remove the crossing of said line with the tracks of The Atchison, Topeka and Santa Fe Railway Company.

The Commission, by its Decision No. 22610, dated June 30, 1930, on Application No. 16689, granted applicant permission to discontinue passenger service on said line. Applicant states that in connection with securing permission to abandon passenger service on said line, the City Council of the City of Santa Ana passed Resolution No. 2231 which provided that applicant should discontinue all railroad service on said line.

Applicant alleges that in order to take care of the freight business between all points on its lines and points on said branch line proposed to be discontinued, arrangements have been made with

Southern Pacific Company to publish joint through rates between said points; that the discontinuance of freight service over said branch line will not result in any increase in rates, as the joint through rates proposed to be published with Southern Pacific Company will be the same as the present rates of applicant, and that public convenience and necessity do not require the continued freight service over said branch line.

With respect to applicant's request for permission to temporarily remove the crossing of the tracks of said branch line with the tracks of The Atchison, Topeka and Santa Fe Railway Company, it is alleged that the retention of said crossing will require immediate renewals to the interlocking facilities used in connection therewith.

It appearing that a public hearing is not necessary herein, and that the application should be granted,

IT IS HEREBY ORDERED that Pacific Electric Railway Company is hereby authorized to discontinue freight service over its branch line of railroad between the intersection of Main Street and Fourth Street, in the City of Santa Ana, and the intersection of Lemon Street and Chapman Avenue in the City of Orange, all in the County of Orange, as shown in yellow on blueprint map (Drawing No. C.E.H. 13400) attached to the application, without the forfeiture of the right to operate over said route, subject to the following conditions:

- (1) Applicant shall cancel, on not less than five (5) days' notice to the Commission and the public, all freight rates from, to and between points on said line or via said line over which freight service is herein authorized to be discontinued, and shall concurrently file joint through rates with the Southern Pacific Company, between points on applicant's lines, other than the branch line herein proposed to be discontinued, and points on said branch line.
- (2) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the discontinuance of the service authorized herein, and of its compliance with the conditions hereof.

- (3) The authority herein granted shall lapse and become void, if not exercised within one (1) year from the date hereof, unless further time is granted by subsequent order.

IT IS HEREBY FURTHER ORDERED that Pacific Electric Railway Company is hereby authorized to temporarily remove the crossing of the tracks of its branch line between the Cities of Santa Ana and Orange and the tracks of The Atchison, Topeka and Santa Fe Railway Company, as shown on blue print map (Drawing C.E.H. 13400) attached to the application, subject to the following conditions:

- (1) Said crossing shall be reinstalled by applicant whenever service on said branch line becomes necessary.
- (2) Whenever said crossing is reinstalled, said interlocking plant shall be reestablished in accordance with provisions of this Commission's General Order No. 33A, or in accordance with a plan to be approved by the Commission.

The Commission reserves the right to make such further orders in this matter as to it may seem right and proper, and to revoke its permission if, in its judgment, public convenience and necessity demand such action.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 4th day of

January, 1932

C. J. Seaver
Leon Whitley
M. J. Cain
M. B. Hagan
Fred G. Stewart
Commissioners.