

Decision No. 25429

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
PACIFIC ELECTRIC RAILWAY COMPANY, a)
corporation, for authority to abandon) APPLICATION NO. 18524
local rail passenger service between)
Pomona and Claremont.)

In the Matter of the Application of)
PACIFIC ELECTRIC RAILWAY COMPANY, a)
corporation, for an in lieu certif-) APPLICATION NO. 17984
icate of public convenience and) (Sixth Supplemental)
necessity.)

BY THE COMMISSION.

ORIGINAL

OPINION AND ORDER

The Pacific Electric Railway Company filed the above entitled application No. 18524 requesting authority to discontinue local passenger rail service between the Cities of Pomona and Claremont, in the County of Los Angeles, and Sixth Supplemental Application No. 17984 for authority to operate motor coach service in lieu thereof.

Applicant now operates local passenger rail service between Claremont and Pomona via North Pomona, over and along the following route:

From Pacific Electric Station at Third Street and Garey Avenue, Pomona, thence northerly on Garey Avenue and private right of way to junction with main line at North Pomona, thence easterly on main Los Angeles-San Bernardino Line to Pacific Electric Station in Claremont at College Avenue.

Applicant proposes to discontinue said passenger rail service and substitute in lieu thereof motor coach service between Claremont and Pomona over and along the following route:

From Third Street and Garey Avenue, Pomona, north on Garey Avenue to Cucamonga Avenue,

east on Cucamonga Avenue to Maple Avenue, north on Maple Avenue to North Pomona, return on Maple Avenue to Cucamonga Avenue, east on Cucamonga Avenue to Alexander Avenue, north on Alexander Avenue to First Street, east on First Street to College Avenue, Claremont (Pacific Electric Station). Return via same route.

Applicant proposes to continue daily operation of box motor between Pomona and Claremont; to continue operation of passenger service on that portion of the line between Third Street and Garey Avenue, in Pomona, and Pomona Junction, in connection with the Pomona-Los Angeles service, and that other passenger service will be continued on the main line between North Pomona and Claremont.

It is alleged by applicant that the Pomona-Claremont service, proposed to be discontinued, has been operated at a loss for several years and that there is no prospect of sufficient business to make said passenger rail service pay out-of-pocket operating expenses.

No change in fares is proposed and the schedules of the motor coach line are so arranged to make connections with the main line trains at North Pomona, except in those instances where rail connections are made between Pomona cars and main line trains at La Verne.

The application shows that the City of Pomona, by Resolution No. 890, and the City of Claremont, by Resolution No. 321, approved the substitution of service herein proposed.

Pacific Electric Railway Company 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 as to the number of rights which may be given.

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

The Railroad Commission of the State of California Hereby Declares that public convenience and necessity require the operation of motor coach service for the transportation of passengers between the Cities of Pomona and Claremont, in the County of Los Angeles, over and along the following route:

From Third Street and Garey Avenue, Pomona, north on Garey Avenue to Cucamonga Avenue, east on Cucamonga Avenue to Maple Avenue, north on Maple Avenue to North Pomona, return on Maple Avenue to Cucamonga Avenue, east on Cucamonga Avenue to Alexander Avenue, north on Alexander Avenue to First Street, east on First Street to College Avenue, Claremont (Pacific Electric Station). Return via same route,

to be considered as part of the "in lieu" certificate granted by this Commission's Decision No. 24854, dated June 12, 1932, on Application No. 17984,

IT IS HEREBY ORDERED that a certificate of public convenience and necessity for such a service be and the same is hereby granted to Pacific Electric Railway Company, subject to the following conditions:

- (1) Applicant shall afford the public at least ten (10) days' notice of such discontinuance of rail service and the substitution of motor coach service, as herein authorized, by posting of notices in all of the cars operating on said line and at all stations affected.
- (2) Applicant shall notify the Commission, in writing, within thirty (30) days after said discontinuance and substitution have become effective.
- (3) Applicant shall file its written acceptance of the certificate herein granted, within a period of not to exceed fifteen (15) days from the date hereof.
- (4) Applicant shall file in triplicate, and make effective, within a period of not less than ten (10) days' notice to the Commission and the public, a tariff or tariffs constructed in accordance with the requirements of this Commission's

(4) Continued.

General Orders and containing rates and rules satisfactory to the Railroad Commission. Said rates of fare shall, in effect, be the same as those now existing under rail line, authority for the discontinuance of which is granted in this decision.

- (5) Applicant shall file, in duplicate, and make effective, within a period of not less than five (5) days' notice to the Commission and the public, time schedules, according to form prescribed in General Order No. 83, covering the motor coach service herein authorized, in a form satisfactory to the Railroad Commission.
- (6) Applicant is authorized to turn its motor vehicles at termini either in the intersection of the streets or by operating around a block contiguous to such intersection in either direction, and to carry passengers as traffic regulations of the municipality may require.
- (7) 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.
- (8) No vehicles 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.

IT IS HEREBY FURTHER ORDERED that Pacific Electric Railway Company is hereby authorized to discontinue local passenger rail service between Pomona and Claremont, in the County of Los Angeles, concurrently with the establishment of the motor coach service herein authorized.

For all other purposes, the effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 10th day of December, 1932.

O. J. Seaver
W. A. Carr
W. B. Haines
Fred G. Atkinson
Commissioners.