

Decision No. 11171

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application
of THOS. E. CHENEY for certificate
of public convenience and necessity
to operate Passenger, Freight, and
Express service between Santa Monica,
California and Outside Inn, Topango
Canyon.

Application No. 8126

Thomas E. Cheney, Applicant, in propria persona
C.W. Cornell, for Pacific Electric Railway, Protestant.

BY THE COMMISSION:

OPINION

Applicant herein seeks a certificate of public convenience and necessity to operate passenger, freight, and express service between Santa Monica and Outside Inn, Topango Canyon.

A public hearing was held by Examiner Williams at Los Angeles.

Applicant has received the mail carrying contract between termini proposed and has purchased the equipment used by his predecessor, who operated passenger and freight service without proper sanction. Applicant has improved the equipment and, by a number of witnesses, showed need for the service. These witnesses also expressed satisfaction with the rates to be charged, both as to passenger and freight. As applicant proposed only freight rates and showed no need for express service,

this portion of the application may be dismissed. The service formerly maintained by Dolly Pritchard over a part of this route has ceased.

Applicant stipulated that he would take no passengers or freight between his Santa Monica terminus and the terminus of the Pacific Electric Railway, which his route parallels, whereupon this protestant withdrew all opposition to the application.

O R D E R

Thomas E. Cheney having applied to the Railroad Commission for a certificate of public convenience and necessity to operate automobile passenger, freight and express service between Santa Monica and Outside Inn, Topanga Canyon, 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 operation by applicant of passenger and freight, but not for express service, between the termini stated, over and along the following route:

Beginning at Third Street terminus, south to Utah Avenue, thence west to Ocean Avenue, thence north to California Street incline to Beach Road, thence along Beach Road to Topanga Canyon, thence over the County Road to Topanga Canyon Inn terminus,

And that a certificate of public convenience and necessity therefor be and the same hereby is granted, upon the following conditions:

- I - That no passengers or freight be carried between the Pacific Electric Railway depot in Santa Monica and the terminus of said railroad at Palisades, except passengers or freight destined to points beyond said terminus.

- II - That applicant, Thomas E. Cheney, shall at all times operate his local service between Santa Monica and Outside Inn, Topanga Canyon, to and from the Pacific Electric Railway Depot in Santa Monica.
- III- That applicant, Thomas E. Cheney, shall file within ten (10) days from the date hereof, his written acceptance of the certificate herein granted and shall file within twenty (20) days of the date hereof, duplicate tariff of rates and time schedules, in accordance with General Order No. 51 of the Railroad Commission, and that operation of such service shall begin within a period of thirty (30) days from the date hereof.
- IV - That the applicant, Thomas E. Cheney, shall not sell, lease, assign, or discontinue the service herein authorized, unless such sale, lease, assignment, or discontinuance shall have been authorized by the Railroad Commission.
- V - That no vehicle shall be operated by applicant unless such vehicles are owned by said applicant, or are leased under an agreement satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 27th
day of October, 1922.

James Martin
Chas. H. Langel
J. F. Pennington
Commissioners.