

# ORIGINAL

Decision No. 1150

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

B. B. HARLAN, et al,	:	
	:	
Complainants,	:	
vs.	:	
	:	Case No. 455.
	:	
LOS ANGELES & SAN DIEGO	:	
BEACH RAILWAY COMPANY,	:	
Defendant.	:	

H. C. Gardner, for Complainants;  
 Geo. J. Leovy, : for Defendant.  
 T. M. Leovy, :

LOVELAND, Commissioner.

### O P I N I O N

In 1912 a complaint was filed with this Commission complaining of the passenger rates and service on this line, the hearing in which was held in San Diego on June 3rd, - being Case No. 265. Passenger fares and service of defendant were adjusted at that time and as to the condition of defendant's equipment I quote from the decision in that case:-

"Considerable complaint was made concerning defendant's equipment, particularly its rolling stock. The steam motors and passenger cars have been used by defendant and its predecessor since 1888, and compare very unfavorably with the rolling stock of the more progressive steam and electric railroads of the state. The same comment except as to the length of service applies to the two electric cars used on defendant's electric line within the business portion of San Diego. Defendant, in an effort to improve conditions, has within the last few years put on two gasoline motor cars, but they are unreliable and frequently out of repair so that passengers often do not arrive at their destination on schedule time. These cars are also frequently crowded to the limit and they seem particularly uncomfortable to persons accustomed to travel on easily moving, commodious electric cars. While I find that defendant's rolling stock is out of date and inadequate to meet the traveling conditions of to-day, I shall not recommend the acquisition of new or additional steam or gasoline equipment for the reason that in my judgment the money so spent would be largely wasted in view of the very evident need for

electrifying the railroad. I think it far wiser to save this money and to use it later to buy electric equipment. In continuing to endure for a while longer the present conditions, the public will have to bear in mind that some forbearance and patience is necessary on their part in order to accomplish the ultimate ends for which both the public and the railway should strive. If after a year from date no satisfactory improvement in motive power and rolling stock has taken place, application for relief in these respects may again be made to this Commission."

The conditions do not seem to have been improved.

In this case, complaint is made against the services rendered by the Los Angeles and San Diego Beach Railway Company, between La Jolla, Pacific Beach and San Diego. It is claimed that the service is inadequate; that the operation of said railway is unsafe, due to poor and antiquated equipment and defective track and bridges.

It is further alleged that the operation of trains is irregular; that same does not conform to the time-table schedule; and that trains are frequently late and occasionally do not reach their terminals at all.

It is further alleged that the railway company is not complying with the Commission's General Order relative to the posting of schedules of trains.

A hearing was held in this matter in the city of San Diego on Wednesday, November 26, 1913, at which time and place all parties at interest were present and gave such testimony as was relevant. Complainants introduced a great deal of evidence tending to show that the operation of trains on this line did not conform to the time-table schedule; that trains were very often late and there were frequent breakdowns which had necessitated passengers coming to San Diego to reach their destination by other means.

Defendant operates this line with steam trains and gasoline motor cars, and the testimony showed that the steam trains

were most generally on time; that but few delays occurred greater than five minutes; but that the gasoline motor cars were a source of great annoyance; that there were frequent breakdowns which rendered the service absolutely unreliable and which occasioned great annoyance and inconvenience to the patrons of this line.

Defendant admits that the service rendered is not what it should be and does not claim that same is sufficient and adequate for the demands upon it. Defendant states that it has industriously endeavored to obtain electric storage battery cars to use on its line of railway to replace its present steam equipment and gasoline motor car equipment, but that after considerable negotiations with two electric storage battery car companies, the matter was dropped, for the reason that the manufacturers could not guarantee the operation of cars built under and to comply with the specifications insisted upon by defendant.

There have been a great many informal complaints entered with this Commission concerning the services afforded by this road, and the company in replying to some of these complaints has submitted to the Commission copies of all correspondence concerning the securing of these storage battery cars, showing that it has endeavored to improve its equipment. After defendant concluded that it was impossible to secure satisfactory storage battery cars, it applied to the Common Council of the city of San Diego for extensions of its present franchises, and agreed that after the expiration of the present franchises steam trains would not be operated over this line beyond the west line of Pueblo Lot 1, 797, which is in the eastern portion of Pacific Beach, and that after the expiration of the present franchises all operation beyond that point would be with electric equipment.

The franchises of defendant expire in 1918 and the application for extensions to expire in 1952 was rejected by the

Common Council, for the reason that patrons of this line desire that it be immediately electrified, and no assurance was given by defendant that if the franchises were granted the electrification would occur before the expiration of the present franchises.

Defendant stated that it was its intention to apply to this Commission for authority to issue bonds for the electrification of its line of railway immediately after the franchises had been granted, but that it did not deem it possible to market bonds with the present franchises which expire in 1918, and that the rights which were granted under said franchises were of too short duration to make it possible to sell the bonds.

The General Electric Company and the Westinghouse Electrical Manufacturing Company have made estimates as to the cost of electrifying the line and the amount of the estimate is approximately \$300,000.00.

It appears from the testimony that defendant desires an extension of its franchises containing conditions which will permit it to use either steam or electricity as motive power and that the patrons of the road desire electricity only to be used as motive power, and that the Common Council of San Diego declined to grant defendant franchises under the conditions prayed for.

Mr. D. K. Adams, president of the Common Council of the city of San Diego, appeared at the hearing and gave testimony. From his testimony, it would seem that the Council would be disposed to grant defendant a renewal of its franchises upon the conditions mentioned above as to the limit of the operation of steam trains and would be reasonable in the matter of the time for electrifying the road.

Mr. Adams testified that he had himself suggested to defendant that it take a steam franchise to a point near the mouth

of Rose Canon and from that point on into La Jolla take a franchise to be operated by electricity. All that the Council desired was a definite understanding as to when the road would be electrified, and when the present financial condition was called to Mr. Adams' attention by the Commission, he stated that he believed the Council would be perfectly fair and not exact anything that was not just.

I believe and find as a fact that defendant should apply to the Common Council of the city of San Diego for a renewal of its franchises, and endeavor to agree with the Council as to the limits of the operation of steam trains and the time of electrifying the road.

I shall now consider the general allegations as to the service and the condition of the road. Considerable testimony was introduced by complainants to show that the road, particularly some of the bridges thereon, was in dangerous condition.

The Commission's Engineering Department has made two or three investigations and inspections of this road in the past six months, owing to the frequent informal complaints, and from its reports to this Commission I am of the opinion that the operation is not as dangerous as complainants' testimony and the complaining letters received would indicate.

The track throughout, with the exception of about three miles, is laid with 60-pound rail, with an average of 20 ties to the rail. The three miles noted as an exception are laid with 40-pound rail having approximately the same number of ties to the rail. For operation with equipment of the weight that is now being used, and for the speed at which the cars travel, our engineers and service inspectors do not regard this track as specially dangerous, but assert that it would be for materially heavier equipment or greater speed. The track throughout is unballasted, but

the soil is mostly a sandy loam and very favorable to proper maintenance of roadbed.

The Commission's Service Inspector also investigated the condition of certain bridges which had been complained of and concerning which testimony was given at the hearing. Two bridges were found which could not be considered in first class condition. This was brought to the attention of defendant, and it was promised that one bridge would be renewed in its entirety and the other repaired to such extent as to make it safe.

Concerning the allegations, therefore, as to the dangerous condition of the road of defendant, I believe and find as a fact that, for present operations with present equipment, the road is not particularly dangerous, and that such danger as does exist will be partially removed by the repairs to one bridge and the rebuilding of another, as indicated above.

I shall next consider the allegation that the operation of trains is irregular and does not conform to the time-table schedule in that trains are frequently late and at times do not reach their terminal at all.

These allegations are supported by uncontroverted testimony and were practically admitted by defendant, although the testimony of defendant was to the effect that delays were usually very brief and that trains were sometimes held beyond their starting time to accommodate patrons of the theatre.

I believe and find as a fact that this allegation as to the operation of trains has been proven, and that defendant should endeavor to operate its trains on the time-table schedule.

Next, as to the allegation that the railway is not complying with the Commission's order relative to the posting of schedules of trains: Defendant testified that it posts in its station at La Jolla and at San Diego, in conformity with the Commission's general order, bulletin boards which show the schedule of

trains and the time of arrival, should the train be delayed; that at intermediate stations it is not possible to do this, for the reason that there is no necessity for the maintenance of intermediate telegraph stations and, consequently, information as to whether trains are late or not cannot be posted at intermediate stations.

I believe and find as a fact that defendant is doing its best to comply with the Commission's General Order No. 31.

With reference to defendant's testimony that it intended, if successful in renewing its franchises, to apply to the Commission for authority to issue bonds for the electrification of its line, although that matter was only before the Commission incidentally, the Commission took occasion to make some investigation as to the probable ability of defendant to pay bond interest from the operation of this road on an amount sufficient to electrify the road.

From the testimony introduced at this hearing in relation to this matter, I am of the opinion that the operation of defendant's road would easily pay interest at ordinary rates on an issue of bonds sufficient to electrify the road.

As to the reasonableness and adequacy of the service afforded by defendant: I am of the opinion and find as a fact that the service is not reasonable nor adequate and that the road should be electrified and the service improved by the use of better equipment, as set forth in the Order following this Opinion.

I submit the following Order:-

#### O R D E R.

This case being at issue on complaint and answer filed, and a hearing having been duly held, and an investigation into the matters and things involved having been made,

IT IS HEREBY ORDERED: (1st) That defendant shall, within thirty days after service upon it of this Order, make application to the Common Council of the City of San Diego for an extension of its franchises, and shall assure said Common Council that if the franchises are granted the following provisions of this Order will be observed.

(2nd) Within thirty days after the awarding of the extension of said franchises to defendant, said defendant shall make application to this Commission in proper form for the authorization of a bond issue, the proceeds of which shall be used to electrify its line of railway between La Jolla and San Diego and improve its track structure and roadbed.

(3rd) Within one year after the authorization of said bond issue by this Commission, defendant shall have electrified its line between San Diego and La Jolla and operate electric cars over the same with such frequency as shall afford the patrons of defendant a reasonable and adequate service, and this Commission will recognize any arrangement that is made between defendant and the Common Council of the city of San Diego by franchise or otherwise relative to the operation of trains over the lines of defendant by steam power.

The foregoing Opinion and Order are hereby approved and ordered filed as the Opinion and Order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 20th day of December, 1913.

H. S. Lovland  
W. B. Gordon  
Max Thelin  
Edwin C. Edgerton

Commissioners.