

ORIGINAL

Opinion No. 1268

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application
of LOS ANGELES and SAN DIEGO BEACH
RAILWAY COMPANY for Permission to
Move Agency and Freight and Passenger
Depot from Present Terminal Grounds
in San Diego.

Application No. 957.

Leovy and Leovy and T. M. Leovy for applicant.

THELEN, Commissioner.

O P I N I O N.

This is an application for authority to move applicant's agency and freight and passenger depot from its present terminal grounds in San Diego under circumstances which will now be outlined.

Applicant owns a line of railroad, at the present time operated partly by steam cars and partly by gasoline motor cars, between San Diego and La Jolla. For many years, applicant's main passenger and freight terminus in San Diego has been at the foot of C Street on lands leased from the Atchison, Topeka and Santa Fe Railway Company. Since 1911, applicant has held these lands for no definite term, but subject to the right of the lessor at any time to cancel applicant's occupancy by thirty day notice. On December 11, 1913, this notice was given. The Santa Fe will shortly erect a new passenger and freight depot in San Diego and will need for this purpose the land now leased to applicant.

Applicant has accordingly tried to secure some other site for its terminal buildings. The land lying immediately to the east of Arctic Street all belongs to the San Diego and Arizona Railway Company and will be utilized for that company's line of railroad. The most available site which applicant could find consists of Lots 11 and 12 in Block No. 294 of Middletown, at the southwest

corner of Ash and Arctic Streets, about three blocks north of the present location. This land belongs to Mr. E. S. Babcock, who owns nearly all of applicant's capital stock, and is being used now for a passing track from the applicant's line of railway to the tracks of the Santa Fe, and for storing railway material.

Applicant plans to erect thereon a platform, warehouse, and station and office building. These buildings will be temporary in character. Applicant is now planning to secure an extension of its franchise from the City of San Diego, to issue bonds and then to electrify its line of railroad. If it is successful in this undertaking, applicant will then construct a permanent terminal at or near the proposed new location. In the meantime, all of applicant's San Diego freight will be handled at the proposed new location. Persons taking freight to and from the applicant's San Diego terminus will not be seriously inconvenienced by the change.

Applicant now has an up-town passenger office on Fourth Street between C and D and proposes, if its petition is granted, to abandon its present passenger agency at the foot of C Street and to sell its passenger tickets at its up-town office, and, if necessary, on its trains without additional charge. Nearly all of applicant's San Diego passenger business is now handled through the up-town office, in front of which applicant's electric city line and its gasoline motor cars now stop and start. The remaining San Diego passengers, being largely those who pass through the Santa Fe depot, it is expected to handle by means of an arrangement with the Santa Fe authorizing the use of a portion of the latter company's waiting rooms. Applicant's cars, in passing to and from the up-town office, will stop at or near the location of applicant's present terminus.

In view of the necessity of abandoning the present location of its terminal grounds, I am of the opinion that applicant has done the best it can^{do}/to secure a temporary substitute and I accordingly recommend that the application be granted. Notice of the hearing on the application was duly published, but no one appeared in opposition thereto.

I submit herewith the following form of order;

O R D E R.

LOS ANGELES AND SAN DIEGO BEACH RAILWAY COMPANY having filed its petition asking authority to abandon its depot and station agency at its present main terminus, on leased ground, at the foot of C Street in San Diego, and to remove its buildings from said terminus to Lots 11 and 12 in Block 29⁴ of Middletown, at the southwest corner of Arctic and Ash Streets, at which location applicant will erect a temporary passenger station, depot, freight platform and warehouse, and a public hearing having been held on said application and no one appearing in opposition thereto, and the Commission finding that in view of all the circumstances the application should be granted,

IT IS HEREBY ORDERED that said application be and the same is hereby granted, this authority to become effective immediately.

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 9th day of February, 1914.

Walter M. Fishman
Max Thelen
Ed Gordon
Edwin O. Edgerton

Commissioners.