

ORIGINAL

Decision No. 1999

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

| | | |
|-----------------------------------|---|--------------|
| WALTER W. PATTERSON, |) | |
| |) | |
| Complainant, |) | |
| |) | |
| vs. |) | Case No. 635 |
| |) | |
| PACIFIC ELECTRIC RAILWAY COMPANY, |) | |
| a corporation, |) | |
| |) | |
| Defendant. |) | |

Wm. H. Jennings for complainant
 Frank Karr for defendant.

EDGERTON, Commissioner.

O P I N I O N

This is a complaint by Walter W. Patterson against Pacific Electric Railway Company, the principal ground of which is that defendant is violating a provision of a franchise granted by the City of South Pasadena whereby the number of stops to be made by the cars of defendant in said city were specified.

Plaintiff alleges that in June, 1914, defendant adopted a schedule which provides for fewer stops than are specified in said franchise provision.

There is a very brief allegation in the complaint to the effect that the failure of defendant to stop cars as specified in its franchise endangers life and renders property in said city less valuable.

Defendant introduced in evidence an ordinance adopted by the Board of Trustees of South Pasadena subsequent to the granting of the franchise hereinbefore mentioned, in which subsequent ordinance the provision as to the number of stops to be

made in the city is modified so that defendant is required to stop only at two points in said city. The schedule now in effect, and against which plaintiff complains, does not conflict with this modification.

I do not propose to consider at length the prayer of complainant that we compel defendant to comply with the terms of this franchise, because the real question presented is whether proper service is now being rendered by defendant. But it may be said in passing that it appears from the face of the record made in this case that the city of South Pasadena has officially modified the franchise previously granted, so that the allegation of complainant that the original franchise is being violated is without merit.

Considering the matter of stops in South Pasadena from the standpoint of service alone, the evidence in this case shows that the city officials of South Pasadena and Pasadena went into conference with the officials of defendant and after mature consideration agreed upon the schedule which is now in effect.

The difficulty in providing stops which will be satisfactory to all sides arises from the fact that South Pasadena is on the line of defendant intermediate between the City of Pasadena and the City of Los Angeles. A large amount of the passenger traffic passes through South Pasadena to and from the larger cities. To compel all cars to stop at every street in South Pasadena would result in inconveniencing more people who are making the through trip, than would be accommodated by the frequent stoppage.

However, the schedule which is now in effect should be given a reasonable trial and I do not believe this Commission should take action at this time to change or disturb this schedule.

If, after a reasonable trial, experience shows that this schedule is not equitable the matter can be again taken up with the Commission, either by formal or informal complaint,

I recommend that this complaint be dismissed. Here-
with a form of order:

O R D E R

Complaint having been made by Walter W. Patterson
against Pacific Electric Railway Company, and a public hearing
having been had, and it appearing to the Commission that for
the reasons set out in the foregoing opinion said complaint
should be dismissed,

IT IS HEREBY ORDERED by the Railroad Commission of
the State of California that the complaint herein be and the
same hereby is dismissed.

The foregoing opinion and order are hereby approved
and ordered filed as the opinion and order of the Railroad Com-
mission of the State of California.

Dated at San Francisco, California, this 14th day
of December, 1914.

W. H. Braland

W. G. Anderson

Edwin O. Edgerton

Commissioners.