

DECISION NO.           

ORIGINAL

Decision No. 30 414

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Appli- )  
cation of SANTA BARBARA AND )  
SUBURBAN RAILWAY, THE RIVIERA )  
and RICHARD HAMILTON GAUD )  
for an order authorizing the )  
transfer of a certain franchise )  
for a street railway and for )  
a certificate of convenience )  
and necessity. )

APPLICATION NO. 2025.

W. E. Erwin for Santa Barbara and Suburban  
Railway Company, Applicant.  
Richard Hamilton Gaud for The Riviera,  
Applicant.  
Richard Hamilton Gaud, in propria persona,  
Applicant.

DEVLIN, Commissioner.

O P I N I O N

This is an application on behalf of the Santa Barbara and Suburban Railway Company, The Riviera, a corporation organized and existing under the laws of the State of California, and Richard Hamilton Gaud requesting the approval by this Commission of a certain agreement whereby the applicant, The Riviera, desires to transfer a certain line of street railway to the Santa Barbara and Suburban Railway Company; for the approval of the transfer to the Santa Barbara and Suburban Railway of a certain franchise heretofore granted by the City Council of the City of Santa Barbara to Richard Hamilton Gaud; and for a certificate of public necessity and convenience authorizing the exercise by the Santa Barbara and Suburban Railway Company of the rights and privileges heretofore granted by ordinance 856 of the City of Santa Barbara to Richard Hamilton Gaud.

A public hearing was held at Santa Barbara on January 11, 1916, the matter being submitted and now ready for decision.

The Santa Barbara and Suburban Railway Company own and operate a street railway system within the corporate limits of the city of Santa Barbara and constructed an extension of one of their lines from a point at the intersection of Los Olivos Street and Laguna Street along the Alameda Padre Serra to a point opposite the State Normal School of Manual Arts and Home Economics, which is located at the intersection of the Alameda Padre Serra and Freelon Avenue. This construction was installed under the provisions of a franchise granted by the City Council of Santa Barbara under their ordinance No. 771, dated July 13, 1913.

The Riviera is a real estate corporation owning a subdivision located east of the terminus of the constructed line of the Santa Barbara and Suburban Railway as above referred to and The Riviera, desiring a short extension of the line to serve its subdivision, entered into an agreement under date June 30, 1915, with the Santa Barbara and Suburban Railway Company whereby the latter company was to construct under the provisions of a franchise granted to Richard Hamilton Gaud by Ordinance No. 856 of the City Council of the City of Santa Barbara, a street railroad from a point in Alameda Padre Serra at the end of the so-called Normal School Extension of the Santa Barbara and Suburban Railway southeasterly along the center line of said Alameda Padre Serra for a distance of 930 feet, and that upon the completion of said work The Riviera would pay to the Santa Barbara and Suburban Railway Company the actual cost of the construction of said street railroad. The agreement referred to has been filed with this Commission as an exhibit in this application and the Commission is advised that payment has been made by The Riviera to the Santa Barbara and Suburban Railway for the cost of construction of the 930 feet of street railroad. The agreement further contemplated the conveyance to the Santa Barbara and Suburban Railway Company of the line above referred to as having been constructed for the account of and at the expense of The Riviera, and also that certain franchise granted to Richard Hamilton Gaud by the City Council

of the City of Santa Barbara under its ordinance No. 856 granted on April 2, 1915, said franchise having been obtained by Richard Hamilton Gaud as agent for The Riviera.

It appears that the extension of the operation of the Santa Barbara and Suburban Railway to the end of the line constructed by The Riviera and now proposed to be transferred to the Santa Barbara and Suburban Railway Company under the terms of the agreement as filed with this Commission and hereinabove referred to is necessary and desirable for the public convenience and will furnish service for the residents of the property now being marketed by The Riviera and that the agreement proposing the transfer is one that should receive the approval of this Commission.

I also find that public convenience and necessity require the operation of the line covered by that certain franchise granted by the City Council of the City of Santa Barbara to Richard Hamilton Gaud under Ordinance No. 856 dated April 2, 1915, there appearing no conditions therein that I find objectionable, and that transfer of such franchise should be made to the Santa Barbara and Suburban Railway Company, a certified copy of such transfer to be filed with this Commission.

I am of the opinion that the application should be granted subject to the conditions contained in the following form of order.

#### O R D E R

Santa Barbara and Suburban Railway Company, The Riviera and Richard Hamilton Gaud having made application to this Commission for an order authorizing the transfer of a certain line of street railroad, for the transfer of a certain franchise for said street railroad and for a certificate of public necessity and convenience, a public hearing having been held and the Commission being fully advised in the premises,

IT IS HEREBY ORDERED that the applicant, The Riviera, be and same hereby is authorized to transfer to the Santa Barbara and Suburban

Railway Company that certain line of street railroad in the City of Santa Barbara extending from the terminus of the so-called Normal School Extension of the Santa Barbara and Suburban Railway southeasterly along the center line of Alameda Padre Serra, a distance of 930 feet.

IT IS FURTHER ORDERED That the applicant, Richard Hamilton Gaud, be and he hereby is authorized to transfer to the Santa Barbara and Suburban Railway Company that certain franchise granted on April 2, 1915, by Ordinance No. 856 of the City Council of the City of Santa Barbara to Richard Hamilton Gaud of Santa Barbara, his successors and assigns.

IT IS FURTHER ORDERED That the Railroad Commission of California hereby declares that public convenience and necessity require the exercise by Santa Barbara and Suburban Railway Company of the rights and privileges conferred by Ordinance No. 856 of the City of Santa Barbara adopted April 2, 1915, provided that Santa Barbara and Suburban Railway Company shall have first filed with the Railroad Commission a stipulation duly authorized by its board of directors, declaring that Santa Barbara and Suburban Railway Company, its successors and assigns, will never claim before the Railroad Commission or any court or any other public body, any value for said rights and privileges, it being understood that the transfer to Santa Barbara and Suburban Railway Company of the franchise granted to Richard Hamilton Gaud is without any financial consideration; and further shall have received from the Railroad Commission a supplemental order declaring that such stipulation, in form satisfactory to the Railroad Commission, has been filed with the Railroad Commission.

IT IS FURTHER ORDERED That this order shall not be effective until there shall have been filed with this Commission a certified copy of the conveyance by The Riviera to the Santa Barbara and Suburban Railway Company of all right, title and interest in the single track street railroad located in Alameda Padre Serra in the City of Santa

Barbara and extending from the end of the so-called Normal School Ex-  
tension southeasterly along said Alameda Padre Serra for a distance of  
approximately 930 feet; and until there shall have been filed with this  
Commission a certified copy of the conveyance by Richard Hamilton Gaud  
to Santa Barbara and Suburban Railway Company of all right, title and  
interest in that certain franchise granted by the City Council of the  
City of Santa Barbara to Richard Hamilton Gaud, his successors and  
assigns, under its Ordinance No. 856, dated April 2, 1915.

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 15<sup>th</sup> day of  
January, 1916.

Max Shelton  
H. S. ...  
...  
Edwin O. Edgerton  
...  
Commissioners.