

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

ORIGINAL

THE CITY OF LOS ANGELES,
a municipal corporation.

Complainant.
vs.

PACIFIC ELECTRIC RAILWAY
COMPANY.

Defendant.

Case No. 891.

(Fares to Palms District)

THE CITY OF LOS ANGELES,
a municipal corporation.

Complainant.
vs.

PACIFIC ELECTRIC RAILWAY
COMPANY.

Defendant.

Case No. 892.

(Fares to Bairdstown District)

THE CITY OF LOS ANGELES
a municipal corporation.

Complainant.
vs.

PACIFIC ELECTRIC RAILWAY
COMPANY.

Defendant.

Case No. 911.

(Fares to Hollywood District)

THE CITY OF LOS ANGELES,
a municipal corporation.

Complainant.
vs.

PACIFIC ELECTRIC RAILWAY
COMPANY.

Defendant.

Case No. 912

(Fares to Edendale-Richardson
District, Glendale line).

BY THE COMMISSION:

OPINION ON PETITION FOR REHEARING.

This is an application on the part of the City of Los Angeles for a rehearing in Cases 891 - 892 - 911 and 912, decided January 26, 1917.

The Commission, in its decision No. 4062, denied the

application for five cent fares between the business section of Los Angeles and points located in the annexed districts, known as Palms, Bairdstown, Hollywood and Edendale and the present application is for a rehearing of the matters previously decided.

The petition for rehearing alleges:

1st- That the decision of the Commission to the effect that the lines operated by the defendant to the points named in the applications in the above actions are interurban lines and not street railway lines is unsupported by the evidence and contrary to law.

2nd- That the Commission failed to pass upon the question of defendant issuing transfers to passengers boarding the cars within the City of Los Angeles.

The petitioner refers to subdivision (g) of Section 2 of the Public Utilities Act:

"The term 'street railroad' when used in this act, includes every railway, and each and every branch or extension thereof, by whatsoever power operated, being mainly upon, along, above or below any street, avenue, road, highway, bridge or public place within any city and county, or city or town, together with all real estate, fixtures and personal property of every kind used in connection therewith, owned, controlled, operated or managed for public use in the transportation of persons or property; but the term 'street railroad', when used in this act, shall not include a railway constituting or used as a part of a commercial or interurban railway".

To Section 27 of the Act:

"No street or interurban railroad corporation shall charge, demand, collect or receive more than five cents for one continuous ride in the same general direction within the corporate limits of any city and county, or city or town, except upon a showing before the Commission that such greater charge is justified; provided, that until the decision of the Commission upon such showing, a street or interurban railroad corporation may continue to demand, collect and receive the fare lawfully in effect on November 3, 1914. Every street or interurban railroad corporation shall upon such terms as the Commission shall find to be just and reasonable furnish to its passengers transfers entitling them to one continuous trip in the same general direction over and upon the portions of its lines within the same city and county, or city or town, not reached by the originating car".

And also quotes from the opinion of the Commission the following language:

"I deem it unnecessary to engage in a discussion of or to pass upon the question whether defendant falls within the definition of 'street railroad' or 'railroad' as those terms are employed in the Public Utilities Act.

Granting that the defendant is a 'street railroad' within the meaning of that act, the facts as disclosed by the evidence, and as herein set forth, convince me that a further reduction of the fares of defendant, as requested by complainant, is unwarranted".

Paragraph V of petitioner's amended complaint in Case No. 891, which paragraph, changed only as to the volume of the fare, is carried into each case, reads:

"That the rate of fare for transporting passengers in one direction only, between the points aforesaid, to said 'Palms' or the westerly boundary of said city, charged and collected by said defendant is the sum of Twenty cents (20¢) for each and every passenger; and this complainant verily believes and therefore alleges that said sum is greatly in excess of a just and reasonable rate for said service and more than is necessary to return a fair return upon the investment of said defendant for such transportation and carriage, and that the sum of five cents is a just and reasonable charge for said service".

All the cases put in issue the reasonableness of the fares and by comparing the language of the Commission with the allegations in the complaint it is clearly apparent that this was the principal issue.

The complainant likewise alleged that defendant operates street railways within the City of Los Angeles, to which testimony the Commission gave careful consideration, also to petitioner's and intervenor's briefs on this point. The cases were decided upon the reasonableness of the rates and even if the opinion and order had definitely classified defendant as a street railway this would not necessarily have changed our conclusions, for under Section 27 of

the Public Utilities Act the Commission has authority, upon a showing, to authorize a street railway to charge more than five cents within the corporate limits of a city.

The furnishing of transfers was involved in the five cent fares, therefore the refusal to order fares reduced automatically disposed of that part of the complaint.

No question of fact or law is now presented by this application which has not been fully considered by the Commission.

The application for rehearing, accordingly, will be dismissed.

O R D E R

The City of Los Angeles having filed a petition for a rehearing in Cases Nos 891 - 892 - 911 and 912, previously decided by the Commission, and no good reason appearing why such petition should be granted.

IT IS HEREBY ORDERED that said petition for rehearing be and the same is hereby denied.

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 7th day of August 1917.

Max Thelen
H. W. Howard
Alfred Gordon
Edwin O. Egerton
Frank R. Wilson
Commissioners.