

Decision No. 7620

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

Chamber of Commerce of Wilmington,

Complainant,

vs.

Pacific Electric Railway Company,
a corporation,

Defendant,

in the matter of depot facilities
at Canal Avenue Station in Wilmington,
City of Los Angeles, California.

ORIGINAL

Case 1359.

Henry E. Carter, for the Chamber of Commerce
of Wilmington.Frank Karr, for the Pacific Electric Railway
Company.

LOVELAND & BRUNDIGE, Commissioners.

O P I N I O N

In its complaint the Chamber of Commerce of Wilmington sets forth that the present passenger depot accommodations of the Pacific Electric Railway Company, defendant, are altogether insufficient and inconvenient, and the Commission is asked to make an order requiring the defendant to construct and maintain a suitable and adequate depot at the Canal Avenue Station, with sanitary accommodations for the patrons of the railway.

Prior to the filing of the formal complaint this matter had been taken up informally by the Chamber of Commerce, and by residents of Wilmington, both with the complainant and with this Commission and, in June of last year, a petition was filed, signed by over a thousand persons, re-

questing that the Commission take action to bring about the erection of a proper station at complainant's line at Wilmington. This informal complaint, No. 16266, remained unadjusted at the date of the filing of the formal complaint and was consolidated with this proceeding.

The main contentions of the complainant are these:

The former district of Wilmington, now part of the City of Los Angeles, is located on Los Angeles Harbor and on complainant's San Pedro Line. By reason of its location on the harbor this territory has become an industrial district having in operation a number of industries consisting of ship-building plants, canneries, machine shops, oil refining plants and other industries. This industrial growth is continuing at a rapid pace. The population of the district is approximately 2500. All of the people living in this district, and all persons going to and from the industrial plants in this vicinity, are dependent for railroad transportation upon defendant's facilities. The greater portion of the patrons of the electric railway are taken on and discharged from the cars at the Canal Avenue Station in Wilmington. The only facility provided at that point for passengers and patrons is a shelter station, consisting of a 7 x 12 foot room, without lavatory, or other accommodations, and the complainant states that this room is wholly inadequate and unfit to accommodate waiting patrons and that people are obliged to stand outside at all seasons of the year without shelter or protection from the weather.

In its answer to the complaint, the defendant denies that the present station facilities are inadequate or unfit and denies that any lavatory or like accommodations are needed. Defendant further alleges that it is not in a financial position to construct an elaborate or costly station, and that public convenience and necessity do not at the present time justify an expenditure of this kind.

A hearing was held at Wilmington, on October 31, 1919, when testimony was given by witnesses for the complainant and the defendant. The Commission, through its engineering department, also made its own investigation. It is clearly established in our opinion that the existing facilities at Wilmington are inadequate and that the public convenience and necessity do require the erection of a better and adequate passenger depot. The defendant's own witness, Mr. Smith, in fact, agreed with this point of view and admitted that the construction of a so-called combination depot, with an agent handling passenger, freight and express, and perhaps other business, would be justified. A check of the passenger, freight and express business also warrants the conclusion that the business at this point justifies the erection of proper facilities. In this connection, it must be kept in mind that business is increasing and that such depot as may be built should and will take care not only of present needs but also of the future.

Since there appeared to be substantial agreement between the complainant and the defendant as to what should be done, it was agreed that reasonable time should be given to the parties to come to a satisfactory understanding, without the necessity of an order by this Commission. There seemed to be the more reason to expect such a result because the people of Wilmington, through the instrumentality of the Chamber of Commerce, seemed willing to contribute a sum of money towards the construction of, in their opinion, an adequate depot. Negotiations have been carried on since the date of the hearing between representatives of the complainant and defendant. At one time the Chamber of Commerce offered to pay \$3,000.00 towards the expense of a proper depot if defendant would put in a like amount over the \$3,000.00 it had expressed itself as willing to appropriate for this purpose. This would provide for a depot costing a

total of \$9,000.00. Defendant refused this offer, but stated that if the Chamber of Commerce would advance \$3,000.00 as against their \$3,000.00, they would be willing to divide a reasonable amount above the \$6,000.00 equally between themselves and the Chamber of Commerce. This last proposition was unsatisfactory to complainant and to the citizens of Wilmington.

It has become apparent that a voluntary adjustment of the difficulty cannot be hoped for in a reasonable time and a decision is, therefore, necessary by the Commission. In our opinion, an adequate depot should be constructed and the defendant should bear the total cost of providing reasonable facilities. If complainant desires better than reasonably adequate facilities, it would seem fair that it bear all, or at least the major portion, of any additional expense. Unfortunately, costs of labor and material have steadily increased since the time when the original informal complaint was made and the expenditure of a greater amount of money will now provide lesser facilities than it would have been possible to provide with a smaller amount a year ago. In our opinion defendant should erect, without delay, a passenger depot, or a combination passenger and freight depot, costing at least \$4,000.00. Plans should be immediately prepared by defendant to be submitted to the Commission for its approval, or for such modification as it may desire to make. The expenditure of this sum, we believe, will make possible adequate passenger facilities, and in fixing this sum we have in mind the financial difficulties of defendant and we are in agreement with the general policy that unnecessary expenditures are not justified at this time for purposes of this kind. This expenditure will provide not only for the present needs, but also for the needs of a reasonable time in the future.

The Commission's order requiring the construction of the depot by applicant, as indicated, does not, of course, prevent

the people of Wilmington from making a contribution in addition to the \$4,000.00 to be spent by the company if they desire larger and more elaborate facilities. We suggest the following form of Order:

O R D E R

Complainthaving been made by the Chamber of Commerce of Wilmington against the Pacific Electric Railway Company in the matter of depot facilities at Canal Avenue Station Wilmington, City of Los Angeles, California, and a public hearing having been held and the matter being submitted, and the Commission being fully advised and basing its Order on the finding of facts in the foregoing Opinion,

IT IS HEREBY ORDERED that the Pacific Electric Railway Company immediately construct and thereafter maintain adequate station facilities at Canal Avenue in Wilmington, at a cost of not less than \$4,000.00;

IT IS FURTHER ORDERED that the Pacific Electric Railway Company submit to the Commission, for its approval, within thirty days from the date of this Order, complete plans and specifications of the proposed structure.

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 24th day of May, 1920.

Edwin O. Edgerton

H. D. Loveland

H. W. B. Bunting

Irving Martin
Commissioners.