

Decision No. 28804

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
PACIFIC ELECTRIC RAILWAY COMPANY, a
corporation, for an in lieu certificate
of public convenience and necessity.

)
) Twenty-seventh Supplemental
) Application No. 17984
)

BY THE COMMISSION.

ORIGINAL

SUPPLEMENTAL ORDER

The Pacific Electric Railway Company filed the above entitled supplemental application requesting authority to extend that portion of its Glendale Motor Coach Line No. 2 operating into the westerly section of Glendale from the intersection of Alameda Avenue and 10th Street into the City of Burbank. Decision No. 27202, dated June 10, 1934, authorized applicant to transport passengers over and along the following route in the City of Glendale:

Glendale Motor Coach Line No. 2

Beginning at the intersection of Grandview Avenue and Kenneth Road, north on Grandview Avenue, west on Bel Aire Drive, north on Elm Avenue, west on Mountain Street, south on Alameda Avenue, east on Kenneth Road, south on Pacific Avenue, east on California Avenue, south on Orange Street, east on Broadway, north on Jackson Street, east on Doran Street, north on Geneva Street, east on Stocker Street, north on Rossmoyne Avenue, east and north on Mountain Street to the intersection of Ethel and Mountain Streets; returning via reverse of going route to the intersection of Broadway and Maryland Avenue, thence south on Maryland Avenue, west on Harvard Street, north on Brand Boulevard, west on California Avenue and thence via reverse of going route to the intersection of Grandview Avenue and Kenneth Road.

It is now proposed to extend the operations of this line from the intersection of Alameda Avenue and 10th Street, along 10th Street, Grinnell Drive, Kenneth Road and Olive Street to San Fernando Road in the City of Burbank.

Applicant alleges that numerous requests have been received from patrons in the territory proposed to be served, as well as from

the City of Burbank, for the establishment of a service similar to that proposed herein. The extension would serve a rather well built up, residential section in the City of Burbank which has previously had no public transportation service. Applicant desires that the service shall be instituted on a trial basis for a period of one hundred twenty days, in order to determine whether or not the service is justified.

As indicated by letters (Exhibits "B" and "C," respectively), attached to the application, the Cities of Burbank and Glendale have approved the plan to extend the service as proposed herein. The agreement of the City of Glendale is contingent, however, upon the provision that the extension will not interfere with existing schedules on the No. 2 Motor Coach Line and that it will not appreciably slow up that service. Original Stage Line, Inc., which now provides service on Olive Avenue between San Fernando Road and 10th Street in the City of Burbank and is the only carrier now operating in the territory involved, has indicated in its letter of April 25, 1936, that it will not oppose the granting of this application.

It is proposed that a five-cent fare will be charged between points on the extended route. Other fares applying between points west of Alameda Avenue and 10th Street and points in the City of Glendale are identical with the fares now in effect to and from Burbank on applicant's rail line. No change in schedule on the present route of the Glendale Motor Coach Line No. 2 is proposed, and on the extended route it is proposed to operate on a twenty-minute headway from approximately 6:30 A.M. to 7:00 P.M. daily except Sundays and holidays. No service on the extended route is proposed on Sundays and holidays.

It appears that this is not a matter in which a public hearing is necessary and that the applicant should be permitted to extend

the present operations of its Glendale Motor Coach Line No. 2 for a trial period of one hundred twenty (120) days.

Pacific Electric Railway Company is hereby placed upon notice that "operative rights" do not constitute a class of property which should be capitalized or used as an element of value in determining reasonable rates. Aside from their purely permissive aspect, they extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be changed or destroyed by the State, which is not in any respect limited as to the number of rights which may be given.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the extension, for a trial period of one hundred twenty (120) days, of Pacific Electric Railway Company's Glendale Motor Coach Line No. 2, for the transportation of passengers from the intersection of Alameda Avenue and 10th Street, in the City of Glendale, along 10th Street, Grinnell Drive, Kenneth Road and Olive Street to San Fernando Road in the City of Burbank; the description of the entire route being as follows:

Glendale Motor Coach Line No. 2

Beginning at the intersection of Grandview Avenue and Kenneth Road, north on Grandview Avenue, west on Bel Aire Drive, north on Elm Avenue, west on Mountain Street, south on Alameda Avenue, west on 10th Street, south in Grinnell Drive, east on Kenneth Road, south on Olive Street to San Fernando Road;

Returning via reverse of the above route as far as the intersection of 10th Street and Alameda Avenue, thence south on Alameda Avenue, east on Kenneth Road, south on Pacific Avenue, east on California Avenue, south on Orange Street, east on Broadway, north on Jackson Street, east on Doran Street, north on Geneva Street, east on Stocker Street, north on Rossmoyne Avenue, east and north on Mountain Street to the intersection of Ethel and Mountain Streets; returning via reverse of going route to the intersection of Broadway and Maryland Avenue, thence south on Maryland Avenue, west on Harvard Street, north on Brand Boulevard, west on California Avenue, and thence via reverse of going route to the intersection of Grandview and Kenneth Road,

to be considered as part of the in lieu certificate granted by this Commission's Decision No. 24854, dated June 12, 1932, on Application No. 17984, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity therefor be, and the same is, hereby granted to Pacific Electric Railway Company, subject to the following conditions:

- (1) Applicant shall file with the Railroad Commission a written acceptance of the certificate herein granted, within a period of not to exceed fifteen (15) days from the date hereof.
- (2) Applicant shall commence the service herein authorized within a period of not to exceed thirty (30) days from the effective date hereof, and shall file in triplicate and concurrently make effective, on not less than ten (10) days' notice to the Railroad Commission and the public, a tariff or tariffs constructed in accordance with the requirements of the Commission's General Orders and containing rates and rules which, in volume and effect, shall be identical with the rates and rules shown in the application, in so far as they conform to the certificate herein granted, or rates and rules satisfactory to the Railroad Commission.
- (3) Applicant shall file in duplicate and make effective, within a period of not to exceed thirty (30) days after the effective date of this order, on not less than five (5) days' notice to the Railroad Commission and the public, time schedules covering the service herein authorized, in a form satisfactory to the Railroad Commission.
- (4) Applicant shall afford the public at least five (5) days' notice of the extension authorized herein, by the posting of notices in all motor coaches operating on Glendale Motor Coach Line No. 2 and at all stations affected.
- (5) At the end of the trial period of one hundred twenty (120) days, if it is found that the patronage on the extended route is not sufficient to warrant its continuance, applicant is hereby authorized to discontinue the extended service authorized herein, upon written notification to this Commission. Applicant shall also afford the public at least five (5) days' notice of its intention to return to the original route, by posting notices in all motor coaches operating on said line and at all stations affected.
- (6) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the effecting of the rerouting authorized herein.
- (7) The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned, unless the written consent of the Railroad Commission

to such discontinuance, sale, lease, transfer or assignment has first been obtained.

- (8) No vehicle may be operated by applicant herein, unless such vehicle is owned by said applicant or is leased by applicant under a contract or agreement on a basis satisfactory to the Railroad Commission.
- (9) The authorization herein granted shall lapse and become void, if not exercised within one year from the date hereof, unless further time is granted by subsequent order.

In all other respects, Decision No. 27202 shall remain in full force and effect.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 17th day of May, 1936.

M. B. Blain
Leon O. Whittell
H. J. Curran
W. L. ...
Frank R. ...
Commissioners