

Decision No. 28174.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of PACIFIC ELECTRIC RAILWAY COMPANY for authority to discontinue passenger service on its Los Angeles-Whittier-La Habra-Fullerton-Yorba Linda rail line.) Application No. 21559.

C. W. Cornell, for Applicant,

Thomas Bewley, City Attorney for the City of Whittier,

H. B. Jossel, for Chamber of Commerce of Yorba Linda and Yorba Linda Citrus Association, Protestants.

BY THE COMMISSION:

O P I N I O N

In this proceeding Pacific Electric Railway Company seeks authority to discontinue passenger service on its Los Angeles-Whittier-La Habra-Fullerton-Yorba Linda rail line.

A public hearing on this proceeding was conducted by Examiner Hunter on December 15, 1937, at which time it was submitted, and it is now ready for decision.

Pursuant to authority granted by Decision No. 28145, dated August 5, 1935, on Application No. 19916, all passenger service on this line was discontinued, except one round trip daily, except Sundays and holidays, between Los Angeles and Yorba Linda, and one combination passenger and express trip from Los Angeles to Whittier, thence to Fullerton, Yorba Linda, Whittier, and Los Angeles.

The record shows (Exhibit No. 1), that for the period January to August, inclusive, 1937, this service has been conducted at an out-of-pocket loss of \$3,632. This exhibit also shows an estimate for a similar period for 1938, with an anticipated out-of-pocket loss of \$4,066 if the service is continued. The differential is attributable to recent wage increases granted by the company.

Exhibit "D," attached to the application, is a tabulation of a travel check for the period of October 6th to 12th, inclusive, 1937. This check shows that the maximum number of passengers carried on any trip during this period was eighteen. In response to questions, applicant's witness testified that, with few exceptions, these passengers can be accommodated by lines of the Motor Transit Company. The abandonment, as sought, however, will leave those persons living east of Brea without public passenger transportation.

The City Attorney of Whittier stated that the only interest the City had in the matter was that, if the service was abandoned as proposed herein, Pacific Electric Railway Company should be required to remove its tracks from Philadelphia Street to permit of repaving the street. Pacific Electric Railway Company agreed to confer with representatives of the City, looking toward a consummation of such a program.

The Secretary of the Yorba Linda Chamber of Commerce, who is also Secretary of the Yorba Linda Citrus Association, opposed the granting of this application on the ground that if the passenger service is discontinued as proposed herein, it would leave the district east of Brea without any form of public transportation. This opposition will be withdrawn, however, if suitable arrangements can be made to have the Motor Transit Company operate a comparable service through the community of Yorba Linda. The passenger traffic manager of Pacific Electric Railway Company, who holds a similar position with the Motor Transit Company, agreed to study this matter, with the objective of providing some service to that area.

Although notice of this hearing was sent to the various communities affected, no opposition developed to the granting of the application other than that which is noted above.

A careful review of the record leads us to the conclusion

that under prevailing conditions Pacific Electric Railway Company should not be required to continue operation of this line at a substantial out-of-pocket loss. Therefore the application will be granted and the following Order will so provide.

O R D E R

A public hearing having been held and the Commission being fully advised,

IT IS HEREBY ORDERED that Pacific Electric Railway Company be and it is hereby authorized to discontinue passenger rail service on its Los Angeles-Whittier-La Habra-Fullerton-Yorba Linda rail line, subject to the following conditions:

- (1) Applicant shall confer with the officials of the City of Whittier, looking toward the consummation of a plan to remove the tracks from Philadelphia Street, or some other plan to permit of improving the pavement of this street, and advise the Commission as to the result of such a conference within sixty (60) days from the date of this Order. In the event no amicable adjustment is reached, this matter will be disposed of by a supplemental order in this proceeding.
- (2) Applicant shall endeavor to work out a plan whereby certain schedules of the Motor Transit Company can be operated through the community of Yorba Linda, in order that residents of that area shall not be entirely without public passenger service, and so advise the Commission of the results within thirty (30) days from the date of this order.
- (3) The public shall be given not less than ten (10) days' advance notice of the proposed discontinuance of passenger service, by the posting of notices in all passenger trains operated over this line and at all stations affected.
- (4) Applicant shall advise this Commission, in writing, within thirty (30) days thereafter, of the discontinuance of the passenger service authorized herein.
- (5) Applicant shall make any necessary changes in its tariffs and station lists, on not less than five (5) days' notice to the Commission and the public.
- (6) 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.
- (7) The Commission reserves the right to make such further orders relative to this matter as to it may seem right and proper, and to revoke the authority granted herein if, in its judgment, public convenience and necessity remand such action.

The effective date of this Order shall be the date hereof.

Dated at San Francisco, California, this 3^d day of
January, 1938.

William W. Wain
Leon C. Whipple
Frank R. Newton
Robert W. Whipple
Walter C. Kelley
Commissioners