

**ORIGINAL**Decision No. 21439

## BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of ) PACIFIC ELECTRIC RAILWAY COMPANY, a ) corporation, for authority to dis- ) continue the operation of rail pas- ) senger service between West Hollywood ) and Beverly Hills. )	Application No. 24058
In the Matter of the Application of ) PACIFIC ELECTRIC RAILWAY COMPANY, a ) corporation, for an in lieu certifi- ) cate of public convenience and neces- ) sity. )	46th Supplemental Application No. 17984
In the Matter of the Application of ) PACIFIC ELECTRIC RAILWAY COMPANY, a ) corporation, and LOS ANGELES RAILWAY ) CORPORATION, a corporation, for an in ) lieu certificate for their jointly ) operated motor coach lines. )	23rd Supplemental Application No. 18820

FRANK KARR, C. W. CORNELL, AND E. L. H. BISSINGER,  
for Applicant Pacific Electric Railway Company.

MAX E. UTT, for Applicant Los Angeles Railway  
Corporation.

RAY L. CHESEBRO, City Attorney, K. CHARLES BEAN, Chief  
Engineer of the Board of Public Utilities,  
STANLEY LANHAM, Assistant Chief Engineer of the  
Board of Public Utilities, and GILMORE TILLMAN,  
Assistant City Attorney, for City of Los Angeles.

H. P. BAIDA, for Bay Cities Transit Company,  
interested party.

W. P. NUTTER, for Brotherhood of Railroad Trainmen,  
interested party.

DON L. CAMPBELL, BART F. WADE and RODNEY F. WILLIAMS,  
for Asbury Rapid Transit System,  
interested party.

B. F. REDMAN, JR. in propria persona and for the  
Transportation Committee of the West Los Angeles  
Chamber of Commerce, interested party

BY THE COMMISSION:

O P I N I O N

In the above-numbered applications, filed by Pacific  
Electric Railway Company, and Pacific Electric Railway Company and

Los Angeles Railway Corporation doing business as Los Angeles Motor Coach Company, applicants seek the Commission's authority to make certain changes and substitutions in the type of service now provided in the Hollywood-Beverly Hills-Santa Monica area.

Public hearings were held at Los Angeles on May 19, and 27, 1941, before Examiner Ager, and the matters were duly submitted on the latter date, and are now ready for determination.

23rd Supplemental Application No. 18820

Pursuant to the authority granted by the Commission in its Decision No. 33088, dated May 14, 1940, on Application No. 23053, Pacific Electric Railway Company abandoned rail operations over its so-called Brentwood line operating from a junction with the Santa Monica via Beverly Hills rail line at West Los Angeles, through the Soldiers' Home area, and via San Vicente Boulevard and Ocean Avenue to Santa Monica and Ocean Park. Concurrently with the abandonment of this service, and under the same authority of the Commission, Los Angeles Motor Coach Company established a service commencing at San Vicente Boulevard and Wilshire Boulevard, thence operating via San Vicente Boulevard and Ocean Avenue to Broadway in Santa Monica. This service is performed as a leg of the Wilshire Boulevard service, alternate schedules during the base period being operated via the Brentwood route and alternate schedules via Wilshire Boulevard. During the peak hours service is operated on the two legs in accordance with the traffic demands.

In the instant application applicants allege that the service characteristics of the Wilshire line are such that excessive mileage is necessary in order to provide adequate service through the Brentwood area and that a more economical operation, in line with travel requirements, is possible by handling the Wilshire Boulevard service as a separate operation, eliminating the Brentwood alternate.

Concurrently with the filing of this application to abandon

service, Pacific Electric Railway Company filed its application (one of the proposals in 46th Supplemental Application No. 17984), to establish a motor coach service over a route from the intersection of Santa Monica Boulevard and Federal Avenue in West Los Angeles via Federal Avenue, San Vicente Boulevard, and Ocean Avenue to Santa Monica Boulevard in Santa Monica. As nearly as possible this proposed motor coach line parallels the former rail line of Pacific Electric Railway Company and it is applicant's contention that service by Pacific Electric Railway Company will be more advantageous to residents of the Brentwood area, for the reason that it will provide them with transportation to and from the West Los Angeles business district located along Santa Monica Boulevard, as well as an expeditious service to and from the downtown area of Los Angeles. The volume of business on the Brentwood line, as indicated by Exhibit No. 11, is comparatively light and careful analysis of the record leads us to the conclusion that there is little to choose between the service as performed presently by Los Angeles Motor Coach Company and that proposed by Pacific Electric Railway Company.

In the establishment of this substitute service we believe that consideration should be given by the company to the suggestion that during the peak hours through schedules between the Brentwood area and the downtown area of Los Angeles be operated as a leg of the Los Angeles-Santa Monica via Beverly Hills lines, but that during the off-peak hours shuttle coach service be operated which would require passengers bound from or destined to the Brentwood area to transfer at West Los Angeles.

We believe that in the filing of the tariffs pursuant to the certificate herein granted to Pacific Electric Railway Company provision should be made for the publication of joint rates in order to provide transfer privileges between Pacific Electric Railway Company's Brentwood Branch of the Los Angeles-Santa Monica via Beverly

Hills motor coach line and the line of Los Angeles Motor Coach Company operating on Wilshire Boulevard.

No serious opposition was offered to the proposed substitution and we are of the opinion that the request is reasonable and should be granted. The order following this opinion will make such provision.

Application No. 24058 and 46th Supplemental  
Application No. 17984

By Application No. 24058, Pacific Electric Railway Company seeks the Commission's authority to abandon the operation of passenger rail service on its Los Angeles-Santa Monica via Hollywood and Beverly Hills line from Fairfax Avenue to Beverly Hills station. One of the proposals in 46th Supplemental Application No. 17984 is that contingent upon this abandonment being made applicant desires to substitute in lieu thereof a motor coach service commencing at the intersection of Hollywood Boulevard and Vine Street in Hollywood and substantially paralleling the existing rail service from that point to the Santa Monica-Ocean Park area. By the provisions of Decision No. 32858, dated March 5, 1940, on Application No. 23053, applicant was authorized to discontinue suburban passenger rail service between Los Angeles and Santa Monica, via Vineyard and Beverly Hills, and to abandon facilities on that portion of the line commencing at Sepulveda Boulevard in West Los Angeles and extending westerly on Santa Monica Boulevard to a connection with the tracks on Ocean Avenue in Santa Monica.

In Application No. 23053 a request similar to that contained in Application No. 24058 was made, differing only in that the applicant proposed to continue the operation of the existing rail service on that portion of the line west of Beverly Hills station and that the motor coach certificate, desired in lieu of the discontinued service, have as its easterly terminus the intersection of

Vermont Avenue and Hollywood Boulevard, in lieu of the present proposal that this terminus be at Hollywood Boulevard and Vine Street. The proposed change, as contained in Application No. 23053 and as briefly outlined above, was denied by the Commission in its Decision No. 33088, dated May 14, 1940, and the opinion upon which this denial was predicated contains the following language:

"Inasmuch as this operation, as proposed, would terminate in Hollywood and parallel existing local rail operations between Hollywood and Beverly Hills, there appears to be nothing of record indicating a present need for the service. For traffic moving from Hollywood to the beach cities a convenient transfer will be available at Beverly Hills and, inasmuch as the traffic on the Santa Monica via Beverly Hills line is light beyond Beverly Hills, ample capacity will be afforded by that line between Beverly Hills and Santa Monica.

"Although no opposition was offered to the proposed plan of motor coach service, that fact should not be given undue weight, as it is commonly recognized that any addition in service is welcomed by the public, even though it may not be justified. The economic operation of this system as a whole is an important feature that must be considered and the unnecessary cost that would be involved as a result of this proposed duplication is unjustified. This portion of the application, therefore, should be denied."

Applicant now alleges that conditions have changed sufficiently since the filing and consideration of the original application to warrant further consideration of the proposal. What these changes have been the record fails to disclose, except that instead of continuing rail service to Beverly Hills it is now proposed to terminate the rail service at Fairfax Avenue. Applicant's witness, testifying with reference to the present plan, stated that the annual estimated out-of-pocket cost of operating the present rail service between Fairfax Avenue and Venice amounted to \$59,735, and that the annual out-of-pocket cost of providing the proposed motor coach service contemplated the expenditure of \$62,170. It is applicant's contention that a real need exists for a through service as proposed between Hollywood and the beach area. The record, however, fails to

support this contention.

A witness for the applicant made the statement that, if the instant application were denied and rail service from Beverly Hills to points west thereof were discontinued as authorized by a previous decision of the Commission, thereby requiring all passengers destined from the Hollywood area to the beaches to transfer, the volume of patronage to the beach area would be diminished by a minimum of 33 per cent, and that the loss might even reach 50 per cent. No documentary evidence was submitted in support of this contention and we are of the opinion that the loss, through necessity of transfer, would be substantially less than this figure.

Careful analysis of the entire record in this proceeding leads us to the conclusion that there has been no material change in conditions which were prevalent at the time of the issuance of the Commission's Decision No. 32858. Therefore, the instant application will be denied.

#### O R D E R

Public hearings having been held, the matter having been submitted, and the Commission being fully advised

#### IT IS ORDERED

I. That a certificate of public convenience and necessity be and it is hereby granted to Pacific Electric Railway Company authorizing the establishment and operation of an automotive passenger stage service for the transportation of passengers as a passenger stage corporation, as defined in Section 2-1/4 of the Public Utilities Act, between the intersection of Santa Monica Boulevard and Federal Avenue, West Los Angeles, and the City of Santa Monica, all within the County of Los Angeles, as an extension and enlargement of the operative rights created by Decision No. 24854, dated June 13, 1932, and amendments thereto in Application No. 17984.

II. That in the operation of said passenger stage service, pursuant to the foregoing certificate, Pacific Electric Railway Company shall comply with and observe the following service regulations:

- (1) File a written acceptance of the certificate herein granted within a period of not to exceed thirty (30) days from the effective date hereof.
- (2) Subject to the authority of this Commission to change or modify such at any time in the future, conduct such passenger stage operation over and along the following route:

From the intersection of Santa Monica Boulevard and Federal Avenue, West Los Angeles, via Federal Avenue, San Vicente Boulevard, and Ocean Avenue to Santa Monica Boulevard, Santa Monica.

- (3) Comply with the provisions of General Order No. 79 and Part IV of General Order No. 93-A, by filing in conformity therewith tariffs and time schedules in triplicate within sixty (60) days from the effective date of this order and upon not less than five (5) days' notice to the Commission and the public.
- (4) Applicant is authorized to turn its motor vehicles at termini or intermediate points, either in the intersection of the streets or by operating around a block contiguous to such intersection in either direction and to carry passengers as traffic regulations of the political subdivision may require.
- (5) Said service shall commence concurrently with the abandonment of passenger stage service by Los Angeles Motor Coach Company, as hereinafter authorized.

III. That Pacific Electric Railway Company and Los Angeles Railway Corporation, doing business as Los Angeles Motor Coach Company, are hereby authorized to discontinue passenger service between West Los Angeles and Santa Monica through Brentwood district over the following described route:

From the intersection of San Vicents Boulevard and Wilshire Boulevard, in West Los Angeles, thence via San Vicents Boulevard and Ocean Avenue to Broadway in Santa Monica.

subject to the following conditions:

- (1) The public shall be given not less than ten (10) days' notice of the proposed discontinuance of passenger service, as well as the proposed substitution of service by Pacific Electric Railway Company, as hereinbefore authorized, by the posting of notices in all coaches operating over the lines and at all stations affected.
- (2) Applicant shall, on not less than five (5) days' notice to the Commission and the public, cancel all tariffs and time schedules applying to the service herein authorized to be abandoned.

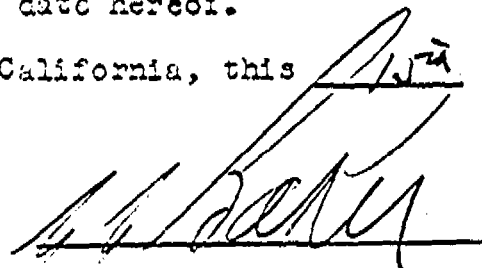
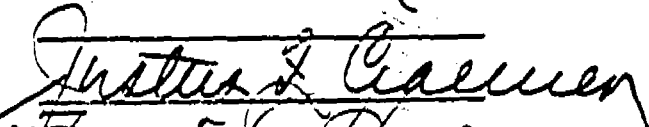


IV. That Sections I, II, and III of this order are subject to the following conditions:

- (1) Applicants shall, within thirty (30) days thereafter, notify this Commission in writing of its compliance with the conditions of this order.
- (2) The authorization herein granted shall lapse and become void if not exercised within one (1) year from the date hereof, unless further time is granted by subsequent order.

V. That Application No. 24058 and that portion of 46th Supplemental Application No. 17984 dealing with the proposed establishment of the Hollywood-Santa Monica motor coach service be, and they are hereby denied.

For all other purposes, the effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 15<sup>th</sup> day of July, 1911.

  
  
  
  
Commissioners