

Decision No. 35239

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the)
LOS ANGELES RAILWAY CORPORATION for an)
order pursuant to Section 35 of the)
Public Utilities Act authorizing appli-)
cant to operate street cars by one man.)

Application No. 22549
(First Supplemental)

BY THE COMMISSION:

OPINION AND ORDER

On February 24, 1942, Los Angeles Railway Corporation filed its first supplemental application requesting authority to extend the operation of one-man street cars to Lines "B," "V," and "9" on Sundays and holidays, with equipment of the H-4 and BF types, previously approved by this Commission in its Decision No. 31866, dated March 27, 1939. Applicant alleges that such expansion of one-man car operation will result in certain operating economies, will not react adversely to the interests of its patrons, can be accomplished by a re-arrangement of present operations, and has been approved by the Board of Public Utilities and Transportation of the City of Los Angeles.

By Decision No. 31866 in Application No. 22549, this Commission authorized applicant to operate one-man cars on certain of its rail lines provided said cars be constructed and equipped in accordance with satisfactory specifications as to safety features. The H-4 and BF types of equipment complied with such requirements and were authorized for operation on lines as follows:

WEEK DAYS

<u>Line</u>	<u>Type</u>	<u>Line</u>	<u>Type</u>
P	P.C.C. & H-4	W	H-4
3	P.C.C. & H-4	8	BF
R	H-4	10	BF
S	H-4	2	BF
M	H-4	0	BF
7	H-4, L, N, BF	5	P.C.C. & H-4 (also
K	BF		BF type on special
D	BF		occasions)

SUNDAYS AND HOLIDAYS

<u>Line</u>	<u>Type</u>
A	H-4
H	H-4
L	H-4
O	H-4
N	BF

AT ANY TIME

<u>Shuttle Lines</u>	<u>Type</u>
Boyle Avenue	C (Binney cars)
Evergreen Avenue	C " "
Gage Street	C " "
Griffith Avenue	C " "
Indiana Street	C " "
Mateo Street	C " "
Edgeware Road	C " "

The type of equipment proposed by applicant to be used in the Sunday and holiday service, for which authorization is sought herein, is the same as that authorized heretofore, and the character of service, which is proposed to be operated, is similar to that provided on other lines presently equipped with one-man cars. There appears to be no need for public hearing in this matter, and the authority granted in Decision No. 31866 should be extended as requested, therefore,

IT IS HEREBY ORDERED that Los Angeles Railway Corporation be and it is hereby authorized to extend one-man car operation on Sundays and holidays to those lines and with the types of equipment specified, as follows:

Lines

Type

B
V
9

H-4
BF
F-4 and/or BF

In all other respects the conditions of Decision No. 31866 shall remain in full force and effect.

The effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 17th day of April, 1942.
~~March~~

Justus P. Palmer
Ray H. Rice
H. B. A. A.
Richard L. ...
Commissioners

I dissent.

The introduction of one man operation of street cars into the transportation system of Los Angeles, as elsewhere, was originally sanctioned as an economy measure, designed to reduce operating expenses at a time when the carrier's revenues were represented to be diminishing to a point where operating deficits necessitated a curtailment of labor costs. Notwithstanding the showing of financial distress made by the street car company, the people of Los Angeles, at a referendum election on an ordinance requiring two man operation, voted overwhelmingly against the one-man car. At an election held in San Francisco on the same question the NO vote was even more emphatic.

Previously the Railroad Commission, apparently convinced that the Company was in urgent need of financial relief, had authorized one man operation of cars on certain specified routes of the Los Angeles Railway Company. After the voters of the City approved the ordinance prohibiting one-man cars and providing severe penalties for their operation, the Railway Company returned to two-man operation pending the result of a court test of the validity of that ordinance. The courts finally held that the authority of the Railroad Commission was paramount, and that the attempt of the City of Los Angeles to over-ride that authority by enactment of a local ordinance was unconstitutional. Thereupon the Los Angeles Railway Company resumed one man operations on the lines specified in the Railroad Commission's decision. Those operations are now in effect.

But the result of the election in Los Angeles demonstrated conclusively that public sentiment in that city was strongly opposed to one-man operation of street cars, and I do not believe that it is proper for the Commission to authorize an extension of one man service to other lines of the Railway Company's system without holding a hearing at which the public may have an opportunity to express itself. Furthermore the Los

Angeles Railway Company has made no showing in support of the instant application that any critical emergency in its financial affairs exists at the present time. On the contrary it is a matter of general knowledge that since the outbreak of the war the trend of street railway revenues has been upward, and there is reason to believe that this trend will continue as long as the present emergency exists. It must be obvious, then, that the present application should not be granted on the basis of the financial showing made by the Company three years ago, when the Commission issued its original order authorizing one man operations.

The exigencies of mass transportation during the war period have already produced over-crowding of passenger vehicles, with attendant hazard to life and limb, and this hazard seems likely to increase as the war emergency continues. In the interest of public safety, the manning of public utility vehicles should be increased, rather than decreased, while the emergency exists, and no consideration of profit or gain should be permitted to interfere with proper protection of the traveling public.

It was the intent of the Public Utilities Act that the people should have a voice in the regulation of public utilities and, in my opinion, ex parte orders should be made by this Commission only in cases where the public interest is clearly not affected. It may be argued, in the present instance, that the proposed extension of one-man operations is limited to one day a week and would affect only a small part of the street car service of Los Angeles. Nevertheless, this extension may be regarded as a step toward installation of one-man service throughout the system of the Los Angeles Railway Company, and the street car riders are entitled to be consulted before such a significant move is made, particularly as they have registered an emphatic disapproval of this service whenever they have been consulted in the past.

The mere fact that the courts have held that the authority conferred by the state upon the Railroad Commission is superior to the local

authority of the people of Los Angeles with respect to the regulation of street car service does not justify this Commission in ignoring the people thereafter whenever an extension of service which they have disapproved is proposed. The right of the public to be heard is fundamental in the American way of life, and our nation is now engaged in a war to defend it. No circumvention of democratic processes in America can be condoned in this critical period unless military necessity is shown, and no such showing has been or can be made in the instant case.

I am convinced that this order should be vacated in the public interest, and that no decision should be made by the Commission until a public hearing is held and a record made of the present financial condition of the company.

Francis R. Hawens

Commissioner.