

Decision No. 36913

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)	Sixty-Sixth Supplemental
of PACIFIC ELECTRIC RAILWAY COMPANY,)	Appl. No. 17984
a corporation, for an In Lieu)	(Slight route modification
Certificate of Public Convenience)	of the Los Angeles-San
and Necessity.)	Bernardino via Foothill
		Boulevard Motor Coach Line
		in Fontana and San Bernardino)

BY THE COMMISSION:

OPINION AND ORDER

In its Sixty-sixth Supplemental Application No. 17984 applicant Pacific Electric Railway Company requests permission:

(1) to establish an alternate route on its Los Angeles-San Bernardino via Foothill Boulevard Motor Coach Line, as authorized in Decision No. 54678, in order to reach the business area of Fontana; and (2) to re-route that portion of said Los Angeles-San Bernardino via Foothill Boulevard Motor Coach Line between approximately Mount Vernon Avenue and Pacific Electric station in the City of San Bernardino.

Applicant alleges that it has had requests from various interested groups in Fontana to establish said proposed alternate route to provide more adequate transportation service for the residents of the City of Fontana; that it has been requested by the Traffic Commission of the City of San Bernardino to re-route its motor coach service from Third Street to Second Street between approximately Mount Vernon Avenue and Pacific Electric station; that Second Street is an improved thoroughfare and, because of the lesser amount of traffic operated thereover, should result in a slight saving in running time with no increase in mileage; and that because of the close proximity of Second Street to the present route over Third Street passengers originating at or destined to points intermediate to the junction of these two streets and Pacific Electric

station in San Bernardino would not be immediately inconvenienced.

It appears that this is not a matter in which a public hearing is necessary and that the request should be granted.

Applicant is placed upon notice that "operative rights" as such do not constitute a class of property which may be capitalized or used as an element of value in rate fixing for any amount of money in excess of that originally paid to the State as the consideration for the granting of such rights. 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 at any time by the State which is not in any respect limited to the number of rights which may be given.

IT IS HEREBY ORDERED that:

I. A certificate of public convenience and necessity be and it is hereby granted to Pacific Electric Railway Company as a passenger stage corporation, as defined in Section 2½ of the Public Utilities Act, for the transportation of passengers (a) between the intersection of Foothill Boulevard and Citrus Avenue and the intersection of Sierra Avenue and Arrow Highway in the City of Fontana; and (b) along Second Street between Mount Vernon Avenue and Pacific Electric station between "E" and "F" Streets in the City of San Bernardino, and to consolidate said operations with the operative rights heretofore granted by Decision No. 34687, dated October 21, 1941, subject to the following conditions:

- (1) The service herein authorized shall be commenced within a period of not to exceed thirty (30) days from the date hereof.
- (2) The authority herein granted is subject to the provisions of Section 52(b) of the Public Utilities Act and further to the condition that Pacific Electric Railway Company, its successors or assigns, shall never claim before this Commission, or any court or other public body, a value for said operative rights or claim as the cost thereof an amount in excess of that paid to the State as the consideration for such rights.

II. 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) Applicant shall file a written acceptance of the certificate herein granted within thirty (30) days from the effective date hereof.
- (2) Subject to the authority of this Commission to change or modify such at any time by further order, Pacific Electric Railway Company shall conduct such passenger stage operation over and along the following described routes:

a. Alternate route in Fontana:
From the intersection of Foothill Boulevard and Citrus Avenue via Citrus Avenue, Arrow Highway, and Sierra Way, to Foothill Boulevard.

b. Re-routing in the City of San Bernardino:
Over Second Street and private right-of-way between Mount Vernon Avenue and Pacific Electric's station in the City of San Bernardino.

The complete route of the Los Angeles-San Bernardino via Foothill Boulevard Motor Coach Line, as amended, is as follows:

Commencing at Sixth and Main Streets Station, Los Angeles, via Main Street, Arcadia Street, Aliso Street, Ramona Boulevard, Garvey Avenue, Holt Avenue (City of Pomona), thence via grade separation structure in the vicinity of Bellevue Avenue to Fifth Street, thence via Fifth Street, Garey Avenue, Cucamonga Avenue, Alexander Avenue, First Street (City of Claremont), Mills Avenue, Sixth Street, West Arrow Highway, East Arrow Highway (City of Upland), San Bernardino Road, Foothill Boulevard, Mt. Vernon Avenue, Second Street, and private driveway to Pacific Electric Station between "E" and "F" Streets in San Bernardino, and returning via private driveway, "F" Street and Second Street, thence reverse of above described route to Aliso Street, thence via Aliso Street, Los Angeles Street, Sixth Street, Maple Avenue, and ramp into Sixth and Main Streets Station, Los Angeles.

Also an alternate route in the City of Upland via East Arrow Highway, Second Avenue, private right-of-way in front of Pacific Electric Station, Third Avenue, thence connecting with the through route described above at East Arrow Highway, and return via the reverse thereof;

Also an alternate route between El Monte and Pomona from the intersection of Tyler and Garvey Avenues, via Garvey Avenue, Covina Boulevard, West Ramona Boulevard (Baldwin Park), Maine Avenue, East Ramona Boulevard, San Bernardino Road, Hollenbeck Street (Covina), Badillo Street, Barranca Street, San Bernardino

Road, Grand Avenue, Covina Boulevard, Cataract Avenue (San Dimas), Bonita Avenue, Fourth Street (La Verne), Lincoln Avenue, Pomona Avenue, La Verne Avenue, and Cucamonga Avenue to Garey Avenue (North Pomona); also, via La Verne Avenue from Cucamonga Avenue to Garey Avenue;

Also, an alternate route in Fontana from the intersection of Foothill Boulevard and Citrus Avenue, via Citrus Avenue, Arrow Highway, and Sierra Way to Foothill Boulevard.

III. Pacific Electric Railway Company is hereby authorized to discontinue passenger stage service along Third Street between Mount Vernon Avenue and Pacific Electric station in the City of San Bernardino, provided the service is discontinued concurrently with the establishment of service upon and along Second Street, as hereinbefore authorized.

The Commission reserves the right to make such further orders in this proceeding as to it may seem just and proper, and to revoke this authority in whole or in part if in its opinion public convenience and necessity demand such action.

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

Dated at San Francisco, California, this 7th day of March, 1944.

Richard L. Lusk
Justus J. Casner
Francis K. Havenue
Franklin C. Orr
Edward S. Powell
COMMISSIONERS