

Decision No. 37737

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of SAN DIEGO)
ELECTRIC RAILWAY COMPANY, a corporation, to)
amend all its various certificates of public)
convenience and necessity for bus lines so as)
to change or clarify the routes covered there-)
by and permit operational loops where necessary)
or convenient.)

Application
No. 26570

BY THE COMMISSION:

ORIGINAL

O P I N I O N

San Diego Electric Railway Company, a corporation, by its application, as amended, seeks an order authorizing certain route changes in its passenger stage operations in the city of San Diego. Most of the proposed changes are in the business center of the city and are designed primarily to relieve traffic congestion and the hazard of operation along Broadway between First and Fifth Avenues which carry a large volume of vehicular traffic and a double-track street car line.

It is alleged in the application that:

"The downtown loop changes herein proposed were initiated by the City Council of San Diego and were negotiated between applicant and the Acting City Manager and Director of Public Works and the City Traffic Engineer, and are approved and desired by the city of San Diego."(1)

In addition to the proposed changes in the downtown area, applicant proposes to make certain minor line changes in the outlying

(1) There is attached to the application (Exhibit A) a copy of a letter from the Acting City Manager and Director of Public Works expressing the concurrence of the city of San Diego in this application so far as the said downtown loop changes are concerned.

Also attached to the application (Exhibits B & C) are flow charts illustrating, respectively, the flow of bus traffic under the present downtown loops and the flow as it will be if the changes herein proposed are approved by the Commission.

area to permit more flexible operation and to provide better service to the area affected.

Through the years applicant has been granted, or authorized to acquire, a number of separate certificates, each describing a route for a particular line, with a duplication where more than one line operates along the same street.

Applicant now seeks a new certificate covering its present operations herein involved, together with the proposed changes. This new certificate would replace and be in lieu of the certificates presently held authorizing such operations. No other common carrier in this field would be affected.

It appears that the granting of this application will clarify and simplify the operative rights of applicant and permit it to provide a more efficient and desirable service to the public under prevailing conditions.

It does not appear that a public hearing is necessary and the application will be granted.

San Diego Electric Railway Company is hereby 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 grant 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.

O R D E R

An application, therefore, having been filed, and it being hereby found that public convenience and necessity so require,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is hereby granted to San Diego Electric Railway Company, a corporation, authorizing the establishment and operation of service as a passenger stage corporation, as defined in Section 2 $\frac{1}{4}$ of the Public Utilities Act, for the transportation of passengers over, and serving all points within and adjacent to San Diego, on and along the following routes:

ROUTE A

Commencing at the intersection of State and B Streets; thence along State Street to E Street; thence along E Street to Third Avenue; thence along Third Avenue to B Street; thence along B Street to State Street; thence along State Street to Laurel; thence along Laurel Street to India Street; thence along India Street to Andrews Street; thence along Andrews Street to California Street; thence along California Street to La Jolla Avenue; thence along La Jolla and San Diego Avenues to Wallace Street; thence along Wallace Street to Calhoun Street; thence along Calhoun Street to Mason Street; and thence along Mason Street to San Diego Avenue.

ROUTE B

Commencing at the intersection of First Avenue and B Street; thence along First Avenue to E Street; thence along E Street to Third Avenue; thence along Third Avenue to B Street; thence along B Street to First Avenue; thence along First Avenue to Brooks Avenue; thence along Brooks Avenue to Third Avenue; thence along Third Avenue to Pennsylvania Avenue; thence along Pennsylvania Avenue to First Avenue; thence along First Avenue to Brooks Avenue.

ROUTE C

Commencing at the intersection of Front Street and Broadway; thence along Front Street to E Street; thence along E Street to Third Avenue; thence along Third Avenue to Broadway; thence along Broadway to Pacific Highway; thence along Pacific Highway to Camino del Rio; thence along Camino del Rio to Morena Boulevard; thence along Morena Boulevard to Balboa Avenue; and thence along Balboa and Garnet Avenues to Mission Boulevard.

ROUTE D

Commencing at the intersection of Sixth Avenue and Market Street; thence along Market Street to Fourth Avenue; thence along Fourth Avenue to E Street; thence along E Street to Sixth Avenue; thence along Sixth Avenue to Market Street; thence along Market Street to 59th Street; thence along 59th Street to Kenwood Street; thence along Kenwood Street to 60th Street; thence along 60th Street to Broadway; thence along Broadway to 65th Street; thence along 65th Street to Imperial Avenue; and thence along Imperial Avenue to 69th Street.

ROUTE E

Commencing at the intersection of Fourth Avenue and C Street; thence along Fourth Avenue to E Street; thence along E Street to Third Avenue; thence along Third Avenue to C Street; thence along C Street to Fourth Avenue; thence along Fourth Avenue to University Avenue; thence along University Avenue to Normal Street; thence along Normal Street to El Cajon Boulevard; thence along El Cajon Boulevard to La Mesa Boulevard in the city of La Mesa; thence along La Mesa Boulevard to El Cajon Boulevard; thence along El Cajon Boulevard and San Diego Avenue to Main Street in the city of El Cajon; thence along Main Street to Magnolia Avenue; thence along Magnolia Avenue to Rea Street; thence along Rea Street to Graves Avenue; thence along Graves Avenue to Main Street; and thence along Main Street to Magnolia Avenue.

Commencing at the intersection of La Mesa Boulevard and Palm Avenue; thence along Palm Avenue to Campo Road; thence along Campo Road to Bancroft Drive; thence along Bancroft Drive to Troy Street; thence along Troy Street and Palm Street to Imperial Avenue; thence along Imperial Avenue and Palm Avenue to the said intersection of La Mesa Boulevard and Palm Avenue.

ROUTE F

Commencing at the intersection of Euclid Avenue and El Cajon Boulevard; thence along El Cajon Boulevard to Park Boulevard; thence along Park Boulevard to University Avenue; thence along University Avenue to 5th Avenue; thence along 5th Avenue to G Street.

ROUTE G

Commencing at the intersection of Sixth Avenue and Market Street; thence along Market Street to Fourth Avenue; thence along Fourth Avenue to E Street; thence along E Street to Sixth Avenue; thence along Sixth Avenue to Market Street; thence along Market Street to 32nd Street; thence along 32nd Street to Imperial Avenue; and thence along Imperial Avenue to 69th Street.

ROUTE H

Commencing at the intersection of G Street and Fifth Avenue; thence along Fifth Avenue to E Street; thence along E Street to Third Avenue; thence along Third Avenue to G Street; thence along G Street to Fifth Avenue; thence along Fifth Avenue to Market Street; thence along Market Street to 25th Street; thence along 25th Street to Ocean View Boulevard; and thence along Ocean View Boulevard to 40th Street.

ROUTE K1

Commencing at the intersection of National Avenue and 32nd Street; thence along 32nd Street to the United States Naval Repair Base (formerly called United States Destroyer Base).

ROUTE K2

Commencing at the intersection of Newton Avenue and 32nd Street; thence along 32nd Street to National Avenue; and thence along National Avenue to Highland Avenue (also sometimes designated as 43rd Street).

ROUTE L

Commencing at the intersection of First Avenue and Broadway; thence along Broadway to Fourth Avenue; thence along Fourth Avenue to E Street; thence along E Street to First Avenue; thence along First Avenue to Broadway; thence along Broadway to Pacific Highway; thence along Pacific Highway to Barnett Avenue; thence along Barnett Avenue to Lytton Street; thence along Lytton Street to Rosecrans Street; thence along Rosecrans Street to the United States Military Reservation.

ROUTE N

Commencing at the intersection of Market Street and Sixth Avenue; thence along Market Street to Fourth Avenue; thence along Fourth Avenue to E Street; thence along E Street to Sixth Avenue; thence along Sixth Avenue to Market Street; thence along Market Street to Twelfth Avenue; then along Twelfth Avenue to National Avenue; thence along National Avenue to Sigsbee Street; thence along Sigsbee Street to Main Street; thence along Main Street to National Avenue in National City; thence along said National Avenue to Eighth Street; thence along Eighth Street to Highland Avenue; thence along Highland Avenue to E Street in Chula Vista; thence along said E Street to Third Avenue; thence along Third Avenue to K Street;

Together with the following described route;
Commencing at the intersection of National Avenue and Eighth Street in National City; thence along said National Avenue to 13th Street; thence along 13th Street to McKinley Avenue; thence along McKinley Avenue to 18th Street; thence along 18th Street to National Avenue; thence along National Avenue to 13th Street.

ROUTE O

Commencing at the intersection of Front Street and Broadway; thence along Front Street to E Street; thence along E Street to Fourth Avenue; thence along Fourth Avenue to Plaza Street; thence along Plaza Street to Third Avenue; thence along Third Avenue to E Street; thence along E Street to First Avenue; thence along First Avenue to Broadway; thence along Broadway to Pacific Highway; thence along Pacific Highway to Barnett Avenue; thence along Barnett Avenue to Lytton Street; thence along Lytton Street to Chatsworth Boulevard; thence along Chatsworth Boulevard to Voltaire Street; thence along Voltaire Street to Cable Street; thence along Cable Street to Del Mar Avenue;

Together with the following described route:

Commencing at the intersection of Cable Street and Del Mar Avenue; thence along Del Mar Avenue to Sunset Cliffs Boulevard; thence along Sunset Cliffs Boulevard to Adair Street; thence along Adair Street to Devonshire Drive; thence along Devonshire Drive to Hill Street; thence along Hill Street to Cordova Street; thence along Cordova Street to Carmelo Street.

ROUTE R

Commencing at the intersection of Front Street and Broadway; thence along Front Street to E Street; thence along E Street to Third Avenue; thence along Third Avenue to Broadway; thence along Broadway to Pacific Highway; thence along Pacific Highway to Barnett Avenue; thence along Barnett Avenue to Midway Drive; thence along Midway Drive to West Point Loma Boulevard; thence along West Point Loma Boulevard to the Mission Bay Bridge; thence along said Mission Bay Bridge and Mission Boulevard to Turquoise Street; thence along Turquoise Street to La Jolla Boulevard; thence along La Jolla Boulevard to Pearl Street; thence along Pearl Street to Fay Avenue; thence along Fay Avenue to Silverado Street; thence along Silverado Street to Girard Avenue; thence along Girard Avenue to Wall Street; thence along Wall Street to Ivanhoe Avenue; thence along Ivanhoe Avenue to Silverado Street; thence along Silverado Street to Girard Avenue.

ROUTE S

Commencing at the intersection of Euclid Avenue and El Cajon Boulevard; thence along El Cajon Boulevard to 47th Street; thence along 47th Street to University Avenue; thence along University Avenue to Euclid Avenue; thence along Euclid Avenue to El Cajon Boulevard; thence along El Cajon Boulevard to College Avenue; and thence along College Avenue to the State College grounds.

ROUTE T

Commencing at the intersection of Front Street and Broadway; thence along Front Street to E Street; thence along E Street to Third Avenue; thence along Third Avenue to Broadway; thence along Broadway to Pacific Highway; thence along Pacific Highway to Barnett Avenue; thence along Barnett Avenue to Midway Drive; thence along Midway Drive and Ingraham Street to Garnet Avenue; thence along Garnet Avenue to Fanuel Street; thence along Fanuel Street to Turquoise Street.

ROUTE V

Commencing at the intersection of Front Street and Broadway; thence along Front Street to E Street; thence along E Street to Fourth Avenue; thence along Fourth Avenue to Plaza Street; thence along Plaza Street to Third Avenue; thence along Third Avenue to E Street; thence along E Street to First Avenue; thence along First Avenue to Broadway; thence along Broadway to Pacific Highway; thence along Pacific Highway to Camino del Rio; thence along Camino del Rio to Morena Boulevard; thence along Morena Boulevard to Greenwood Street; thence along Greenwood Street and Linda Vista Road to Homewood Drive.

Together with the following described route:
Commencing at the intersection of Linda Vista Road and Ulric Street; thence along Ulric Street to Fulton Street; thence along Fulton Street to Comstock Street; thence along Comstock Street to Osler Street.

Applicant is authorized to turn its motor vehicles at termini or intermediate points on any of the foregoing described routes either in the intersection of the streets or by operating around a block contiguous to such intersection in any direction.

(2) That the foregoing certificate is granted instead of and shall supersede all passenger stage certificates heretofore granted by the following decisions, which are hereby revoked to the extent that they grant any authority to operate passenger carrying automotive vehicles, to wit:

18521, 19206, 13114, 14925, 18074, 19570, 20454, 21118,
21345, 21844, 21957, 23325, 24227, 29371, 29474, 31316,
32832, 34098, 34193, 36435, 36458, 36630, 37287.

(3) That in providing service pursuant to the foregoing certificate, the following service regulations shall be complied with:

1. Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed 30 days from the effective date hereof.
2. Applicant shall comply with the provisions of General Order No. 79 and Part IV of General Order No. 93-A by filing, in triplicate, and concurrently making effective, appropriate tariffs and time schedules within 60 days from the effective date hereof and on not less than 1 day's notice to the Commission and the public.

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

Dated at San Francisco, California, this 20th
day of March, 1945.

Richard L. ...

Richard ...

Frank ...

Frank ...

COMMISSIONERS