

Decision No. 38735

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)  
 PACIFIC ELECTRIC RAILWAY COMPANY, a )  
 corporation, for an In Lieu Certi- ) Application No. 17984  
 ficate of Public Convenience and ) 74th Supplemental  
 Necessity. )

**ORIGINAL**

C. W. CORNELL, for applicant

J. DONALD ATKINS, for San Gabriel Valley  
Transit Lines, Inc., interested party

BY THE COMMISSION:

O P I N I O N

Applicant requests authority to establish and operate a motor bus service between the intersection of Las Tunas Drive and Baldwin Avenue (Temple City) and the intersection of 1st Avenue and St. Joseph Street (Arcadia) along Baldwin Avenue, Duarte Road, and 1st Avenue, a distance of approximately 4.2 miles, as an extension and enlargement of its present operative right in this area (Decision No. 37553).<sup>(1)</sup>

Public hearing in this proceeding was held at Los Angeles on February 20, 1946, before Examiner Chiesa. Evidence having been adduced, the matter was submitted for decision.

(1) Decision No. 37553, dated December 19, 1944, authorized applicant to operate along the following route:

"Los Angeles-Alhambra-San Gabriel-Temple City Line

Commencing at Sixth and Main Streets Station, Los Angeles, via Main Street, Macy Street, Mission Road, Huntington Drive (Sierra Vista), Main Street (Alhambra), and Las Tunas Drive through City of San Gabriel to Baldwin Avenue, Temple City; returning via reverse thereof to Macy Street, thence via Macy Street, Lyon Street, Aliso Street, Los Angeles Street, Sixth Street, Maple Avenue and ramp to Pacific Electric Sixth and Main Streets Station, Los Angeles.

(No checked baggage or express handled)"

The proposed service will be operated as an extension of applicant's present Los Angeles-Alhambra-San Gabriel-Temple City Line. Fares between Los Angeles and Arcadia will be 35 cents one way and 60 cents round trip. Commutation fares will be available between points along said route except where the one-way adult fare is 5 or 10 cents. The fare between Temple City (Sunset Boulevard) and Arcadia will be 10 cents one way. There will be two 5-cent fare zones between Sunset Boulevard in Temple City and applicant's terminal in Arcadia, with a fare-break point at the intersection of Camino Real and Baldwin Avenue.

Daily schedules, except Saturdays and Sundays, will be operated from Los Angeles between 4:50 a.m. and 6:55 p.m. and from Arcadia between 5:48 a.m. and 8:08 p.m., with headways of approximately 30 minutes. Approximately the same number of schedules is proposed for Saturdays with a less frequent service on Sundays and holidays.

The record shows that along the proposed extension, and within a quarter of a mile on either side of said route, there are approximately 1,533 homes and 4,600 residents. No rail or motor bus passenger service is available along the proposed route.

Representatives of the Arcadia and Temple City Chambers of Commerce, the West Arcadia Civic Club, West Arcadia Business Men's Association, and several persons residing along the proposed extension testified in favor of the application and that service is necessary. At least fifty additional persons, residents along the proposed route, were present at the hearing to support the application.

The evidence adduced was substantial that public convenience and necessity require the establishment and operation of the proposed service.

The application was not protested. Although notified of the hearing, neither the municipalities concerned nor the County entered an appearance.

Having considered the application and the proceedings herein, we are of the opinion and find that public convenience and necessity require the establishment of the proposed service; therefore, the application will be granted.

Pacific 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

A public hearing having been held in the above-entitled proceeding, the Commission being fully advised, and it having been found that public convenience and necessity so require,

IT IS ORDERED as follows:

(1) That a certificate of public convenience and necessity be, and it is hereby, granted to Pacific Electric Railway Company, a corporation, authorizing it to establish and operate a service as a "passenger stage corporation", as defined in Section 2½ of the Public Utilities Act, for the transportation of persons between the intersection of Las Tunas Drive and Baldwin Avenue

(Temple City, County of Los Angeles) and the City of Arcadia, and intermediate points, as an extension and enlargement of the operative rights acquired under authority of Decision No. 37553.

- (a) Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed thirty (30) days from the effective date hereof.
- (b) Applicant shall, within sixty (60) days from the effective date hereof and upon not less than one (1) day's notice to the Commission and the public, establish the service herein authorized and 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, tariffs and time schedules satisfactory to the Commission.
- (c) Subject to the authority of this Commission to change or modify such at any time, Pacific Electric Railway Company shall conduct said passenger stage operation over and along the following described route:

Beginning at the intersection of Las Tunas Drive and Baldwin Avenue (Temple City), thence along Baldwin Avenue, Duarte Road, 1st Avenue to its intersection with St. Joseph Street in the City of Arcadia.

Applicant is authorized to turn its motor vehicles at termini and intermediate points, in either direction, at intersections of streets or by operating around a block contiguous to such intersection, or in accordance with local traffic rules.

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

Dated at San Francisco, California, this 5<sup>th</sup> day of March, 1946.

[Signature]

[Signature]

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COMMISSIONERS