Decision No. <u>40053</u>

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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of) SAN DIEGO ELECTRIC RAILWAY COMPANY,) a corporation, for certificate of public) convenience and necessity to operate motor) buses for the transportation of passengers) for compensation between points in the) Cities of San Diego and Coronado, and for) authority to substitute service by motor) bus for street railway service on its street) railway Lines 1, 3, 4, 9, and 20 in said) cities, and for authority to abandon service) on certain streets in connection with such) substitution of service.

Application No. 27700

Morrison, Hohfeld, Foerster, Shuman & Clark by Forrest A. Cobb, for applicant. Bertrand L. Comparet, Deputy City Attorney For City of San Diego; Anneth 5. Carson, Mayor, and J. R. Goodbody, City Attorney for City of Coronado; Faul Corriere for Chamber of Commerce of Coronado; Thomas F.Bomar for Chamber of Commerce of San Diego.

$\underline{O P I N I O N}$

In the above-numbered application San Diego Electric Railway Company seeks authority to abandon certain street railway operations and to substitute therefor a motor-coach service in the Cities of San Diego and Coronado.

A public hearing was held before Examiner Chiesa at San Diego on February 14, 1947, at which time the matter was submitted for decision.

In the original application, filed July 20, 1946, authority is requested to abandon street-car Lines 1, 3, 4, and 9, in the City of San Diego and Line 20 in the City of Coronado, and to

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substitute a motor-bus service by establishing Routes 3 and J in the City of San Diego and Route 9 in the Cities of San Diego and Coronado.

On November 12, 1946, applicant filed a "First Amendment to Application and Request for Interim Order" seeking permission, pending consideration of its original application, to abandon street-car Lines 4 and 12 and substitute therefor a motor-bus service by establishing Lines J and K, all in the City of San Diego.

On November 20, 1946, this Commission issued its Interim Opinion and Order, Decision No. 39648, authorizing San Diego Electric Railway Company "to substitute motor coach service over routes designated as J and K for service now provided on its street-car lines designated as 4 and 12" provided that no track or overhead facilities on said rail lines were to be removed and that the authority granted was subject to change upon disposition of the matters set forth in the original application. Said interim order disposed of applicant's original request as to street-car Line 4 and motor-bus Route J.

Although applicant again requests permission to abandon its street-car operation on its Line 1, authority "to discontinue service on its No. 1 street-railway line" was granted in Decision No. 34193, dated May 13, 1941, on application No. 24146, which decision also granted to applicant a certificate of public convenience and necessity for the operation of a passenger stage zervice as an extension of its Route F, along a route practically the same as that of rail Line 1.

By Decision No. 37737, dated March 20, 1945, applicant was authorized to continue its passenger stage operation along

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said Route F and to make numerous route changes on other motor-bus Lines. Passenger stage certificates previously granted by twentythree decisions, including Decision No. 34193, were at the same time "revoked to the extent that they grant authority to operate passenger-carrying automotive vehicles . . ." As the authority to discontinue service on applicant's No. 1 street-railway line was not rescinded by this order it is not deemed necessary to again authorize the abandonment of said line.

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We find that street railway Lines 1, 4, and 12 have herotofore been ordered abandoned by Decisions Nos. 34193 and 39648, and that authority to establish and operate a passenger-stage service along Routes F, J, and K was granted by Decisions Nos. 37737 and 39648.

There remains to be considered applicant's request to abandon street-railway Lines 3 and 9 in the City of San Diego and Line 20 in the City of Coronado and substitute therefor a motor-bus service along Route 3 in the City of San Diego and Route 9 in the Cities of San Diego and Coronado.

At the hearing applicant also requested that it be permitted to (1) eliminate the proposed loop operation in the City of Coronado as described in Exhibit "B", Paragraph (b) of Route 9; (2) reroute Route J (Decision No. 39648) so that a portion thereof would operate along F Street instead of G Street; (3) reroute Route H (Decision No. 37737) so that it also will operate over F Street instead of G Street; (4) abandon and dispose of its Imperial Avenue Carhouse and 10th Street Substation; (5) to remove or otherwise dispose of all street-railway tracks and overhead facilities along portions of the street-railway routes proposed to be abandoned.

There is substantial evidence in the record justifying the proposed substitution of motor-bus for street-railway service.

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The proposed motor-bus Route 3 will be practically identical to the present street-railway Line 3, and the proposed motor-bus Route 9 will be substantially the same as the present street-railway routes on Lines 9 and 20 operating in San Diego and Coronado. The latter service will eliminate the present inconvenient transfer at the Coronado ferry terminal as the buses will be operated on a through service. The evidence also shows that the proposed substitution of service will not result in any material inconvenience to the public. Where the new bus service does not coincide exactly with the present railway service proposed to be discontinued, the street-railway routes are served by other lines of applicant. The proposed new service by modern motor bus will result in improved schedules and added comfort. Curb loading and unloading will afford a convenience and a measure of safety not now available. The proposed service will also be a more economical operation. On some of the street-railway lines proposed to be abandoned, tracks and cars are near the end of their useful life and service.

Applicant has negotiated an arrangement with the City of San Diego pursuant to which some of the tracks and overhead facilities are to be removed and streets restored and others are to be left in place. The city will be given title to all tracks to be left in place but certain poles may be retained by applicant for possible future use by applicant or other utilities. Similar negotiations are in progress with the City of Coronado. Accordingly, applicant requests authority either to remove such tracks and other property or leave them in place as may hereafter be found by applicant to be necessary or convenient.

⁽¹⁾ Applicant estimates bus substitution on Lines 9 and 20 will result in an average daily profit of \$32 compared to an average daily loss of \$20 for the rail operation. On Line 3 the substitution will result in a comparable increase in revenue (Exhibits Nos. 6 and 7).

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Applicant's superintendent of traffic testified that with the abandonment of Lines 3 and 9 the Imperial Avenue Carhouse and the 10th Street Substation will no longer be needed and that applicant proposes to raze the buildings and establish a parking lot.

The ovidence shows that thirty-nine additional buses will be required to establish the proposed service on Routes 3 and 9. The largest and latest type A.C.F. buses have been on order and delivery is expected not later than April, 1947. Applicant requests authority to carry out the proposed program as buses become available.

Applicant proposes the same fares for the new service by motor bus as may be in effect at the time of substitution of service, except as follows: Applicant proposes the establishment of an overlapping zone on its No. 9 Orange Avenue-United States Amphibious Base line in the City of Coronado, to extend from Tenth Street to the terminus of applicant's present street-railway Line 20 at Eotel Del Coronado. The effect of such an overlapping zone will be that passengers can ride between the United States Amphibious Base and the business district of the City of Coronado for a one-zone fare, and can also ride between Eotel Del Coronado and the Coronado ferry terminal for a one-zone fare, but will be required to pay a twozone fare to rile from the United States Amphibious Base to the Coronado ferry terminal. Establishment of the proposed overlapping zone will involve no change of fares for any service now being given by applicant. The fare between the United States Amphibious Base and applicant's inner and outer zones in the City of San Diego, as herein proposed, will be 20 cents cash, or one token and 10 cents, one way, or 30 cents for a round trip ticket, or a weekly

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pass at the price fixed for applicant's fourth zone.

Schedules for the proposed new service are not available at this time, but applicant offers, on all lines, schedules and service which will be as good as, or better than, the service in effect at the time of the substitution.

The application is not opposed.

Upon full consideration of the record in this proceeding we find that public convenience and necessity require that San Diego Electric Railway Company be authorized

- to abandon service upon street-railway Lines
 3, 9, and 20
- (2) to establish a new motor-coach service on Routes 3 and 9
- (3) to reroute a portion of its motor-coach Routes J and H
- (4) to negotiate arrangements with the Cities of San Dicgo and Coronado pertaining to the disposition of rails, track structure and overhead facilities along the street-railway routes proposed to be abandoned
- (5) to abandon and dispose of its Imperial Avenue Carhouse and 10th Street Substation.

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A public hearing having been had in the above-entitled proceeding, the matter having been duly submitted and the Commission having found that public convenience and necessity so require,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity
 be, and it hereby is, 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 24 of the Public Utilities Act, for the transportation of persons between and within the cities of San Diego and Coronado and intermediate points, as an extension and enlargement of, and to be consolidated with, applicant's present passenger stage operative rights.

(2) That in providing service pursuant to the certificate herein granted, the following service regulations shall be complied with:

- (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, San Diego Electric Railway Company, a corporation, shall conduct said passenger stage operation over and along the following described routes.

<u>Route 3</u> (City of San Diego)

Beginning at the intersection of Trias Street and Fort Stockton Drive, thence along Fort Stockton Drive, Lewis Street, Hark Street, Washington Street, Fifth Avenue to its intersection with G Street.

<u>Route 9</u> (Citles of San Diego and Coronado)

Beginning at the intersection of Third Avenue and Broadway in the City of San Diego, thence along Broadway, Harbor Drive, to the San Diego terminal of the San Diego and Coronado Ferry Company, thence to the Coronado terminal of said company, thence along Orange Avenue, Silver Strand Boulevard to the United States Navy Amphibious Base.

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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.

(3) That the description of Route J, appearing on Page 3 in Decision No. 39648, be amended to read as follows:

> Commencing at the intersection of 32nd Street and Imperial Avenue to Tenth Avenue, thence along Tenth Avenue to K Street; thence along K Street to Fifth Avenue; thence along Fifth Avenue to E Street; thence along E Street to Third Avenue; thence along Third Avenue to F Street; and thence along F Street to Fifth Avenue.

(4) That the description of Route H, appearing on Page 5 in Decision No. 37737, be amended to read as follows:

Route H

Commencing at the intersection of F Street and Fifth Avenue; thence along Fifth Avenue to E Street; thence along E Street to Third Avenue; thence along Third Avenue to F Street; thence along F 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.

(5) That San Diego Electric Railway Company be, and it hereby is, authorized to abandon and discontinue street-rail operations over and along the routes described in Appendix "A" attached hereto and made a part hereof, and to abandon, remove, or otherwise dispose of all rails, track structures, and overhead facilities over and along the routes or streets described in Appendix "B" attached hereto, and made a part hereof, and to enter into agreements with the Cities of San Diego and Coronado concerning the disposition of said rails, track structure, and overhead facilities as referred to in the foregoing opinion.

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(6) That San Diego Electric Railway Company be, and it hereby is, authorized to abandon and dispose of its Imperial Avenue Carhouse and its 10th Street Substation.

(7) That the authority for abandonments as herein granted shall be exercised only coincidentally with establishment of substitute services as authorized herein.

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

Dated at San Francisco, California, this 11th day of _ Marche , 1947.

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APPENDIX "A"

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Routes along which San Diego Electric Railway Company is authorized to abandon street-railway operation:

> Beginning at the intersection of Trias Street and Fort Stockton Drive, thence along Fort Stockton Drive, Lewis Street, Hawk Street, Washington Street, Fifth (5th) Avenue, Market Street, Third (3rd) Avenue, F Street to its intersection with Fifth (5th) Avenue.

Beginning at the San Diego and Coronado Ferry Terminal in San Diego, thence along Pacific Highway, Market Street, Kettner Boulevard, Broadway, Fourth (4th) Avenue, F Street to its intersection with Kettner Boulevard.

Beginning at the San Diego and Coronado Ferry in Coronado, thence along Orange Avenue to its intersection with Glorietta Boulevard.

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APPENDIX "B"

Public highways over which San Diego Electric Railway Company is authorized to remove or otherwise dispose of rails, track structures, and overhead facilities:

In the City of San Diego:

Along University Avenue between Park Boulevard and Fifth (5th) Avenue.

Beginning at the intersection of Trias Street and Fort Stockton Drive, thence along Fort Stockton Drive, Lewis Street, Hawk Street, Washington Street, Fifth (5th) Avenue to its intersection with Market Street.

Along Third (3rd) Avenue between B Street and Broadway. Along Fourth (4th) Avenue between Broadway and F Street.

Beginning at the intersection of Kettner Boulevard and F Street, thence along Kettner Boulevard, Market Street, Pacific Highway to its intersection with Harbor Drive.

Along Imperial Avenue between 16th Street and 34th Street.

Beginning at the intersection of 16th Street and Broadway, thence along 16th Street, Logan Avenue, 26th Street, National Avenue, 32nd Street to its intersection with Newton Avenue.

In the City of Coronado:

Along Grange Avenue between the Coronado Ferry terminal and the end of the line near Glorietta Boulevard.