

ORIGINALDecision No. 44743

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 PACIFIC ELECTRIC RAILWAY COMPANY, a)
 corporation, for authority to make) Application No. 30095
 certain changes in its rail and motor)
 coach system.)

C. W. Cornell and E. D. Yeomans, for applicant;
R. J. McCarthy, for the Brotherhood of Railway Clerks and the
 joint committee of Standard Railway Representatives, Pacific
 Electric Railway; H. W. Wilkins, general chairman for the
 Brotherhood of Railroad Trainmen; protestants. Roger Arnebergh,
 Assistant City Attorney, for City of Los Angeles; K Charles Bean,
 Chief Engineer and General Manager, and T. M. Chubb, Assistant
 Chief Engineer, Department of Public Utilities and Transportation
 for the City of Los Angeles; Marshall Stimson, for Alhambra to
 Redlands Interurban Transit Association; Baldwin Park Property
 Owners Association, Inc.; Associated Property Owners Associ-
 ation of Uplands; Rosemead Property Owners Association; Rose-
 mead Village Property Owners Association of Rosemead; Mission
 Park Property Owners Association; Alhambra Park Property Owners
 Association; Sunset Boulevard Business Men's Association;
 400 Property Owners in Echo Park Avenue District; Baldwin Park
 Chamber of Commerce; El Monte Chamber of Commerce; Rosemead
 Chamber of Commerce; W. M. Taylor, Acting City Attorney, San
 Marino; M. S. King, City Engineer, Santa Monica; T. J. Brodhead,
 Manager, Pasadena Chamber of Commerce; E. L. Parker, Utility
 Union Council for CIO; Hodge L. Dolle, attorney, Department of
 Public Works, State of California; interested parties.

O P I N I O N

By Decision No. 44161, dated May 9, 1950, on Appli-
 cation No. 30095, the Pacific Electric Railway Company was
 authorized to discontinue rail passenger service on certain
 specified lines, to abandon rails over designated routes, and
 to institute motor coach operations generally in substitution

for the rail service discontinued, and specifically over the routes specified in the order.

Paragraph (10) of the order in Decision No. 44161, with respect to the rail passenger service authorized to be discontinued and the rails authorized to be abandoned, provides:

"That none of the existing rights-of-way shall be alienated for a period of one year from the effective date of this order, except upon further order of this Commission."

The Pacific Electric Railway now requests modification of the above restriction in paragraph (10) so as to provide that none of the rights-of-way which do not revert to the owners thereof upon abandonment of rail service shall be alienated for a period of one year from the effective date of Decision No. 44161, except to the city or county wherein the right-of-way is located, or to other public agencies. This request does not include the Monrovia-Glendora Line, but does include the following lines or parts of lines:

Oak Knoll, Sierra Madre, Echo Park Avenue, Fourth and Hill Streets to Vineyard, Vineyard to Culver City, Vineyard to Beverly Hills, Culver City to Santa Monica, Ninth and San Pedro Streets to Aliso and San Pedro Streets, and Alhambra-San Gabriel.

A public hearing was held in Los Angeles on July 27, 1950, before Commissioner Potter and Examiner Syphers, at which time evidence was adduced and the matter submitted.

At the hearing testimony was presented by the chief administrative officer of the county of Los Angeles, wherein

it was indicated that that body desires the removal of rails on Hill Street as soon as possible, in order to permit the county to proceed with certain planned civic developments. This witness also testified as to the results of a study made by a committee of university presidents, and Exhibit 1 is a report of the chairman of that committee. This report recommends that a thorough study of the problem be made. The witness further testified that the committee of university presidents has been discharged at their own request, and that at the present time there is no appropriation by Los Angeles County for a transportation survey.

The city engineer of the city of Alhambra testified that that city would like the rails removed on the present Alhambra-San Gabriel Line in order to further contemplated street improvements.

The acting general manager of the Department of Traffic Engineering of the city of Los Angeles presented testimony to the effect that it would hold up the possibilities of street improvements to require the Pacific Electric Railway to retain its rights-of-way along Venice Boulevard and San Vicente Boulevard. He likewise was of the opinion that the removal of rails on Ninth Street between San Pedro and Main Streets would enable the city to institute one-way traffic in that area.

The chief engineer of the Automobile Club of Southern California appeared as a witness, and was of the opinion that the rails concerned in this application should be removed.

This witness did not believe that retaining the rails in question would aid the transportation problems in this community, nor, in his opinion, would it contribute to any war effort in which the area might become concerned.

The assistant manager and director of the Transportation Department of the Downtown Business Men's Association of Los Angeles, in his testimony, favored elimination of the rails in the downtown area, particularly along Hill Street in the vicinity of Temple Street, so as to permit the rapid completion of the Hollywood Freeway. It was the opinion of this witness that the rights-of-way here under consideration have no importance in any rapid transit system, nor in any war situation which might develop.

The Department of Public Works, Division of Highways, of the state of California, filed a statement favoring removal of rails along Hill Street between Temple Street and Sunset Boulevard, in order to expedite the completion of the Hollywood Freeway.

The city of Santa Monica presented a statement favoring the removal of rails as soon as possible in order that the surface of Ocean Avenue might be improved, and also so that certain streets crossing the trolley way might be improved.

The cities of San Marino and Sierra Madre filed statements voicing no objections to the removal of rails within their respective cities.

A representative of various property owners and groups and chambers of commerce voiced general opposition to the abandonment of these rights-of-way because of the war situation, and because of pending studies by the county of Los Angeles.

The city attorney of the city of Los Angeles presented resolutions of the City Council which opposed abandonments of any of the Pacific Electric Railway rights-of-way except along Venice Boulevard. The principal reason advanced was the war situation as it is developing in Korea.

An analysis of the problem herein discloses that the only interurban line involved is the Venice Short Line. All of the testimony in this record relating to this line favors removal of tracks and the abandonment of the right-of-way.

As to the remaining lines involved, they are local in nature, and the only objections voiced in the record to the removal of tracks and abandonment of rights-of-way are based upon the possibility of further study with a view to inaugurating some sort of rapid transit plan, and the possible value of these rights-of-way in the war effort. The testimony is clear and unequivocal that there is no contemplated study by the county of Los Angeles as to the possibility of a rapid transit system. Further, all of the testimony in this record is to the effect that retaining the rights-of-way herein concerned will not aid in any war effort.

In Decision No. 44161, dated May 9, 1950, on Application No. 30095 (49 Cal. PUC 643), this Commission said, at page 663:

"Under the order herein, the main rights of way will be retained either for passenger or freight purposes. These include the Santa Ana, Baldwin Park, Sierra Vista, Watts, Van Nuys-North Hollywood, and the Pasadena Short Lines. The Monrovia-Glendora Line also will be retained as long as the tracks are used for freight."

We are of the opinion and now find, after a thorough consideration of all of the evidence in this record, that it is not inimical to the public interest to permit applicant to dispose of the existing rights-of-way concerned in this application. This will not affect the main rights-of-way listed above.

Furthermore, the record in this case shows that applicant, on June 8, 1950, placed orders for 133 new buses, and the vice president of applicant company testified that the company expects delivery of all of the buses by the end of August, 1950.

The abandonment of the rights-of-ways herein involved is, of course, subject to all of the terms and conditions as set out in Decision No. 44161, supra, except that the specific rights-of-way covered by this application need not be retained for a period of one year if all of the other conditions of Decision No. 44161 are complied with.

O R D E R

An application having been filed, public hearings having been held thereon, the matter having been submitted, the Commission being fully advised in the premises,

IT IS ORDERED:

(1) That the Pacific Electric Railway Company be, and it hereby is, authorized to abandon the rights-of-way on the following listed lines, or parts of lines, and dispose of them to the city or county wherein the right-of-way is located, or to other public agencies concerned, or, where there are reversionary clauses, to allow them to revert to the owners thereof:

- Oak Knoll
- Sierra Madre
- Echo Park Avenue
- Fourth and Hill Streets to Park Avenue
- Fourth and Hill Streets to Vineyard
- Vineyard to Culver City
- Vineyard to Beverly Hills
- Culver City to Santa Monica
- Ninth and San Pedro Streets to Aliso and San Pedro Streets
- Alhambra-San Gabriel Line

(2) Any abandonment herein authorized may be made only upon full and complete compliance with the requirements of Decision No. 44161, supra.

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

Dated at San Francisco, California, this 1st day of September, 1950.

R. Z. [Signature]

James F. [Signature]

[Signature]

[Signature]
COMMISSIONERS