

Decision No. 46128

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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
Pacific Electric Railway Company, a)	
corporation, for permission to make)	Application No. 23053
certain changes in its rail system,)	Petition for Modification
including abandonments of certain)	of Order in Decision No.
portions of its railway lines and)	33088 as to Time of Retirement
discontinuance or reduction of rail)	of Motor Coaches
passenger service on certain other)	
portions of its railway system.)	

O P I N I O N

Section VII of the order in Decision No. 33088, dated May 14, 1940, in this proceeding, provides in part as follows:

"That Pacific Electric Railway Company shall within one year from the date hereof:

"A - Replace all passenger motor coaches used in regular service that shall have attained an age in excess of ten (10) years and shall thereafter, except in emergencies, retain in regular service no passenger motor coaches in excess of ten (10) years of age."

* * *

"D - In special instances, upon written request, exemptions may be granted by this Commission to items A and C above."

Pacific Electric Railway Company now asks that it be relieved from further compliance with this provision, alleging that the reasoning on which the original order was based no longer applies. At the time Decision No. 33088 was made in 1940, Pacific Electric Railway Company had a considerable number of motor coaches which were obsolete. That this is true is evidenced by Exhibit "C" attached to the present petition, which shows that the coaches were of many makes and seating capacities.

The condition of a motor coach does not depend entirely upon the age of the vehicle, nor upon the mileage operated by the vehicle, but, rather, to a substantial extent, upon the type of vehicle in question, the manner in which it has been maintained as to mechanical parts and upkeep, and many other factors. Contrasted with the type of equipment described in Exhibit "C" which was in service at the time Decision No. 33088 was issued, the equipment now operated by applicant is in excellent condition and in no respect obsolete.

No other operator in the state of California has had imposed upon it a restriction that it replace passenger motor coach equipment used in regular service that has attained an age in excess of 10 years, and it does not appear that such a restriction should be applied to Pacific Electric. This is particularly true in view of applicant's maintenance program, which insures the public that the equipment will remain in first-class operating condition.

It appears that applicant's request to be relieved from the requirement of complying with the provisions of Section VII of Decision No. 33088, dated May 14, 1940, in Application No. 23053, is reasonable and should be granted. The following order shall so provide.

O R D E R

Good Cause Appearing,

IT IS HEREBY ORDERED that Section VII, Paragraph A, of

Decision No. 33088, dated May 14, 1940, in Application No. 23053, is hereby revoked and is of no further force and effect.

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

Dated at San Francisco, California, this 28th day of August, 1951.

A. J. [Signature]
President
Justin F. [Signature]
[Signature]
Commissioners