

ORIGINAL

Decision No. 54054

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of SAN DIEGO TRANSIT SYSTEM,)
 a corporation, for authority: (1) to)
 reroute the north end of its Route "T",)
 Crown Point Line, by abandoning service)
 on Fanuel Street between Law Street and)
 Turquoise Street, and operating new)
 service on Law Street between Fanuel)
 Street and Mission Boulevard, all in)
 the City of San Diego, and (2) to re-)
 route the downtown end of Route "T" by)
 abandoning service on Third Avenue be-)
 tween Plaza Street and Broadway and on)
 Broadway between Third Avenue and First)
 Avenue and operating new service from)
 the intersection of Third Avenue and)
 E Street, then via E Street, Fourth)
 Avenue, Plaza Street, Third Avenue,)
 E Street, First Avenue to Broadway.)

Application No. 38353

Lindley, Lazar & Scales, by Leon W. Scales, for
 applicant.
George W. Bledsoe and Donald G. Lewis, protestants.
Frederick B. Holoboff, City Attorney's Office, for
 City of San Diego, interested party.
W. F. Hibbard, for the Commission staff.

O P I N I O N

By Decision No. 37737, dated March 20, 1945, in Application
 No. 26570, San Diego Electric Railway Company, now San Diego Transit
 System, was given authority to render passenger stage service via
 the following route in the City of San Diego:

Route "T"

Beginning at the intersection of Front Street and
 Broadway, thence via Front Street, E Street,
 Third Avenue, Broadway, Pacific Highway, Barnett
 Avenue, Midway Drive, Ingraham Street, Garnet
 Avenue and Fanuel Street to Turquoise Street.

By the application herein, filed on August 20, 1956, San Diego Transit System seeks authority (1) to abandon that portion of the above-described route on Fanuel Street between Law Street and Turquoise Street, (2) in lieu thereof to provide service along Law Street between Fanuel Street and Mission Boulevard in the City of San Diego, and (3) to reroute the terminal loop of the line in the vicinity of the Plaza in the center of San Diego.

A public hearing was held in San Diego on October 9, 1956, before Examiner Kent C. Rogers, and the matter was submitted. Prior to the hearing, notice thereof was posted in applicant's stages as required by the Commission. Eighteen persons residing on Law Street between Fanuel Street and Mission Boulevard appeared as protestants to the proposed routing along Law Street. In addition, three persons residing north of Law Street and in the area presently served by the existing route appeared to protest the abandonment of service. There was no opposition to the proposed routing of the terminal loop in the City of San Diego.

The terminal loop

The routing authorized by Decision No. 37737, referred to supra, is from the intersection of Front Street and Broadway, via Front Street, E Street, and Third Avenue to Broadway, and thence via Broadway. Applicant requests that the loop be modified so that service will be from Front Street and Broadway via Front Street, E Street, Fourth Avenue, Plaza Street, Third Avenue, E Street and First Avenue to Broadway, and thence via Broadway (see Exhibit A on the application for authorized and proposed routes). The applicant's traffic superintendent testified that at the request of the City of San Diego applicant has been operating over the proposed terminal loop

since January 1955. No request was made of this Commission that applicant be permitted to operate over said route, nor was this Commission ever notified of the changed routing prior to the filing of the herein application. However, applicant has been operating over the proposed route since January 1955, and the City of San Diego has no objections. Based on the evidence of record the Commission finds that public convenience and necessity require that the requested authority be granted. Applicant is reminded, however, that routings authorized by this Commission are not to be modified without its consent.

The abandonment north of Law Street
and the extension along Law Street.

At present Route "T" extends from downtown San Diego via Pacific Highway, Barnett Avenue, Midway Drive, Ingraham Street, Garnet Avenue and Fanuel Street to Turquoise Street. Route No. 4 is via Pacific Highway, Mission Valley Road, Moreno Boulevard, Balboa Avenue and Garnet Avenue to Mission Boulevard. Route "R" follows the route of Route "T" to the junction of Midway Drive with Ingraham Street and Ventura Boulevard. It then traverses Ventura Boulevard and Mission Boulevard past Garnet Avenue into La Jolla. It is about five blocks, or slightly over one-half mile from Fanuel Street to Mission Boulevard. (See Exhibit No. 2.) Applicant proposes to discontinue service over Route "T" along Fanuel Street between Turquoise Street and Law Street, a distance of slightly less than one-half mile, and to extend service along Law Street between Fanuel Street and Mission Boulevard. No change in schedules would result and no extra equipment would be needed. The route mileage and fares would be the same as at present.

The applicant's superintendent of traffic testified that since January 1956 applicant's revenue per mile for the "T" line has

been less than 38 cents and has averaged 36.2 cents. During the same period the expenses of operation have amounted to 55.7 cents per mile. This excess of expense over income has resulted in a loss of \$35,607 from the operation of the line during the first nine months of 1956 (see Exhibit No. 3). There is an average of 38 round trips per day, Monday through Saturday, and 28 round trips on Sunday on the "T" line. A traffic count made on Wednesday, May 16, 1956, showed an average of 1.2 passengers per trip using the service north of Law Street. Prior to September 1955, there was a housing development containing 426 families in the vicinity of Turquoise Street on the north end of the "T" line. The development was closed in September 1955 and the houses were subsequently removed. The applicant does not expect to eradicate the loss by the proposed change in routing, although it expects some benefit through increased patronage from residents of the Crown Point area along and near Ingraham Street between Garnet Avenue and Mission Bay (see Exhibit No. 2). Several of these residents, the witness said, have requested that the proposed change be instituted in order that they may travel to the beach or La Jolla by a more direct route or with fewer transfers than at present. Under present operations it is necessary that such persons take a "T" line bus to Garnet Avenue, transfer at Garnet Avenue to a Route No. 4 bus, and transfer on Mission Boulevard to a bus on the "R" line. Under the proposed routing they would ride the "T" line bus to Mission Boulevard and transfer to an "R" line bus. No witness, other than applicant's superintendent of traffic, appeared in support of the application.

Approximately twenty-one persons appeared in opposition to the changes in the northern part of the line. Three of them

reside near the existing line north of Law Street, and objected to the discontinuance of service. One of the protestants testified that she and her son use the bus five days per week. Approximately eighteen of the protestants reside on Law Street. Collectively they objected to having a bus operate on Law Street. They stated that there are many young children residing on the street and the buses would be dangerous, and that the noise of the buses would deprive them of the quietness which they expected when they acquired their property. They also pointed out that Line No. 4 buses operate on Garnet Avenue approximately one-half mile from Law Street and that it is only about one-half mile between Fanuel Street and Mission Boulevard.

If public convenience and necessity require that passenger stage service be extended over a proposed route, such routing and extension ordinarily will be permitted even though residents along the proposed route object thereto. However, in this instance the applicant presented no evidence to show that public convenience and necessity require that the proposed service be authorized. It contented itself with presenting testimony to the effect that several people had requested that the "T" line be extended to Mission Boulevard; that the proposed routing had been discussed with the city officials; and that a transfer would be eliminated in some instances. Its witness attempted to show that the removal of the housing development in the vicinity of Turquoise Street had caused the line to lose more money than it had prior to such removal, but there is no evidence to support this conclusion. On the other hand, many of the residents of the street over which it is proposed to render service appeared and vigorously protested the proposed routing.

In view of the lack of a showing by the applicant that public convenience and necessity require the proposed change, and of the opposition to the proposal by the interested residents of the area, the authority to abandon service on Fanuel Street between Law Street and Turquoise Street, and to extend service along Law Street between Mission Boulevard and Fanuel Street, will be denied.

O R D E R

A public hearing having been held and evidence presented thereat, the Commission being fully advised and having made the foregoing findings, and based upon said findings,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity be, and it hereby is, granted to San Diego Transit System, a corporation, authorizing the establishment and operation of a service as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, for the transportation of passengers on Route "T", Crown Point Line, as particularly set forth in Appendix A, attached hereto and made a part hereof, in lieu of the Route "T" as described on page 7 of the order of Decision No. 37737, dated March 20, 1945, in Application No. 26570, which decision is hereby modified by striking therefrom the description of Route "T".

(2) That in providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulations:

- (a) Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted. By accepting the certificate of public convenience and necessity herein granted, applicant is placed on notice that it will be

required, among other things, to file annual reports of its operations and to comply with and observe the safety rules and other regulations of the Commission's General Order No. 98. Failure to file such reports, in such form and at such time as the Commission may direct, or to comply with and observe the provisions of General Order No. 98, may result in a cancellation of the operating authority granted by this decision.

(b) Within sixty days after the effective date hereof, and on not less than five days' notice to the Commission and the public, applicant shall establish the service herein authorized and file in triplicate and concurrently make effective tariffs and time schedules satisfactory to the Commission.

(3) In all other respects, Application No. 38353 is denied.

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

Dated at San Francisco, California, this 5th day of November, 1956.

[Signature]
President
[Signature]
[Signature]
[Signature]
Commissioners

Commissioner C. Lynn Hoy did not participate in the disposition of this proceeding.

San Diego Transit System, a corporation, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport persons between the points and over the route hereinbelow described, subject to the authority of this Commission to change or modify said route at any time:

ROUTE "T" - Crown Point Line

Beginning at the intersection of Front Street and Broadway, thence via Front Street, "E" Street, Fourth Avenue, Plaza Street, Third Avenue, "E" Street, First Avenue, Broadway, Pacific Highway, Barnett Avenue, Midway Drive, Ingraham Street, Garnet Avenue, and Fanuel Street to Turquoise Street.

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 intersections, or in accordance with local traffic rules.

Issued by California Public Utilities Commission.

Decision No. 54054, Application No. 38353