

Decision No. 16536

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

CITY OF OAKLAND, a Municipal Corporation,
Complainant,

vs

SOUTHERN PACIFIC COMPANY, of Kentucky, et al.,
Defendants.

Case No. 1487.

In the matter of the application of WALKER D. HINES, Director General of Railroads, United States Railroad Administration; Southern Pacific Railroad Company, a corporation, and Southern Pacific Company, a corporation, for an order permitting, requiring and directing the operation of the Southern Pacific Eighteenth Street electric line in the City of Oakland, etc.

Application No. 12426

In the matter of the application of Southern Pacific Company for a certificate of public convenience and necessity for the exercise by it of franchise granted by Ordinance No. 3497 N.S. of the City of Oakland, and for authority to operate its so-called Eighteenth Street line in the City of Oakland, etc.

Application No. 12427.

In the matter of the application of Southern Pacific Company for authority to discontinue ten-minute street car service on its so-called Eighteenth Street line in the City of Oakland, etc.

Application No. 12448.

E. J. Foulds, for Southern Pacific Company.
Leon E. Gray, for City of Oakland.
Henry C. McPike, for Webster Street Improvement Club.
Oliver Kehrlein, for property owners on Webster Street.
Bessie Wood Gustason, for Business Womens Holding Company.
James Rennie, in propria persona.
William Edward Thompson, for Miss Lucy Fay Thompson and David P. Thompson.
W. H. Weilbye, in propria persona.
Alice M. Brookman, for the Y. W. C. A. on Webster Street.
George E. Sheldon, for the Uptown Association.
M. Goldwater, in propria persona.
Charles Quale, for Protesting Property Owners.
R. M. Fitzgerald, for Archon Company, Protestant.

DECORO, COMMISSIONER:

SUPPLEMENTAL OPINION

Southern Pacific Company filed, on March 23rd, 1926, an application requesting a supplemental order in the above entitled proceedings, with respect to this Commission's Decision No. 16083, dated March 8th, 1926, particularly with regard to that portion of the order of said Decision providing as follows:

"IT IS HEREBY FURTHER ORDERED that this Commission's Decision No. 15175, dated July 13, 1925, (Case No. 1487) be and it is hereby modified to permit of the operation in accordance with Section 16 of Ordinance No. 3497 N.S. by Southern Pacific Company over the lines involved in said proceeding, of trains of not more than three cars of the type and size described in said Decision No. 15175 except that when additional sections of such trains are necessary over and above the normal and regular cars or trains operated in such service, such additional sections may consist of three cars of the type now and heretofore operated in such service. Any provisions of said Decision No. 15175 which may conflict with said Section 16 of Ordinance No. 3497 N.S. be and they are superseded hereby."

A public hearing on said supplemental application was held in the Court Room of the Commission in San Francisco on April 3, 1926. Application No. 5026 was dismissed in Decision No. 16083 and is therefore no longer before the Commission and is therefore omitted from further consideration.

It appears that on March 18, 1926, the City Council of the City of Oakland passed and adopted amendments to the franchises involved in the above entitled proceedings by Ordinances Nos. 3551 N.S., 3552 N.S., and 3553 N.S. Said ordinances authorize the Southern Pacific Company to operate its so-called 18th Street line over the route via Webster Street as outlined in Decision No. 16083 with trains of not more than two cars of the type now operated on all of its East Bay Suburban Lines. The Commission was informed that the amendments to these ordinances were passed at the request of certain of the protesting property owners on Webster Street with the co-operation of the City and the Southern Pacific Company.

Southern Pacific Company introduced testimony to the effect that there would be a large annual saving in the operation of the large type of car over the so-called "Portland" type of car authorized in this Commission's Decision No. 15175, dated July 13, 1925 (Case 1487); that a train of two large cars would seat 232 passengers as compared to 192 passengers seated in a train of three cars of the "Portland" type and that the operating inconveniences, weight and street space occupied are less for the large type of car. No opposition was presented to the granting of this application for a supplemental order in this regard and from the present record such action appears to be in the public interest. The following form of order is recommended:

SUPPLEMENTAL ORDER

Southern Pacific Company, having filed application with the Commission for a supplementary order with respect to this Commission's Decision No. 16083, dated March 8th, 1926, as more particularly set forth in the foregoing opinion, a public hearing having been held, the Commission being apprised of the facts, the matter being under submission and ready for decision;

IT IS HEREBY ORDERED that Southern Pacific Company be and it is hereby authorized to operate its so-called Eighteenth Street line in accordance with the terms and conditions set forth in amendments to the franchises involved in the above entitled proceedings by Ordinances No. 3551 N.S., No. 3552 N.S., No. 3553 N.S., as passed and adopted by the City Council of the City of Oakland on March 18, 1926.

IT IS HEREBY FURTHER ORDERED that Decision No. 16083, dated March 8, 1926, Decision No. 15175, dated July 13, 1925, and Decision No. 14618, dated March 4, 1925, insofar as they conflict with the authority herein granted are hereby revoked and annulled. In all other

respects said Decisions No. 16093 and 14618 shall remain in full force and effect.

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

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 17th day of April, 1926.

H. B. Brundage
C. A. Seamer
E. J. Edwards
Leon Whittell

Commissioners.