

ORIGINAL

Decision No. 18271

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 SAN JOSE RAILROADS, a corporation,)
 for authority to abandon its franchise)
 and tracks on and over Marten and) Application
 Tillman Avenues in Hanchett Residence) No.10530
 Tract in the County of Santa Clara,)
 State of California.)

Leib and Lebb, by W. F. James, for Applicant,
 Archer Bowdon, City Attorney, for City of San Jose.

BY THE COMMISSION -

O P I N I O N

San Jose Railroads, a corporation, by its amended appli-
 cation, has petitioned the Railroad Commission for an order
 authorizing the abandonment of street car service, and for
 the removal of its tracks and equipment, from the intersection
 of Park and Tillman Avenues, thence on and along Tillman
 Avenue to its intersection with Marten Avenue, thence on and
 along Marten Avenue to its intersection with The Alameda, said
 line being known as the "Hanchett Park Line", and to substitute
 for the street car service heretofore rendered an automobile
 bus service over the same route and to be operated at the same
 rates of fare and on approximately the same schedule as the
 street car service heretofore given.

A public hearing on this application was conducted by
 Examiner Handford at San Jose, the matter was duly submitted
 and is now ready for decision.

Applicant alleges that the Hanchett Park Line, herein sought
 to be abandoned, was constructed in the years 1906 and 1907. by
 San Jose and Santa Clara County Railroad Company, predecessor
 in interest to applicant herein, under a private agreement with
 Peninsula Land & Investment Company, the owner of Hanchett Park;

that no franchise was obtained for the operation of the line from the County of Santa Clara; that the line has been operated as a feeder to applicant's street car line running between San Jose and Santa Clara, by the operation of a single car between The Alameda and Park Avenue; that the improvement of Marten Avenue by the lowering of grade and paving has been undertaken by private contract between property owners and a paving contractor; that applicant is informed that similar improvement is to be made on Tillman Avenue; and that applicant is under no obligation to improve the portion of the streets now occupied by its tracks, but such part if not improved and if reconstruction of the tracks and roadbed be not made, will leave said roadbed and tracks higher than the adjoining portions of the streets making vehicular traffic from one side of the street to the other difficult, if not impossible.

Applicant further alleges that neither the Hanchett Park line, nor its railway system as a whole, is operated at a profit but that the operation results in an annual deficit; that applicant is financially unable to meet the cost of reconstruction and paving which are estimated to cost approximately \$25,482.00; that the establishment of the proposed bus service in lieu of the street car service heretofore operated would not only accommodate the patrons of the present Hanchett Park street car line but would also permit of an extension of service to accommodate the residents of Race Street, between Park Avenue and Stevens Creek Road, the occupants of and visitors to O'Connor's Sanitarium and the residents in that vicinity whenever traffic demand would justify such extension of service; that the substitution of motor bus service would permit the removal of trolley poles now located on the center lines of Tillman and Marten Avenues, thereby rendering such streets safer and improving their appearance; and that the establishment of the proposed motor bus service in lieu of the street railway

service avoid the necessity for the expensive reconstruction of applicant's Manchett Park Line and furnish an equivalent service to applicant's present and future patrons.

Mr. Fred Griffin, Assistant to the Vice President and General Manager of applicant corporation, testified as to his having knowledge of the Manchett Park Line since 1911 and as to the history of its construction. He stated that the track was constructed before the streets upon which it was laid had been accepted and that the tracks were operative at the time the plat of Manchett Park was offered to the Board of Supervisors of Santa Clara County for acceptance and recording; that the Manchett Park Line was operated as a railroad until 1924 at which time the residents on Marten Avenue let a private contract for the paving of such street. The tracks were removed at such time and a bus service was substituted. Witness had heard no objection to the substitution of bus service for the rail service and the line, now served by motor bus service was returning its operating cost and the patrons were satisfied with the present service.

The City of San Jose, represented at the hearing by Archer Bowden, Esq., City Attorney, stated that no objection was offered to the granting of the application. Although full notice was given of the hearing of this application by advice to interested parties, posting of notices and two publications in a newspaper of general circulation in the City of San Jose, there was no appearance or protest against the granting of the application.

After full consideration of the record in this proceeding we are of the opinion that the application should be granted in accordance with the following order.

O R D E R

San Jose Railroads, a corporation, having made application for the abandonment of service, removal of tracks and equipment

on its Hanchett Park line, and for the substitution of a motor bus service in lieu of the street car service as formerly given on such line, a public hearing having been held, the matter having been duly submitted and the Commission being now fully advised.

IT IS HEREBY ORDERED that applicant San Jose Railroads, a corporation, be and the same hereby is authorized to suspend street car service, abandon and remove its tracks and equipment on its Hanchett Park Line, over and along the following route:

From the intersection of Park Avenue and Tillman Avenue, thence northwesterly on and along Tillman Avenue to its intersection with Marten Avenue, thence northeasterly on and along Marten Avenue to its intersection with The Alameda.

provided, however, that there shall be established and operated at the same rates of fare and on the same approximate schedule, a motor bus service in lieu of the street car service, the abandonment of which is hereby authorized, said motor bus service to be hereafter regularly operated until the further order of this Commission.

Dated at San Francisco, California, this 21st day of April, 1927.

Ernest DeLoach
H. B. Burdige
C. Deaver

COMMISSIONERS.