

Decision No. 18272

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
PENINSULAR RAILWAY COMPANY, a corporation,)
for authority to abandon its franchise over)
and to remove its tracks and rails from)
portions of Saratoga Avenue, Bellomy Street) Application
and Franklin Street in the Town of Santa) No. 10895
Clara, California.)

Leib and Leib, by W. F. James, for Applicant.

BY THE COMMISSION -

O P I N I O N

Peninsular Railway Company, a corporation, has petitioned the Railroad Commission for an order authorizing the abandonment of its franchise and the removal of its tracks and equipment on its line on Franklin Street from the Southern Pacific Station to Grant Street; and from Saratoga Avenue, Bellomy Street and Lincoln Street, between the southerly town limits of the Town of Santa Clara and the southerly line of Lexington Street; all in the Town of Santa Clara.

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

Applicant alleges that the suspension of service over the portion of the line herein sought to be abandoned between the Southern Pacific Depot in the Town of Santa Clara at the end of Franklin Street, thence over and along Franklin Street to its intersection with Lincoln Street, thence over and along Lincoln Street to its intersection with Bellomy Street, thence over and along Bellomy Street to its intersection with Saratoga Avenue, and thence over and along Saratoga Avenue to the southerly limits of the Town of Santa Clara was the subject of Application No. 7361 made to this Commission by applicant; that authority was granted for the suspension of service by this Commission's Decision

No.10302 on said Application No.7361, as decided April 12, 1922, the authority being conditioned by requiring the filing of ordinance or resolution granting relief from franchise obligations prior to exercising the authority granted; and that no formal action was taken by the authorities of the Town of Santa Clara relative to the suspension of service as authorized by this Commission's Decision No.10302, although with the informal consent of the town authorities the service was discontinued on January 27, 1923, and has not since been resumed.

Applicant further alleges that it is informed proceedings are pending for the improvement of Franklin Street from the Southern Pacific Depot to Grant Street, and for the improvement of Lincoln Street, Bellomy Street and Saratoga Avenue from Lexington Street to the southerly limits of the Town of Santa Clara, and that if applicant, as a result of such street improvement, is required to reconstruct and pave its portion of such streets the expense would approximate the sum of \$31,508.29; that applicant is unable to meet the estimated cost of track reconstruction and paving; that the tracks which are proposed to be abandoned are those over which no service is now being given and over which no future service is anticipated for the reason that traffic conditions in the Town of Santa Clara have not changed since the former decision of this Commission on Application No.7361; and that the removal of the tracks, as herein sought, would be beneficial to the Town of Santa Clara and its citizens, applicant by reason of its financial condition being unable to rehabilitate its tracks and pave the streets in accordance with franchise requirements, resulting in its unused tracks and road bed being located above the newly established grade for the paved streets and constituting an obstruction to vehicular traffic.

Mr. Fred Griffin, Assistant to the Vice President and General Manager of applicant, testified that his company, following the issuance of this Commission's Decision No.10302 on Application No.7561, petitioned the Board of Trustees of the Town of Santa Clara for relief of the service requirements imposed by franchise conditions but that no action was taken thereon; that the service was continued until January 27, 1923, and was then suspended on account of the mechanical condition of the single car operated on the line; and that no complaint had been received regarding the discontinuance of service.

Mr. E. G. Shoup, an official of applicant corporation, testified as to his investigation of the traffic conditions on the lines herein sought to be abandoned. A check made on December 20, 1926, of Santa Clara passengers using cars of the San Jose Railroads, and operating over the tracks of applicant in the Town of Santa Clara, showed a daily loss of approximately \$27.00. This witness was of the opinion, based on his observation and study, that the present traffic offering shows no improvement over that present in 1921 when the former application to suspend service was being considered.

Although notice of hearing on this application was sent to all interested parties and was twice published in a newspaper of general circulation in the Town of Santa Clara prior to the date of hearing, there was no appearance or protest against the granting of the application.

After full consideration of the record herein we are of the opinion that the application should be granted.

O R D E R

A public hearing having been held on the above entitled application, the matter having been duly submitted and the Commission being now fully advised,

IT IS HEREBY ORDERED that applicant Peninsular Railway

Company, a corporation, be and the same hereby is authorized to discontinue service and to abandon and remove its tracks and equipment now located in the Town of Santa Clara over and upon the following described streets:

From Franklin Street between the Southern Pacific Depot and Grant Street; and from the intersection of the southerly limits of the Town of Santa Clara with Saratoga Avenue, thence northeasterly along said Saratoga Avenue to its intersection with Bellomy Street, thence northeasterly along said Bellomy Street, to its intersection with Lincoln Street, thence northwesterly along said Lincoln Street to its intersection with Franklin Street, all within the town limits of the Town of Santa Clara, and as shown in red color on a blue-print map marked "Exhibit A", attached to and forming a portion of the application herein.

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

Ernest Deeds
H. B. Bourdige
Chas. J. ...

COMMISSIONERS.