

Decision No. 19069

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of
KEY SYSTEM TRANSIT COMPANY, a corpora-
tion, for permission to abandon its
franchise rights and tracks of its
Mountain View Cemetery branch street
car service now operating on Piedmont
Avenue, in the City of Oakland, County
of Alameda, State of California.

ORIGINAL

Application No. 13933.

Brobeck, Phleger and Harrison, by
Frank S. Richards, for the Applicant.

W. A. Dow, for Mountain View Cemetery.

A. N. Nelson, for City Attorney, City of
Oakland.

Richardson and Richardson, by Joseph C.
Prior, for California Crematorium.

SEAVEY, COMMISSIONER:

O P I N I O N

In this proceeding, the Key System Transit Company, a corporation, requests permission to abandon a branch line which extends along Piedmont Avenue from the southern gate of Mountain View Cemetery to a connection with the Piedmont Avenue Street Car Line at or near the intersection of Piedmont Avenue and Mather Street, a distance of about 1000 feet, all in the City of Oakland, Alameda County, California, and as shown on applicant's Exhibit No. 1.

Public hearings were held in this matter in Oakland on September 24th and October 5th, 1927.

This Cemetery Branch Line is an integral part of applicant's local street car system. This comparatively short branch serves the Mountain View Cemetery, the Jewish Cemetery, the California

Crematorium and, to a limited extent, the people residing adjacent to Piedmont Avenue and the cemetery.

Applicant urges the granting of this application upon the following allegations:

(1) That the expenses of operating the branch far exceed the revenue allocated to it;

(2) That the operation of same is not required by public convenience or necessity;

(3) That it would be unfair to require the applicant and patrons of its other lines to sustain the loss occasioned by the continued operation of this line;

(4) That the applicant is not earning a fair return on its property as a whole; and

(5) That to require the continued operation of this service would result in depriving the applicant of its property without due or adequate compensation.

In the operation of this branch, no fares are collected and no transfers are lifted. In other words, the passengers destined for the so-called "Cemetery Branch Line" transfer from the Piedmont Avenue Line at the Junction without paying fare or surrendering a transfer. In the opposite direction, the passengers do not pay any fare until they have boarded the Piedmont Avenue car. Furthermore, the conductor of the branch under consideration does not report to the company the number of passengers carried. Any revenue credited to the line must be based on some arbitrary plan; therefore, it is impossible to accurately estimate the revenue in order to compare it with the operating expenses.

The discontinuance of the service over this branch was objected to not only by certain public organizations but also by the Mountain View Cemetery Association and the California Crematorium. It was shown that in the Mountain View Cemetery about 25,000

lots have been sold for burial purposes and that the cemetery contains the bodies and ashes of approximately 50,000 persons; also, that the annual interments amount to from 1,200 to 1,500. It appears that many people visit the cemetery annually and the only entrance is at the end of Piedmont Avenue, the terminus of the branch street car line under consideration.

It was testified that the car going to the cemetery was not properly marked and many persons alighting from the Piedmont Avenue cars would walk to the cemetery, not knowing that they could use the car.

A great many elderly and infirm persons visit the cemetery regularly and it is evident this car affords a great convenience to them. Not only do visitors of the Mountain View Cemetery use this branch line but also many of those visiting the Jewish Cemetery immediately adjacent to the Mountain View Cemetery, as well as those visiting the columbarium of the California Crematorium.

Traffic checks on the branch were taken by the applicant and by representatives of the Mountain View Cemetery Association, on certain days in April, August and September, 1927. Combining the checks taken by applicant with those taken by Mountain View Cemetery Association, and after giving proper weight to week days, Saturdays and Sundays, it appears that the traffic in both directions amounts to approximately 42,800 passengers per year. A real public service is being rendered by this branch, particularly to the elderly and infirm desiring to visit the cemeteries. It appears, therefore, that this application should be denied.

To improve this service, the car should be clearly marked, indicating that it goes to the cemetery and makes a connection with the Piedmont Line without additional fare.

The following form of order is recommended:

O R D E R

Key System Transit Company, a corporation, having applied to the Railroad Commission for an order authorizing the discontinuance of service on its Cemetery Line in the City of Oakland, California, a public hearing having been held, the matter having been duly submitted, and now being ready for decision, therefore

IT IS HEREBY ORDERED that the above entitled application be and the same is hereby denied without prejudice.

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.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 2nd day
December
of ~~November~~, 1927.

[Signature]
[Signature]
Leon Whitell
[Signature]
M. J. [Signature]
Commissioners.