

ORIGINAL

Decision No. 19258

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of  
CENTRAL CALIFORNIA TRACTION COMPANY,  
a corporation, for leave to abandon  
service over a part or portion of its  
system, to-wit, Sunnyside Line.

Application No. 14159.

Levinsky and Jones, by Gilbert S. Jones,  
for the Applicant.

J. Leroy Johnson, for the City of Stockton.

M.J. Henry, for certain residents and  
property owners.

CARR, COMMISSIONER:

O P I N I O N

This is an application by Central California Traction Company to abandon passenger service over a local street car line, known as the "Sunnyside Line", which it operates partly in the City of Stockton and partly in the unincorporated portion of San Joaquin County.

A public hearing was held on this application in Stockton on November 22nd.

The line on which it is proposed to abandon service is a remnant of an old local street railway system which the Central California Traction Company at one time operated in the City of Stockton and vicinity. It subsequently has abandoned certain of the tracks and leased all of the remainder, with the exception of the line which is the subject of the present application, to the

Stockton Electric Railroad Company in 1915. At the time that approval of this lease was sought from the Commission, the applicant also requested authority to abandon service on this Sunnyside Line but such authority at that time was denied. The line is slightly less than one mile in length and extends from the intersection of Park and Ophir Streets easterly along Park to Wilson Way, on Wilson Way to Cherokee Road and thence along Cherokee Road to a point near the Traction Company's car barns. The portions of the line on Park Street and Wilson Way are in the City of Stockton and that on Cherokee Road is in the County of San Joaquin.

A single shuttle car, giving twenty-minute headway, is operated for a period of approximately eighteen hours each day. At Park and Ophir Streets passengers are transferred to or from the Ophir Street line of the Stockton Electric Railroad, which carries them to or from the business district. The company also operates freight service over this track, serving several industries which have spur track connections, and it is also used as an interchange between the interurban operation of the Traction Company and the Western Pacific.

Under the transfer arrangement, which it has with the Stockton Electric Railroad, the Traction Company pays the Stockton Electric 3¢ for each transfer honored on the lines of the latter company and collects 2¢ for each Stockton Electric transfer honored on its railroad. As practically all passengers carried on the Sunnyside Line transfer to or from the Stockton Electric Railroad line, the effect on the Traction Company's revenue is that they receive 3¢ for each inbound passenger and 2¢ for each outbound passenger. From the exhibits filed, there is considerably more outbound patronage than inbound and, as a result, the figures submitted show that approximately two-thirds of the traffic on

the line returns a revenue of but 2¢ a passenger.

In support of its petition for abandonment, the company presented exhibits showing that for the years 1923 to 1926, inclusive, and the first ten months of 1927, the passenger revenue was as follows:

<u>Year</u>	<u>Passenger Revenue</u>
1923	\$2,384.31
1924	2,206.85
1925	2,172.58
1926	2,178.95
1st 10 months---1927	1,669.27

The annual cost of platform labor is about \$3,600. No figures on the cost of current consumed or maintenance and depreciation of equipment were submitted.

The freight business from the three industries switched on this line for the year 1925 totaled \$2,308.88, while the charges collected for switching to and from the Western Pacific totaled \$1,625.65. In addition to this business, the Traction Company handled, over the Western Pacific interchange, business for which the line haul revenue accruing to the Traction Company totaled approximately \$72,500. in this same period. From the record, it appears that the freight revenue has compensated the Traction Company for any losses incurred by the passenger operation on this line.

At the hearing, sixteen residents of the district served by the Sunnyside Line appeared and testified as to the necessity of this transportation for themselves and their families. The line apparently serves a fairly well developed territory which is expanding, the records showing that new tracts are being opened and new houses being erected from time to time. The exhibits indicate that the car line is patronized by approximately 300 passen-

gers per day and, while the contention is made that the persons now using the Sunnyside Line could use the Ophir Street line of the Stockton Electric Railroad, it appears that, in order to do so, many of them would be required to walk one-half mile or more.

Copies of the franchises of the City of Stockton and the County of San Joaquin, by benefit of which this track is maintained and operated, permit both freight and passenger operation but the applicant proposes to discontinue the passenger service only. There is no evidence that either the city or the county consents to such abandonment of a portion of the service. These franchises also show that this line was intended to be a part of a comprehensive system of street railway transportation serving the City of Stockton and its immediate vicinity, and it appears that the company did construct, and for a number of years operated, such a system.

In accepting such franchises, a carrier obligates itself to furnish service to the community as a whole and it is almost a universal condition that street railway companies in furnishing such community service expect to and do operate non-paying ends of lines. Apparently, the Sunnyside Line is such an end. It has never been the policy of this Commission to permit street railway companies to select for operation only the income-producing portions of their lines and abandon those portions which, because of their distance from the center of population or because of other reasons, are not, in themselves, self-supporting.

In the present case the applicant has leased to the Stockton Electric Railroad all of the existing local system covered by these franchises, with the exception of the line on which it now seeks to discontinue passenger service. It may be that the Central California Traction Company is unfortunate in that it has

retained a decidedly unremunerative portion of this system; but the fact that it has chosen to divest itself of the better paying lines is no adequate reason that the portion of the public, who depend on the non-paying end for service, should suffer.

The matter should be decided not on the basis of whether or not this line pays as an individual unit, but rather on the basis of whether or not public convenience and necessity require its operation. In the present case, I believe that the record shows that a public necessity for the continuance of this operation exists and, if so, the application to abandon service should be denied.

The following form of order is recommended:

ORDER

Central California Traction Company, a corporation, having applied to the Commission for an order to abandon service over a part of its system known as the "Sunnyside Line", a public hearing having been held, the Commission being apprised of the facts, the matter being under submission and ready for decision, therefore, basing an order upon the conclusions set forth in the foregoing opinion,

IT IS HEREBY ORDERED that the application be and it is hereby denied.

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 12<sup>th</sup> day of January, 1928.

Leon Whitely

Albany

Emmeline

Thos Stewart

M. A. Lee

Commissioners.