

struct its track and pave within the limits of the improvement. The company claims that the necessary reconstruction would necessitate an expenditure of approximately \$30,000, and that the earnings of this line would not pay operating expenses and a reasonable return on such an expenditure. They therefore request authority to abandon service and remove their tracks. The track, which it is proposed to remove, is 5,032 feet in length, of which 366 feet are in the City of San Jose; 2,556 feet entirely in the City of Willow Glen, and 2,110 feet along the boundary line between the two cities. If this section of track is abandoned, there would remain a detached piece of track extending along Lincoln Avenue from its intersection with Willow to Minnesota Avenue.

The Peninsular Railway Company, which is under the same ownership and management as San Jose Railroads, now operates a line known as the "Cherry Avenue local" over its Los Gatos Interurban tracks by way of Bird, Coe and Lincoln Avenues, which passes the intersection of Lincoln Avenue and Willow Street. This local service now extends westerly along Willow Street, a short distance to Cherry Avenue. In order that the section of detached track along Lincoln Avenue may have service, it is proposed to divert the Peninsular local service from Willow Street between Lincoln and Cherry Avenues and operate southerly along Lincoln Avenue on the tracks now operated by San Jose Railroads. Additional cars would be put on this run and the same frequency of service given as is now provided by the San Jose Railroads.

No detailed statement of the effect of the proposed change on earnings and operating expenses of either company has been presented, but it is probably true that a considerable portion of the loss in revenue to the San Jose Railroads would be transferred to the Peninsular Railway Company and that the savings in operating expenses which San Jose Railroads would effect would be offset by an increase in the expenses of the Peninsular Railway.

If the abandonment be permitted, the public would still receive street car service in this locality, although the walking distance to a car line would, in certain locations, be increased. In addition to the service of the Peninsular Railway on Lincoln Avenue and the Willow Street line which would terminate at Mc Clelland Avenue, San Jose Railroads also operated a line along Delmas Avenue, terminating at the intersection of Delmas Avenue and Willow Street, approximately 1,850 feet east of Lincoln Avenue. By using one of these three lines, the maximum increase in the walking distance to a car line from any point in this section would be about 1200 feet. It also appears that the service that would be provided by the Peninsular Railways would shorten the running time between the business center of Willow Glen and the downtown section of San Jose some two or three minutes. Some objection was made to the proposed abandonment on the ground that it would result in considerable inconvenience to school children in reaching the high schools and to others desiring to ride from one residence section to another. We are not convinced, however, that the number of such riders is sufficient to warrant the estimated expenditure for reconstruction and subsequent paving which would be involved.

After considering carefully the evidence in this proceeding, the Commission is of the opinion that the application to abandon service should be granted, providing the substitute service by way of Lincoln Avenue, Coe and Bird Avenues is provided.

ORDER

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

IT IS HEREBY ORDERED that upon five (5) days' notice to the public and this Commission, San Jose Railroads and Peninsular Railway Company are hereby granted authority to abandon their franchises and discontinue the operation of street cars, and remove their tracks on Willow Street in the cities of San Jose and Willow Glen, County of Santa Clara, between Mc Clellan Avenue in the City of San Jose, and Lincoln Avenue in the City of Willow Glen, provided that coincident with the discontinuance of said street car service applicant, Peninsular Railway Company, shall provide service over the track on Lincoln Avenue between Willow Street and Minnesota Avenue comparable with that now furnished by San Jose Railroads over said track hereby authorized to be abandoned.

Applicants shall, within thirty (30) days thereafter, notify this Commission, in writing, of the abandonment of the service hereby authorized and of their compliance with the conditions hereof.

The authorization herein granted shall lapse and become void if the same is not exercised within one (1) year from the date hereof, unless further time for said abandonment and revision of service is granted by subsequent order of this Commission.

The effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 16th day of March, 1931.

P. C. Seaver
Leon C. Kirkell
W. H. Lane
W. B. Hagan
Fred G. Stewart
Commissioners.