

Decision No. 23837.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
THE WESTERN PACIFIC RAILROAD COMPANY
for permission to abandon the opera-
tion of trains Nos. 101 and 102 be-
tween Niles and San Jose, California,
and to make effective an arrangement
for the transportation of passengers
and their baggage between such points
by motor bus.

Application No. 17393.

ORIGINAL

L. N. Bradshaw, for Applicant.

H. A. Encell, for Peerless Stages, Inc.

CARR, COMMISSIONER:

O P I N I O N

The Western Pacific Railroad Company seeks authority to abandon the operation of its trains Nos. 101 and 102, operating between Niles and San Jose, and to enter into an agreement with the Peerless Stages, Inc. to provide a substitute service by means of a special bus.

A public hearing was held at San Francisco on June 24th, 1931.

Train No. 101 leaves San Jose at 10:15 A.M. and arrives at Niles at 11:05 A.M., connecting with No. 2, Scenic Limited eastbound, and train No. 102 leaves Niles at 2:10 P.M., connecting with No. 1, Scenic Limited westbound, and arrives at San Jose at 3:00 P.M. The two trains which applicant seeks to abandon carry only passengers and their baggage. No express or mail service is provided.

By Exhibit No. 1, applicant shows that during the year 1930, a total of 812 passengers were carried on trains Nos. 101 and 102, from which a total revenue of \$6,484.23 was received, including both branch line and main line revenues. The branch line revenue amounted to \$422.24.

Exhibit No. 2 shows that the total cost of performing this service was \$12,315.23. The actual operating costs amounted to \$9,359.63.

Negotiations are under way between applicant and the Peerless Stages, Inc., as evidenced by a proposed agreement (Exhibit No. 3), whereby the stage company will provide a substitute service for the trains sought to be abandoned, through the operation of a special bus between Niles and San Jose. This bus will operate on approximately the same schedule as the trains to be replaced. No changes in fare or baggage privileges are proposed in the substitute bus operation.

The contract provides that the Peerless Stages, Inc. will collect cash fare, in accordance with the railroad's legal schedule, and surrender the amount collected to the railroad. For this service, the railroad will pay the stage company \$14.00 per day for each auto bus furnished and operated, or approximately \$5,110. per year, which will permit of a saving of over \$4,000. in direct operating costs to applicant.

The record shows that the Peerless Stages serve all points now served by the trains proposed to be abandoned, except Berryessa, a flag stop located approximately midway between San Jose and Milpitas. Applicant states that the business at this point is practically nil. If business justified, undoubtedly the stage company would take the necessary steps to provide service to this station. For the present, it appears that applicant should be granted authority to discontinue all passenger service to this point.

After carefully considering the record in this proceeding, it appears that applicant's request to abandon the operation of trains Nos. 101 and 102 and enter into an agreement with the Peerless Stages, Inc. to perform a substitute service through the operation of a bus between Niles and San Jose, is reasonable and that the agreement should be approved.

The following form of order is recommended:

O R D E R

A public hearing having been held in the above entitled proceeding and the matter being now ready for decision,

IT IS HEREBY ORDERED:

I. That The Western Pacific Railroad Company is hereby authorized to discontinue the operation of trains Nos. 101 and 102 between Niles, Alameda County, and San Jose, Santa Clara County, California, provided a substitute bus service is afforded between these points, as referred to in the foregoing opinion, and provided, further, that the public is given not less than ten (10) days' notice of such abandonment by posting notices in trains and stations along this line. The Commission shall be notified within thirty (30) days after the abandonment of the service herein authorized.

II. That applicant and Peerless Stages, Inc. are hereby authorized to enter into an agreement in accordance with the terms and conditions set forth in Exhibit No. 3 in this proceeding, a certified copy of which shall be filed with the Commission within sixty (60) days from the date hereof.

III. That applicant is hereby authorized to discontinue all passenger service to Berryessa and to cancel, in conformity with the rules of this Commission, all passenger rate tariffs and time schedules applying at said station.

IV. That the authority herein granted shall lapse and become void if not exercised within one (1) year from the date hereof, unless further time is granted by subsequent order.

The effective date of this order shall be ten (10) days from the date hereof.

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 29th day of June, 1931.

C. A. Murray

Leon Whitney

W. H. Carr

M. B. Harris

Fred G. Stewart

Commissioners.