

Decision No. 24545.

## BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application  
of PENINSULAR RAILWAY COMPANY, a  
corporation, to abandon service,  
tracks and franchises, between  
Willow Street and Lincoln Avenue,  
in the City of Willow Glen, County  
of Santa Clara, California, and  
Rinconada Station at the City  
Limits of the City of Los Gatos,  
in said County of Santa Clara,  
California.

ORIGINAL

Application No. 17866.

Louis Oneal, A. G. Shoup and Wm. F. James,  
Attorneys for Applicant.  
Archer Bowden, City Attorney, for the  
City of San Jose.  
J. B. Held, for Peerless Stages, Interested  
Party.

BY THE COMMISSION:

O P I N I O N

Peninsular Railway Company, a corporation, has petitioned the Railroad Commission for authority to abandon its service, tracks and franchises on its line of railroad between Willow Street and Lincoln Avenue, in the City of Willow Glen, and Rinconada Station at the City Limits of the City of Los Gatos, County of Santa Clara, State of California.

A public hearing was held in San Jose on January 27, 1932 by Examiner Handford, and at this hearing the matter was submitted.

The line of railroad which applicant desires to abandon is its San Jose-Campbell-Los Gatos line. A major portion of this line is constructed for a considerable portion of its

route along public highways, one of which is the main State Highway, Route 5, between San Jose and Los Gatos. At the present time the State Highway Department is contemplating the widening and repaving of this highway and when this work is done it will be necessary that the Peninsular Railway Company rebuild its tracks.

The City of Willow Glen is also contemplating the improvement of Willow Street between Lincoln Avenue and Meridian Road and a portion of this line is constructed in the center of this street. If the track remains the Peninsular Railway Company will be required to reconstruct its line. Applicant presented an exhibit showing that the cost of carrying out this work would be approximately \$185,000.

An exhibit was also filed showing the revenue and expense of operating this line. It appears that an analysis of all of the revenue from all passengers carried on this line during a 60-day period from November 17, 1931, to January 16, 1932, was made and the total operating revenue for the period was \$1,988. The estimated operating expenses during the same period for this line was \$3,070; the net loss from the operation during the period being \$1,082.

Peninsular Railway Company has two lines between San Jose and Los Gatos and it is the intention of the company, if the present application is granted, to so arrange its schedules on the line from San Jose to Los Gatos by way of Saratoga, as to provide a service somewhat comparable to that which would be abandoned on the Campbell line. Peerless Stages also operate between San Jose and Los Gatos over a route which is approximately parallel to that of the rail line it is herein proposed to abandon.

Some protest against abandonment of this service was made by users of the service, but it is quite apparent that the

service is not patronized and the Commission feels that if the line is abandoned the present users will soon adjust themselves to using other public transportation. Some protest by shippers of eggs and baby chicks from the vicinity of Campbell was made by letter subsequent to the hearing in this application. These protestants stated the service was necessary to the proper conduct of their business, but the Commission is not convinced that these hatcheries will suffer materially if this service is abandoned. Much of this business moves by parcel post and the post office department will undoubtedly arrange to properly handle the mail.

The presence of an electric interurban line within the right of way and immediately adjacent to the pavement of an improved highway also presents a serious hazard to the parties using that highway and the Commission considers this a further reason for acting favorably on the present application. After giving due consideration to the record in this proceeding, the Commission is of the opinion that the application should be granted and an order will be entered accordingly.

#### ORDER

Peninsular Railway Company, a corporation, having applied for authority to abandon its service, tracks and franchises on its so-called Campbell line between the intersection of Lincoln Avenue and Willow Street in the City of Willow Glen, and Rinconada Station at the City Limits of the City of Los Gatos, Santa Clara County, public hearing having been held,

the matter having been duly submitted and now being ready for decision,

It is hereby found as a fact that public convenience and necessity no longer require the operation of said service; therefore

IT IS HEREBY ORDERED that Peninsular Railway Company, a corporation, on ten (10) days' notice to the public and this Commission, be authorized to abandon service on its said line within the limits described in the application, to remove its track and transmission system, and to cancel all rates, tariffs and schedules applying thereto.

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

Dated at San Francisco, California, this 7<sup>th</sup> day of March, 1932.

C. A. Murray  
Leon Whitney  
W. J. Con  
M. B. Lewis  
Frederic G. Stewart  
Commissioners.