

ORIGINAL

Decision No. 24522.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the Matter of the Application of
 SAN JOSE RAILROADS, a corporation, and
 PENINSULAR RAILWAY COMPANY, a corpora-
 tion, to abandon certain of their tracks,
 and to suspend service on certain of their
 tracks in the County of Santa Clara, State
 of California.

Application No. 17865.

Louis Oneal, by Arthur G. Shoup and Wm. F. James,
 for Applicant.

Archer Bowden, City Attorney, and C. B. Goodwin,
 City Manager, for the City of San Jose.

BY THE COMMISSION:

OPINION

In this application San Jose Railroads, a corporation,
 and Peninsular Railway Company, a corporation, make joint
 application to abandon certain tracks and suspend passenger
 service on the so-called Alum Rock Line in Santa Clara County.

A public hearing was held at San Jose on January 27, 1932
 by Examiner Handford and at this hearing the matter was submitted,
 with the understanding that applicant and the City of San Jose
 would have ten days in which to negotiate an agreement regarding
 certain equipment at Alum Rock Park. The City has advised the
 Commission that it has been unable to reach a satisfactory
 agreement with the companies, but the Commission is of the
 opinion that the matter regarding which the parties are negotia-
 ting is not one over which this Commission has jurisdiction.
 The Commission will therefore make its decision on the record as
 it stands.

At the present time San Jose Railroads operates a street car line from the City of San Jose to a city-owned park, known as Alum Rock Park, approximately seven miles northeast of the city. The route of this line is from Santa Clara Avenue to King Road, thence along King Road to Berryessa Road and from this point on private right of way into the Park. That portion of the route on Santa Clara Avenue is owned by San Jose Railroads but the remaining portions of the line are owned by Peninsular Railway Company, and passenger operation is furnished by San Jose Railroads. There is some freight operation on the Peninsular Railway Company's portion of the route which is carried on by Peninsular Railway Company. It appears that beyond Noble Avenue there is no freight business and it is the desire of the company to abandon all service and remove the track and transmission system from this portion of the line. Between Berryessa on the west and Noble Avenue on the east, a distance of about one mile, there are some industries and it is proposed to retain this track but to discontinue passenger operation beyond Berryessa.

At the hearing applicants filed exhibits showing the amount of passenger business handled on that portion of the line east of Berryessa. It appears that during the five-month period from August 12, 1931, to January 11, 1932, 6,671 passengers destined to or carried from this portion of the line used the service. The revenue collected from these passengers totalled \$927.82. Other operating revenues increased the total revenue to \$949.85. The operating expense, including taxes, was \$1,917.33 and, according to the Company's Exhibit No.3, the net loss from this operation for the five-month period was \$967.48.

The City of San Jose appeared at the hearing and offered no protest against abandonment of the service, but desired to enter into an agreement with the company regarding certain equipment in Alum Rock Park. There were no other appearances

and no protest from the patrons of the line.

The record shows that notice of the proposed abandonment and the hearing was carried in the cars operating on this line for a period of ten days in advance of the date of hearing.

After an examination of this record, the Commission is of the opinion that there is very little public necessity for passenger service on this line east of Berryessa and the application will, therefore, be granted.

O R D E R

San Jose Railroads, a corporation, and Peninsular Railway Company, a corporation, having made application to the Commission for authority to abandon certain tracks and suspend passenger service on certain tracks in the County of Santa Clara, State of California, public hearing having been held and the matter now being submitted and ready for decision,

IT IS HEREBY ORDERED that San Jose Railroads, a corporation, on ten (10) days' notice to the public and this Commission, be authorized to discontinue the operation of passenger street car service on its so-called Alum Rock Line between Berryessa and the easterly terminus of said line in Alum Rock Park and to amend its tariffs and schedules accordingly.

IT IS HEREBY FURTHER ORDERED that Peninsular Railway Company, a corporation, be authorized to abandon and remove its tracks and transmission system from its Alum Rock Line between Noble Avenue and the easterly terminus of the line in Alum Rock

Park.

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

Dated at San Francisco, California, this 28th day of March, 1932.

C. C. Conway
Leon Whitney
W. A. Cunn
M. B. H. H.
Fred G. Stewart
Commissioners.