

Decision No. 10143.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of THE SAN FRANCISCO-OAKLAND
TERMINAL RAILWAYS for permission
to abandon and remove certain
portions of its street railway
system in the county of Alameda
conditional upon obtaining con-
sent of Board of Supervisors of
said county.

- Application No. 6304.

ORIGINAL

A. L. Whittle, for applicant.

Esra W. Decoto, District Attorney,
T.P. Wittschen, Assistant District Attorney,
and Ralph H. Hoyt, Deputy District Attorney
for County of Alameda, Protestant.

BY THE COMMISSION:

O P I N I O N

San Francisco-Oakland Terminal Railways, a corporation,
has petitioned the Railroad Commission for an Order authorizing
the discontinuance of service and the abandonment and removal
of its tracks and appurtenances over a portion of its lines of
railway in Alameda County and known as the "San Lorenzo Branch
Line" said line commencing at a point on East Fourteenth Street
or the County Road leading from San Lorenzo to Hayward where
same intersects the County Road known as Telegraph Road; thence
running along and upon said Telegraph Road to and through the
town of San Lorenzo in said County of Alameda; the application
alleging that the returns from operation on the said "San Lor-
enzo Branch Line" do not pay the operating expenses of the line
and that the operation of same is no longer warranted by reason

of such fact. Applicant prays for an Order granting permission for the suspension of operation, abandonment and removal of the tracks and accessories, such Order to be effective upon obtaining from the Board of Supervisors of the County of Alameda consent so to do.

A public hearing on this application was conducted by Examiner Handford at San Lorenzo, at which time the matter was duly submitted and is now ready for decision.

The line proposed to be abandoned extends from East Fourteenth Street along Telegrapha Road to and through the community of San Lorenzo, an unincorporated portion of the County of Alameda, the length of line proposed to be abandoned being approximately 1.49 miles. Tabulations introduced as exhibits by applicant show the following results as regards the calendar years 1918 to 1920 inclusive.

| | <u>Year Ending</u> | | |
|--|--------------------|--------------------|--------------------|
| | <u>Dec.31,1918</u> | <u>Dec.31,1919</u> | <u>Dec.31,1920</u> |
| Receipts | \$3018.97 | \$2708.25 | \$2742.70 |
| Expense of Power and Platform Employees | <u>4639.99</u> | <u>5232.52</u> | <u>6390.39</u> |
| Net Loss | \$1621.02 | \$2524.26 | \$ 3647.69. |
| Passengers Carried | 88576 | 89643 | 95336 |

Items of expense cover only the matter of platform wages and the power consumed in the operation of the line, no consideration of any expense covering maintenance of track and roadway, maintenance of equipment nor any other operating expenses, nor any proportion of taxes and administrative expense being considered in the foregoing figures. There is no amount charged against the operation of the line representing any interest or return on the amount invested or the reproduction value of the line.

The line at present, and for some time past, has been operated by the use of a one-man car with a view to thereby con-

serving every possible operative expense.

The granting of this application is protested by the County of Alameda and said county through its District Attorney and other representatives or his office appeared in protest not only as officially representing the Board of Supervisors of Alameda County but representing the residents of the community served by the line who would be deprived of convenient transportation service were the application herein to be granted.

Considerable testimony was given by various witnesses for the protestant and a universal sentiment exists in the community served by the line against its abandonment.

The application now before the Commission requests authority for suspension of service, discontinuance and abandonment of the line only on condition that the consent of the Board of Supervisors of Alameda County be secured permitting the abandonment of such portions of franchises which are existing and have heretofore been granted by the Board of Supervisors of Alameda County and as represent the franchise authority for the operation of the portion of the line herein proposed to be abandoned. It appears that this line is operated under the provisions of Ordinance No. 27 of the Board of Supervisors of the County of Alameda, said ordinance passed under date October 20, 1890, and granting to Harry W. Meek, Charles E. Palmer, William J. Landers and Egbert B. Stone, their successors and assigns, a right, franchise and privilege to construct and operate a street railway in, upon and over the County Road leading from the charter line of the City of Oakland, to the towns of San Leandro, San Lorenzo and Hayward in said Alameda County. This franchise, to which the San Francisco-Oakland Terminal Rail-

ways is the successor in interest, was granted covering a term of fifty years; also under the provisions of Ordinance No. 47 of the Board of Supervisors of the County of Alameda as adopted on February 20, 1893, and granting to Harry W. Meek, William J. Landers, W. E. Meek, E. B. Stone and A. L. Stone, their successors or assigns, the right, franchise, right of way and permission to construct, operate and maintain a street railroad along, upon and over portions of the county roads and highways within the County of Alameda and specifically along the main county road leading from the City of Oakland to the town of San Leandro and from the town of San Leandro to a point on said County Road known as the "Junction House", thence along a county road leading to the town of San Lorenzo also called Telegraph Road, this franchise, to which the San Francisco-Oakland Terminal Railways is successor in interest being granted for a term of fifty years from the date of passage and approval of the aforesaid ordinance; also Ordinance No. 137 of the Board of Supervisors of the County of Alameda as passed and adopted by said Board of Supervisors on the 29th day of June, 1914, and granting to the San Francisco-Oakland Terminal Railways, a corporation, a street railroad franchise in the town of San Lorenzo over the following road, - commencing at a point in Telegraph or County Road in the Town of San Lorenzo, where the north line of Sycamore Street in said town intersects said Telegraph or County Road, said point of commencement being in said north line of Sycamore Street five and one-half (5 1/2) feet east of the center line of Telegraph or County Road, running thence in a southerly direction along said Telegraph or County Road, to a point in the southerly line of Main Street, in the Town of San Lorenzo, where said southerly line of Main

Street intersects said Telegraph or County Road, said point being five and one-half (5 1/2) feet east of the center line of Telegraph or County Road, as said road and streets are shown on that certain map of San Lorenzo filed in the office of the County Recorder of Alameda County January 16, 1864, this franchise being granted for a term of fifty years.

The Board of Supervisors of the County of Alameda by formal resolution passed by said Board on January 24, 1921, and as evidenced by a certified copy of said resolution filed in this proceeding as Exhibit No. 1 of the County of Alameda, which is on record by resolution as denying the petition of applicant herein as heretofore filed with said Board of Supervisors under date November 13, 1920, requesting authority from the Board of Supervisors for the abandonment of such portions of the hereinabove mentioned franchises as may be applicable to the line herein proposed to be abandoned.

The Commission has given careful consideration to the evidence and exhibits as filed in this proceeding and notwithstanding the fact that the record of revenues and direct operating expenses, as hereinabove specifically set forth, indicates that the portion of the line herein sought to be abandoned is operated at a loss we cannot be unmindful of the fact that this line is a portion of other lines covered by franchises hereinabove referred to and that such other portions of the line covered by such franchises which are not sought to be abandoned, are practically what might be considered main lines of applicant's street car or traction system in the County of Alameda. The Commission is also of the opinion that from the manner in which this application has been presented to it, requesting its approval contingent only

upon permission being secured from the Board of Supervisors of Alameda County and it being of record in this proceeding that the said Board of Supervisors by appropriate resolution filed herein have declined to permit the abandonment of the line herein as regards the franchise obligations outstanding and assumed by the applicant, under one franchise directly and under the other two indirectly as successors in interest to the original grantees, that the application must necessarily be denied.

O R D E R

A public hearing having been held in the above entitled proceeding, the matter having been duly submitted and the Commission being fully advised and basing its order on the findings of fact as appearing in the Opinion which precedes this Order,

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

Dated at San Francisco, California, this 6th day of March, 1922.

H. B. Brundage
H. B. Brundage
W. J. Brundage
Commissioners.