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Decision No. _____.

ORIGINAL

Decision No. 3801

BEFORE THE RAILROAD COMMISSION OF THE
STATE OF CALIFORNIA.

In the matter of the application)
of SAN FRANCISCO-OAKLAND TERMIN-)
AL RAILWAYS for an order permit-)
ting the suspension for the per-)
iod of five (5) years of por-)
tions of its street railway sys-)
tem in the County of Contra)
Costa, State of California.)

Application

No. 2392.

W. H. Smith for San Francisco-
Oakland Terminal Railways.

BY THE COMMISSION.

O P I N I O N

This is an application on behalf of SAN FRAN-
CISCO-OAKLAND TERMINAL RAILWAYS for permission to sus-
pend operation and maintenance and to remove the ties
and rails of a single track line of street railroad on
San Pablo Avenue, same running from the southerly bound-
ary line of the City of Richmond over and along said
San Pablo Avenue to Potrero Avenue in the County of

Contra Costa, a distance of four thousand four hundred thirty-five (4435) feet, more or less. The suspension of service is requested for a period of five years, unless the applicant should desire to resume the operation before the expiration of the full term of five years for which suspension of operation is requested. Ordinance No. 139, regularly passed by the Board of Supervisors of Contra Costa County under date June 19, 1916, and permitting the suspension of operation and maintenance of the track heretofore described for a period of five years or less at the option of the San Francisco-Oakland Terminal Railways, and without prejudice to the rights of the railway company as regards its franchise, was attached as an exhibit to this application. In Section 2 of this ordinance the Board of Supervisors of Contra Costa County directed the District Attorney of said county to join the San Francisco-Oakland Terminal Railways in the application for the suspension of operation of the portion of track hereinbefore described, and Mr. Thos. D. Johnston, as District Attorney of Contra Costa County, appears as a party to this application.

A public hearing was held at Richmond on October 11, 1916, the matter was submitted and is now ready for decision.

The portion of line upon which it is proposed to suspend operation is a part of the property acquired by the applicant from the East Shore and Suburban Railroad and was constructed under a franchise granted by the Board of Supervisors of Contra Costa County on

September 6, 1904, to W. S. Rheem, his successors in interest and assigns. The territory traversed is not productive of traffic and from testimony at the hearing produces an average earning of but fifty cents per day. The traveling public will not be inconvenienced by the requested suspension of operation as service is available by the line running on Potrero Avenue thence on Pullman Avenue and on Twenty-third Avenue, also by a line on McDonald Avenue and the portion of the line on San Pablo Avenue lying north of McDonald Avenue.

The applicant in this proceeding has requested permission not only to abandon the operation and maintenance of the track for a period of five years, or for a lesser time at the option of the company, but also "to remove the ties and rails of said street railway from San Pablo Avenue". We have carefully noted the provisions of Ordinance No. 139 of the Board of Supervisors of Contra Costa County under date June 19, 1916, and while same grants permission to the San Francisco-Oakland Terminal Railways to "suspend the operation and maintenance" for a period of five years without any prohibition of the franchise, license, privilege and right to resume the operation and maintenance, or at its election, at any time within said period of five years, we do not find that this ordinance referred to the removing of the rails and ties as contemplated in the application. The District Attorney of Contra Costa County is, however, a joint applicant in this proceeding, and the matter may be one that is fully under-

stood between the railroad company and the Board of Supervisors of Contra Costa County. It would, however, appear advisable that any action under the order of this Commission relative to the actual removal of rails and ties for which permission is sought should be covered by supplemental ordinance from the Board of Supervisors as to the waiver of any prohibition of franchise rights and privileges should it be desired to relay, maintain and operate the track for which suspension of operation and abandonment is sought for a period of five years.

We do not herein pass upon the effect of said Ordinance No. 139 on the franchise granted by the Board of Supervisors of Contra Costa County on October 6, 1904.

O R D E R

SAN FRANCISCO-OAKLAND TERMINAL RAILWAYS and THOS. D. JOENSTON, District Attorney of Contra Costa County, having applied to this Commission for an order permitting the suspension of operation and maintenance and the removal of ties and rails of a certain single track line of street railway on San Pablo Avenue in the County of Contra Costa, same extending from the southerly boundary of the City of Richmond over and upon said San Pablo Avenue to Potrero Avenue, for the term of five years or such lesser term as may be desired by said San Francisco-Oakland Terminal Railways, a public hearing having been held and the Commission being of the opinion that the needs of the traveling public will be amply and adequately served by other existing lines as more

fully set out in the foregoing opinion, and that this application should be granted,

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

The Commission reserves the right to make such further orders in this proceeding as to it appears right and proper.

Dated at San Francisco, California, this 19th day of October, 1916.

Max Thelan
H. D. Loveland
Edwin O. Edgerton
Francis R. DeWitt

Commissioners.