

DECISION NO. _____

ORIGINAL

Decision No. 143011

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of the TIDEWATER SOUTHERN RAILWAY COMPANY, a corporation, for an order permitting the abandonment of service and tracks of said Company from Pilgrim and Taylor Streets in the City of Stockton, southerly a distance of approximately 24,200 feet to a point near the west line of Section 38, of the C. M. Weber Grant, County of San Joaquin, State of California.

APPLICATION NO. 2503.

A. L. Levinsky, for Applicant.
Eugene D. Sullivan for California
Home Erectors, Protestant.

GORDON, Commissioner.

O P I N I O N .

This is an application of Tidewater Southern Railway Company for an order of this Commission permitting the abandonment of service and the removal of the track from a point at the intersection of Pilgrim and Taylor Streets in the City of Stockton, southerly a distance of approximately 24,200 feet to a point near the west line of Section 38 of the C. M. Weber Grant, County of San Joaquin. The Company proposes a new entrance into the City of Stockton by the construction of a connection with the tracks of the Western Pacific Railroad at a point approximately 600 feet south of the Western Pacific Railroad station of Ortega, thence over the tracks of the Western Pacific Railroad a distance of approximately two miles to the south limits of the City of Stockton, thence over the tracks of the Western Pacific Railroad to a point near the intersection of Mormon Avenue and Sutter Street in the City

of Stockton, thence over the tracks of the Stockton Electric Railroad Company to the terminal of the applicant in the said City of Stockton.

Protests were received from property owners affected by the requested abandonment of service and removal of track.

Public hearings were held at Stockton on November 22, 1916, and at San Francisco on January 29, 1917, the application was submitted and is now ready for decision.

The present route over which the Tidewater Southern Railway enters the City of Stockton is over a private right of way on the easterly side of Sharp's Lane to South Street (the old city limits of the City of Stockton) thence northerly on Pilgrim Street a distance of six blocks to Taylor Street, thence over the tracks of the Central California Traction Company and the Stockton Electric Railroad Company to Weber Avenue and Eldorado Street.

The operation over the tracks of the Central California Traction Company and the Stockton Electric Railroad Company has been conducted under an agreement which latter has expired according to its terms and the present use of the tracks is by sufferance only and such use is liable to be terminated at any time. Franchise requirements imposed by the ordinances of the City of Stockton permit the handling of freight cars over the portion of the line operated jointly by the Tidewater Southern Railway Company, Central California Traction Company and Stockton Electric Railroad Company, only between the hours of 12 midnight and 7.00 AM.

The proposed new route entering Stockton will enable the handling of freight cars at all hours and by reason of the interchange of carloads with the Western Pacific Railroad at the station of Ortega many cars will not require handling through the city streets of Stockton but will be expedited in reaching their destination by being delivered to the Western Pacific Railroad at the abovementioned connection. Carloads intended for delivery to the

Southern Pacific Company, the Atchison, Topeka and Santa Fe Railway Company, the Central California Traction Company, to the Stockton waterfront for transfer to river steamers or for local delivery at Stockton will all be expedited as to handling in that delivery may be made at any time and is not restricted to a limited period after midnight.

The revenue derived from the portion of the line sought to be abandoned by reason of the new route entering the City of Stockton has been nominal, the passenger revenue for the months of August, September and October, 1916 showing the following data:

<u>Station</u>	<u>August</u> <u>1916</u>	<u>September</u> <u>1916</u>	<u>October</u> <u>1916</u>	<u>Total</u>
Ladd	\$ 7.68	\$ 13.16	\$ 12.77	\$ 33.61
Ulrich	1.40	2.10	2.30	5.80
South St., Stockton	<u>14.00</u>	<u>9.40</u>	<u>11.45</u>	<u>34.85</u>
	\$ 23.08	\$ 24.66	\$ 26.52	\$ 74.26

The number of passengers carried during the three months ending October 31, 1916 between the stations of Stockton; South Street, Stockton; Ladd and Ulrich were as follows:

August, 1916	-	377
September, 1916	-	365
October, 1916	-	<u>438</u>
Total		1180

The proposed new method of entry of the Tidewater Southern Railway into the City of Stockton in addition to facilitating the handling of freight will reduce the passenger schedule between the cities of Stockton and Modesto by approximately ten minutes.

The principal protestants against the granting of this application were the California Home Erectors, a corporation, owning a subdivision south of the old city limits of Stockton and west of

Sharp's Lane. Consideration has been given to the needs of the property owners along the line of road proposed to be abandoned, especially such as are located within the city limits of the City of Stockton, and as suggested at one of the hearings on this application, an adjustment was proposed whereby the track now laid on Pilgrim Street from Taylor Street to South Street and for a distance of one mile southerly from South Street on the private right of way adjacent to Sharp's Lane should be allowed to remain together with the overhead electrical equipment and that such track be leased to the California Home Erectors, a corporation, on terms to be hereafter approved by this Commission upon the presentation of an agreement of lease as stipulated between the applicant and the protestants at the hearing. The parties in interest have not agreed upon the terms of the proposed lease although every assistance has been given by the Commission toward the formulation of an agreement that would be equitable in its terms as regards both the applicant and the protestants.

In view of the benefits to be derived by shippers and patrons of the applicant, Tidewater Southern Railway Company, by reason of the new method of access to the City of Stockton as hereinabove outlined, I am of the opinion that this application should be granted.

I recommend the following form of order:

O R D E R

Tidewater Southern Railway Company having applied to this Commission for an order authorizing the abandonment of service and removal of track from a point at the intersection of Pilgrim and Taylor Streets in the City of Stockton, thence southerly along said Pilgrim to South Street in the City of Stockton, thence

along private right of way just east of Sharp's Lane to a point near the west line of Section 38 of the C. M. Weber Grant, County of San Joaquin, a distance of approximately 24,200 feet; public hearings having been held, the matter having been duly submitted and the Commission being fully advised in the premises,

IT IS HEREBY ORDERED, That this application be and the same is hereby granted, subject to the following condition:

That applicant, Tidewater Southern Railway Company, may abandon service on the line covered by this application and may remove its tracks whenever a track connection will have been made with the line of the Western Pacific Railroad Company at or near the station of Ortega and regular service will have been established to and from the City of Stockton via the joint tracks of the Western Pacific Railroad and the line of the Stockton Electric Railroad.

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 9th day of May, 1917.

Max Thelen
W. H. Howard
Wm. G. ...
Calvin O. Edgerton
Frank R. ...

Commissioners.