

Decision No. 5635

BEFORE THE RAILROAD COMMISSION
OF THE STATE OF CALIFORNIA.

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In the Matter of the Application of)
SAN JOSE RAILROADS for permission to)
abandon its narrow gauge line along)
Monterey Road between Almaden Avenue) Application No. 3818.
and a point 1200 feet southerly of the)
northerly line of Tully Road.)

Leib & Leib for Applicant.
Thomas H. Reed, City Manager
Earl Lamb, City Attorney for
the City of San Jose.
Owen D. Richardson for Oak
Hill Cemetary Association,
Protestant.
E. H. De Lacey for certain protestants.
Grant R. Bennett for San Jose
Realty Board, San Jose Chamber of
Commerce and Cottage Grove Improve-
ment Club, Protestants.

LOVELAND, COMMISSIONER:

O P I N I O N

San Jose Railroads, a corporation, have petitioned the Railroad Commission for an order authorizing the discontinuance of service and abandonment of a narrow gauge street railway running along the Monterey Road from the southerly limits of the City of San Jose to a point 1200 feet southerly of the northerly line of Tully Road, the line being located entirely in Santa Clara County.

Public hearings were held in San Jose on June 18th and July 9th, 1918; the matter was duly submitted and is now ready for decision.

The line proposed to be abandoned is one constructed under the provisions of a franchise granted on September 22, 1891 by the Board of Supervisors of the County of Santa Clara to Jacob Rich for a term of thirty-five years and said franchise is now owned by the applicant, San Jose Railroads.

At the time of construction of this narrow gauge railway there was located near its southerly end a coursing park where coursing, horse and bicycle racing were held, also Schentzen Park, a picnic resort. The line also serves the Oak Hill Cemetery. The two parks are no longer a source of revenue and by reason of the few residents served by the line, practically the only traffic is derived from residents of San Jose who visit the cemeteries located along the line and by reason of the State Highway passing the cemeteries a considerable volume of this traffic is served by privately owned automobiles.

The line proposed to be abandoned is 1.86 miles in length and while every effort has been made by the applicant to conserve operating expenses and the line has been operated by a one-man car, a material operating loss has accrued and the line is now in such condition that substantial repairs should be made in order that safety of operation may be assured. The company's estimate as to the amount necessary to rehabilitate this line amounts to approximately \$51,000.00 and its estimate is based on using second hand material and allowance for all possible salvage from the worn out material which would be removed if the line were to be rehabilitated.

A statement of passengers carried was filed with the application in this proceeding. Such statement covering the period from March 1916 to February 1918 inclusive. This statement

shows an operating loss for the period mentioned of approximately \$5,000.00 and such loss has accrued notwithstanding that the most urgent economy in operation has been in evidence.

The protestants objected to the abandonment of this line principally for the reason that no adequate transportation service will be available for the citizens of San Jose to enable them to reach the cemeteries which are served by this narrow gauge line in connection with the standard gauge lines operated by the applicant in the City of San Jose and which make it possible to reach the cemeteries from any portion of San Jose for a five cent fare. The Oak Hill Cemetery is located 1.11 miles from the southerly city limits of the city of San Jose and the traffic beyond the cemetery does not in any manner justify the continued maintenance and operation of that portion of the line.

At the hearing on this application, Mr. Paul Shoup, Vice-President of the San Jose Railroads, agreed for the applicant that if permission to abandon service and remove the line was granted by the Commission, that he would undertake the operation of a first class motor buss from the end of the broad gauge tracks of the San Jose Railroads at the southerly city limits of the City of San Jose to the cemetery on Sundays and holidays only, and that arrangements shall be made whereby service would be furnished from any portion of the city of San Jose including transfer to and from the buss line serving the cemetery for a ten cent fare. This arrangement would permit the public to enjoy transportation to the cemeteries on Sundays and holidays, which are the days in which the majority of traffic to the cemeteries is in evidence.

After careful consideration of all the evidence in this proceeding, I am of the opinion and find as a fact that the

maintenance and operation of the narrow gauge line from the southerly city limits of the City of San Jose to Scheutzen Park is not justified and I recommend that the application be granted subject to the conditions contained in the following order.

O R D E R

Public hearings having been held in the above entitled proceeding, the Commission being fully advised and basing its order on the finding of fact as set forth in the foregoing opinion,

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

1. Before suspension of service and removal of the track as herein requested, the San Jose Railroads shall have established a motor buss service on a schedule satisfactory to this Commission, same to be operated Sunday and holidays only from the end of the broad gauge tracks of the San Jose Railroads at the southerly city limits of the city of San Jose to a point opposite the main entrance to the Oak Hill Cemetary. Such service to be continued for a period of one year from the effective date of this order and thereafter until otherwise ordered by this Commission.

2. The rate of fare from any portion of the city of San Jose served by the broad gauge lines of the applicant herein to the Oak Hill Cemetary including transportation on motor buss

herein referred to, shall be the sum
of 10 cents in each direction.

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 26th
day of July, 1918.

Edwin O. Edgeston
H. D. Loveland
W. E. Gordon

Commissioners