

Decision No. 8597.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the Matter of the Application of WALKER D. HINES, Director General of Railroads United States Railroad Administration, Southern Pacific Railroad Company, a corporation, and Southern Pacific Company, a corporation, for an order of said Commission permitting, requiring and directing the operation on the Southern Pacific 18th Street electric line in the City of Oakland of as many more than two cars per train as will properly and adequately accommodate the passenger traffic offered from time to time.  
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ORIGINAL

Application No. 5026.

- H. C. Booth for United States Railroad Administration.
- Leon E. Gray for City of Oakland.
- Charles Quayle for Protesting Property Owners.
- R. M. Fitzgerald for Archon Company, Protestant.
- Henry C. McPike for Protesting Property Owners.

BY THE COMMISSION:

O P I N I O N

Walker D. Hines, Director General of Railroads United States Railroad Administration; Southern Pacific Railroad Company, a corporation, and Southern Pacific Company, have petitioned the Railroad Commission for an order authorizing and permitting the operation on the 18th Street electric line in the city of Oakland of as many more than two cars per train as will properly and adequately accommodate the passenger traffic offering for movement over such line.

A public hearing on this application was conducted by Commissioner Edgerton at Oakland and the matter was duly submitted on briefs filed by interested counsel.

Due to the emergency existing by labor troubles on the line of the San Francisco-Oakland-Terminal Railway, the Commission on October 4, 1919, issued its order (Decision Number 6751) authorizing the operation of such cars on the trains of the applicants on the 18th Street line in the city of Oakland as might be necessary to furnish adequate transportation for passengers desiring service on such line; this order to be effective until further order of this Commission.

It appears from the record in this proceeding that in July, 1909, the South Pacific Coast Railway Company made application to the city council of the city of Oakland for a fifty year franchise to construct and maintain a single or double track railroad connecting with the existing railroad of such company in the block bounded by 13th, 14th, Webster and Franklin Streets in the city of Oakland and thence via Franklin Street, 18th and 20th Streets to the westerly line of San Pablo Avenue. This application to the city council was later withdrawn by reason of opposition on the part of the property owners and a new application for the operation of a street railroad was filed with the Oakland City council. Ordinance No. 3089 of the council of the city of Oakland was passed on May 16, 1910, and approved by the mayor of said city on June 28, 1910. Ordinance No. 3205 was passed by the council of the city of Oakland on October 24, 1910, and approved by the mayor on December 10, 1910, these ordinances granting to the Peninsular Railway Company, a corporation, the franchise rights over which the operation of the so-called 18th Street line of applicants is conducted from 14th and Franklin Streets in the city of Oakland to its intersection with the right of way of the Southern Pacific Company near the 16th Street station of such company in Oakland. Each of the franchise ordinances contain

a provision that no more than two cars attached together should be run at any time, provided one of the two cars shall contain the motor or motive power. It is alleged by protestants that street railroad franchises were granted to the Peninsular Railway Company, predecessor in interest to the Southern Pacific Railroad Company, to whom the franchises were assigned and over which Southern Pacific Company now operates by virtue of a lease granted by said Southern Pacific Railroad Company.

It appears that operation of the so-called 16th Street line was commenced on March 27, 1912, cars being operated between the 16th Street station of the Southern Pacific Railroad Company, and 14th and Franklin Streets, Oakland. On November 1, 1914, the service was extended by through cars or trains from 16th Street station, Oakland, to Oakland pier connecting with ferry steamers to and from San Francisco. In addition to the through service connecting at Oakland pier with the ferry steamers to and from San Francisco there is operated over the franchises hereinabove referred to a street car line commencing at the 16th Street Oakland station and continuing beyond the 14th Street station to Alameda.

During the peak hours of travel in the morning and evening when heavy commutation travel is being carried to and from San Francisco, the seating capacity of the two car trains is not sufficient to accommodate the traffic and many passengers have been obliged to stand either in the cars or on the platforms and there has been filed in this proceeding petitions signed by approximately 1350 patrons of the Southern Pacific Company requesting the Southern Pacific Company to secure authority from this Commission enabling the operation of trains consisting of more than two cars at such times as traffic conditions may require.

Traffic checks filed as exhibits in this proceeding indicate that during the period August 21, 1919, to August 30, 1919, inclusive, the three morning trips arriving at Oakland pier at 7:10, 7:30 and 7:50 A. M., and the three evening trips leaving Oakland pier at 5:20, 5:40 and 6:00 P. M. carried overloads and that passengers were unable to obtain seats on such trains, then operated with two cars. The maximum overload is present during the evening peak hours varying from no overload to a maximum of 119 passengers unable to obtain seats; the average overload during week days, excepting Saturdays, during the period of the check being 54.5. At the time of the hearing and under the temporary authority granted by the Commission trains of three cars are being operated between the hours of 6:10 and 7:30 A. M., and between 5:00 and 6:20 P. M., such operation satisfactorily caring for overloads against which complaint had been made by passengers.

The 18th Street line of the Southern Pacific Company also carries local passengers between certain designated stops but such traffic is slight in volume and does not materially affect the conditions of congestion as existing during morning and evening peak hours. A record of commutation tickets as actually sold applicable to this line and as apportioned to such line from the general sales of the Southern Pacific Company is as follows:

July, 1919, . . . . .	1,205
August, 1919, . . . . .	1,256
September, 1919, . . . . .	1,340

The comparison of the number of local and through fares is as follows:

July, 1919, . . . . .	local 861;	through 124,679
August, 1919, . . . . .	local 920;	through 130,535
September, 1919, . . . . .	local 892;	through 123,260

Various operating reasons were advanced by witnesses for applicants as to the difficulty in furnishing satisfactory service with two car trains during the peak hours or at any other time when the volume of traffic exceeded that which could be satisfactorily handled by two car trains. These witnesses testified that it would be impracticable to run trains in two car sections over the portion of the line covered by the franchises hereinabove referred to by coupling and uncoupling such trains at the 16th Street station and running the consolidated trains in the section between the 16th Street station and Oakland pier, the principal reason being that the suburban trains of the Southern Pacific Company are operated under the 1200 volt system and that for safety of coupling and uncoupling power should be cut off at such time. Also that the operation of additional trains, if run in two sections to Oakland pier, will require an expenditure for wages of \$16.10 for an eight hour day or of \$26.00 for a twelve hour day and that the operation of such additional trains would increase the hazard of accident for the reason that they would require to be run on short headway. It is also apparent that considerable hazard of accident exists in the crowding of two car trains particularly as regards passengers being permitted to stand on platforms.

The granting of this application is opposed by the City of Oakland and by representatives of persons owning property on 14th Street and other streets covered by franchises to which reference has heretofore been made. These protests and briefs of protesting counsel allege in effect that the Southern Pacific Company in the operation of two car trains over the routes covered by the franchises herein referred to have been trains of a type similar to that used by the Southern

Pacific Company in the operation of its interurban lines in the Oakland-Alameda -Berkeley section; that the franchises over which such cars and trains are operated are street railroad franchises and that the Southern Pacific Company, as the successor to the right of operation originally granted by franchises to the Peninsular Railway Company, has not kept faith with the city of Oakland in that, instead of cars being operated that are of a street car type, the heaviest type of interurban cars have been operated in trains and continuously since the line was first placed in operation. It is alleged in a protest filed in this proceeding that the Southern Pacific Company had assured a committee representing property owners that the use of the large cars at the time of the opening of the line was temporary pending reconstruction of a type of street car intended for service on this line but that the promise of the Southern Pacific Company as to the substitution of the smaller type of car was never kept and that the inter-urban type of cars has continuously been operated since the opening of the line.

Contention is made by applicants that the patrons of its line are entitled to relief from the over crowded conditions existing during the morning and evening peak hours of suburban travel and that this Commission, under the provision of Ordinance No. 600, New Series of the City of Oakland, passed on January 17, 1914, calling for a special election in the city of Oakland, under the provisions of Chapter 40, California Statutes of 1912, to determine whether or not the city of Oakland should retain its powers of control over certain public utility corporations, and under the subsequent election held on February 17, 1914, a certificate, filed with this Commission

on February 25, 1914, and with the Secretary of State of the State of California, announcing the result of such election particularly as to the vote on the questions as to whether the city of Oakland should retain its powers of control over railroad corporations and over street railroad corporations, the result of the election being that the electors voted "no" on both such questions, passed to this Commission the right of regulation over all matters pertaining to the rates and service as conducted by the applicants and as to the subject matter of this application.

The operation of the 18th Street line, according to the record in this proceeding, was commenced on March 27, 1912, and on November 1, 1914, such operation was extended beyond the limits of the route authorized by the franchise herein referred to from the Southern Pacific Company's 16th Street station to Oakland pier. The evidence further shows that at all times since the commencement of operation the heavy interurban type of car has been used and that street cars have only been used in the street car service operated between 16th Street station and Alameda passing over the route authorized by franchises herein referred to and continuing to Alameda via the 14th Street, Oakland station, of the Southern Pacific Company.

After careful consideration of all the evidence in this proceeding we are of the opinion that applicants have not made a satisfactory showing that it is impracticable to care for the operation of the 18th Street electric line by the use of two car trains during the morning and evening peak load hours as it is entirely practicable to care for overloads by the operation of trains consisting of not over two cars,

such operation requiring either the trains to be operated from 14th and Franklin Streets, Oakland, through to the pier or to be consolidated into trains of three cars or more during the time they are operated on the portion of route between Oakland Pier and 16th Street station, Oakland. The alleged requirements for safety in coupling and uncoupling, stated to necessitate the cutting off of power at the time the coupling and uncoupling is accomplished is not a condition that would prohibit such coupling or uncoupling being performed at or near the Oakland 16th Street Station of applicant as in the coupling and uncoupling of these trains at the Oakland Pier terminal it is not customary to cut off power at the time such operation is performed. The additional expense required to operate these trains as through units consisting of two cars or to consolidate or separate the trains at 16th Street, Oakland, does not justify the continuance of conditions resulting in complaints as to overcrowding of cars during rush hours and applicants, will be required to operate such additional trains during peak hour periods that will eliminate such complaints.

The emergency created by the labor troubles on the San Francisco-Oakland-Terminal Railways having passed the order of the Commission granting authority for operation of such cars on applicant's trains as may be necessary to adequately transport passengers desiring service on the 16th Street line should be cancelled.

#### O R D E R

A public hearing having been held in the above entitled proceeding, the matter having been submitted on briefs filed by interested counsel and the Commission being fully advised,



IT IS HEREBY ORDERED that this application be and the same hereby is denied, and that applicants be and they are hereby ordered to operate such trains, in units of not more than two cars, during the peak hour period that will provide adequate seating capacity for the patrons of the 18th Street line. This may be accomplished by running trains through from the 14th and Franklin Street station to Oakland Pier direct, or by consolidating and separating through trains at or near the 16th Street, Oakland, station so that trains of not exceeding two cars will be operated over the portion of the line between 14th and Franklin Street station and 16th Street station.

IT IS HEREBY FURTHER ORDERED that, by reason of the passing of the emergency occasioned by labor troubles of the San Francisco-Oakland-Terminal Railway, the authority contained in Decision Number 6751 in this proceeding, as decided October 4, 1919, be and the same hereby is revoked and cancelled.

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 26<sup>th</sup> day of January, 1921.

H. H. Goodland  
Frank Nelson  
W. K. Bondage  
Erving Masten  
Commissioners.