

Decision No. 8604.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

City of Oakland, a Municipal Corporation,
Complainant,

vs.

Southern Pacific Company of Kentucky, a
Railroad Corporation, Southern Pacific
Railroad Company of California, a Rail-
road Corporation, and South Pacific Coast
Railway Company of California, a Railroad
Corporation,

Defendants.

Case 1487.

H. L. Hagen and
Leon E. Gray for Complainant.

E. J. Foulds and
Elmer Westlake for Defendants.

DEVLIN, Commissioner:

O P I N I O N

In this complaint the City of Oakland, hereinafter referred to as the City, asks that the defendants, hereinafter referred to as the Railroad, be required and ordered within a reasonable length of time to erect and construct a modern, commodious and fireproof depot suitable to meet the needs and convenience of the public. In support of the complaint, it is alleged by the City that the Railroad now owns, and has owned for a long time, the entire block of land in the heart of the city bounded on the east by Webster Street, on the north by Fourteenth Street, on the west by Franklin Street, and on the

south by Thirteenth Street. It is stated that this block of land is bisected diagonally from the northwest to the southeast corner by electric railway tracks and occupied on the southwest corner by a passenger depot. This depot is the terminus of street railway lines owned and operated by the Railroad to the Oakland and Alameda Piers and to the defendants' Sixteenth Street depot in the city, these street railway lines acting as feeders to and connecting with the transbay ferry service operated from the Oakland and Alameda Piers to and from San Francisco, and also as feeders to the Railroad's main line trains at the Oakland Sixteenth Street depot and at the Oakland Mole.

According to the complaint, 54 trains daily each way arrive and depart from this depot on the Oakland Pier line; 36 trains each day arrive and depart on the Alameda Mole line, and 78 cars daily each way arrive and depart on the line operating between the City of Alameda and the Sixteenth Street depot.

On August 17th and 18th, 1920, complainant had counted the number of passengers using this depot and that, as a result, the number on August 17th, 1920, was found to be 8,459 and, on August 18th, 1920, 8,369. These numbers the complainant considers as indicative of the normal traffic using this depot.

The City states that the depot is at least thirty-five (35) years' old, and was originally constructed when the railroad from said depot to Alameda Mole was operated as a steam railroad before electrification of the Alameda line and before the construction and operation of the street railway to the Oakland Pier via Sixteenth Street depot, and before the construction and operation of the street car line from the Sixteenth Street depot to the City of Alameda. Since the original construction there has been no change or reconstruction of the depot, and it is averred that it is now in practically the same condition as it ^{was} originally constructed, with

the exception of a few minor repairs. The City complains that the depot is old, delapidated, antiquated, and totally unfit or suitable for the use of passengers; that the waiting room of said depot is too small and entirely inadequate to accommodate passengers; that the sanitary conditions are grossly inadequate and unsatisfactory; that the sheds forming part of the depot and running parallel with the tracks of the southbound train for Alameda Mole are narrow and open at the side and offer no protection from the weather in rainy seasons; that there are absolutely no facilities of any kind whatsoever to protect from the weather passengers arriving on the northbound train from Alameda and that there are no sheds or structures of any kind protecting from the weather passengers boarding or arriving from either of the trains from the Oakland Pier, or the passengers boarding or arriving on the street railway operated from the Sixteenth Street depot to the City of Alameda.

Complaint is also made against the condition whereby passengers boarding or leaving trains at this depot are compelled to pass over, at grade, several tracks lying between the depot and the cars about to be boarded or left, and that the pavement in front of the depot and between the tracks is unsatisfactory and inadequate.

The City sets forth that during the last ten (10) years the Railroad has been repeatedly requested to construct a modern depot, but has continually and repeatedly refused to do so and that, in accordance with Ordinance No. 1196 N.S. of the City all new structures built within the district in which the block of land under consideration is situated be of Class "A" fireproof construction.

The defendants in their answer deny the allegations in the complaint and deny especially the necessity for any improvements in the depot facilities. They also claim that the

earnings of the property would not justify any further capital investment and that the present facilities are fully adequate to serve all of the demands of the travelling public.

Public hearings were held in Oakland on October 11th and December 16th and 20th, 1920, a number of exhibits were introduced and testimony was heard and the case is now ready for a decision. The Commission, through its engineering department, made its own investigation.

This station is situated one block from what is considered the center of the city and the large amount of traffic handled at that point is apparent from the following table, which gives the number of trains and single cars passing to and through the terminal at Fourteenth and Franklin Streets:

	:Head- : way	:Monday to Friday:		:Saturday:		: Sunday	
		: N	: S	: N	: S	: N	: S
1. Oakland-18th Street :	20	50	50	55	55	52	52
2. " 14th & Franklin :	30	34	36	34	36	34	35
3. Local Crosstown Line :	30	40	39	40	39	40	39
4. " " " :	30	38	40	38	40	38	39
5. Street car service- :	30	29	29	29	29	29	29
Total---		191	194	196	199	193	194

No. 1 is operated from the Oakland Pier via 18th Street to 14th and Franklin and return at minimum intervals of 20 minutes.

No. 2 is operated from the Alameda Pier to 14th and Franklin and return.

No. 3 is operated from the 16th Street Station to Alameda via the north side, returning to Oakland via the south side.

No. 4 is similar to No. 3 but passes around the Alameda loop in the opposite direction.

No. 5 is operated between the 16th Street Station and 14th Street only.

Nos. 3, 4, and 5, are arranged to give approximately ten minutes service north of 14th Street.

The recent large growth of the City of Oakland is apparent in the increase in population, which rose from 150,174

in 1910 to 216,361 in 1920.

It is apparent from the statements of counsel during the hearings that the City believes it has a real grievance because the very important and very valuable entire block of land owned by the Railroad in the heart of the business district of Oakland is not properly being made use of, either as operative railroad property or as non-operative commercial property. The City complains that the property is held by the Railroad merely for purposes of speculation and the City has gone on record stipulating that they are willing to dispense altogether with the depot at that point, provided all terminal service is done away with, through service established and the property devoted to other purposes. It is the position of the City, however that as long as this property is used as a railroad terminal and that as long as depot facilities exist at that point, such facilities should be convenient and adequate and commensurate with the importance of the service there given and with the character of the locality.

It appears from the record that negotiations have been carried on for a number of years between the City of Oakland and between individual citizens of Oakland, on the one hand, and representatives of the Railroad, on the other, looking toward a satisfactory adjustment of the complaint of the City. These negotiations, however, have had no tangible result and the unsatisfactory facilities remain today substantially as they were thirty (30) or more years ago.

Whether the block of land in question is wholly, or in part, operative property is not a question within the issues of this case. There is also nothing in the case before the Commission that would justify us to go into the general question of consolidation of service, or joint use of trackage,

between this and other transportation agencies operating in that vicinity. A decision by this Commission, in my opinion, can cover only the question of the adequacy or inadequacy of the present depot facilities.

In my opinion, it is established as a fact that the existing facilities are inadequate, inconvenient, and unsanitary. The record shows that this is an important and very busy terminal.

It is evidently not practicable by any reasonable method of segregation or apportionment to allocate to this particular depot all of the revenue and all of the expense that is properly chargeable to the business carried on at that point at the present time, or the business that would be carried on there if adequate facilities existed. It is in the record, for instance, that in the immediate neighborhood of this depot the Railroad now rents office space for which it pays a very considerable rental. This rental could be saved if the offices in question were housed in the depot. The reason why, in my opinion, a satisfactory allocation of revenue and expense cannot be made and why, if it were possible to make such an allocation, the matter would be of little consequence, lies in the relation of this depot to the general Southern Pacific Railroad System. It is a fact, which I believe cannot be challenged, that the local Southern Pacific and suburban Southern Pacific electric lines are important feeders to the steam main line business of the Company. The claim of the Railroad, therefore, that the suburban business, as a whole, does not pay a fair return on the investment cannot be controlling in this instance. If it were otherwise it would follow that no capital expenditure of any kind in equipment or facilities would be warranted on the suburban service or could be ordered by the Commission.

The Railroad has undertaken to give adequate and convenient service to the public and such service it should be required to give. The defendant introduced considerable testimony to support its contention that the present facilities are adequate to meet all demands. The term "adequate service," as applied to these facilities, does not mean simply sufficient area to house waiting passengers. It must be considered as a relative term. "Adequate" station facilities for a junction point or station remotely situated in a sparsely settled section, even if there were a comparatively large passenger movement, might well consist of a very plain structure and similar appointments. Surely it cannot be successfully urged that what would be deemed "adequate" facilities on the plains or the desert shall be the limitation imposed upon the term when considered with reference to the needs of a station such as in this case, situated in the center of one of the largest and most progressive cities of the state.

As long as the service is operated as at present, and as long as the terminal exists, the necessary facilities, including depot facilities, must be provided and any other solution of this complaint, as, for instance, by vacating this block of land and by re-routing of the service over other trackage, or joint trackage, should be brought about by direct negotiation between the City and the Railroad in the first instance and cannot, in my opinion, be accomplished by an order of this Commission in this proceeding.

The defendant asks for further time to determine the policy with regard to the use of this block. The evidence shows clearly that this has been the defendant's attitude for a long time past. In the meantime progressive owners of adjacent property have been making large investments in the erection of modern, high-class buildings adding very sub-

stantially to the value of defendant's block, the defendant holding, claiming, and enjoying the advantages attaching to this piece of real estate as operative property of the Southern Pacific Company.

I am satisfied that the depot facilities complained of should be improved and that a better track layout can be designed than the layout now existing. Having in mind the volume of traffic handled at this terminal and the character of the locality, together with the facts and the testimony developed in this proceeding, I am of the opinion that the Commission should make its order requiring the Railroad to erect depot facilities at this terminal to cost, exclusive of change of the track layout, not less than fifty thousand (50,000) dollars. I submit the following form of order:

O R D E R

City of Oakland having filed its complaint against the Southern Pacific Company of Kentucky, a Railroad Corporation, Southern Pacific Railroad Company of California, a Railroad Corporation, and South Pacific Coast Railway Company of California, a Railroad Corporation, hearings having been held, the matter being submitted and now ready for decision;

The Railroad Commission of the State of California hereby finds as a fact that the existing station facilities located upon the block bounded by Webster, Fourteenth, Franklin, and Thirteenth Streets in the City of Oakland, California, are inadequate, inconvenient, and unsatisfactory, and that the new facilities set forth in the order herein are required and ought reasonably to be made to satisfy the necessity and convenience of the public, and basing its order on the foregoing findings of fact and upon the other findings of fact contained in the

opinion which precedes this order,

IT IS HEREBY ORDERED:

(1) Defendants shall, within sixty (60) days from the date of this order, present to the Railroad Commission, for its approval, plans and specifications for a passenger depot, with all the necessary facilities and for a track layout to be constructed upon the above described block in the City of Oakland, at a cost for the depot building and facilities and exclusive of the cost of the track changes, of not less than fifty thousand (50,000) dollars;

(2) Defendants shall, after the approval by this Commission of such plans, immediately commence construction and, within nine months from the Commission's approval of said plans, complete the building of the depot and the track layout as approved by the Commission.

(3) The construction of the depot shall conform to the building ordinances and other municipal laws of the City of Oakland.

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 27th day of January, 1921.

H. J. Loveland
Frank R. Nelson
H. B. Brundage
Irving Martin
Commissioners.