

Decision No. 9445.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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CITY OF BERKELEY,)
Complainant,)

vs.,)

SOUTHERN PACIFIC COMPANY,)
Defendant.)

CASE NUMBER 1639.

Frank V. Cornish for Complainant.
E. J. Foulds for Defendant.

MARTIN, Commissioner.

OPINION.

City of Berkeley, a municipal corporation, complains of defendants, Southern Pacific Company, and alleges a proposed discontinuance of scheduled ferry service and connecting inter-urban trains will adversely affect the residents of the City of Berkeley and the Railroad Commission is petitioned to withhold its consent for the establishment of the proposed schedules and to continue by its order the service heretofore established and maintained.

Defendant, Southern Pacific Company, filed its answer denying the material allegations of the complaint and alleging that the service proposed to be discontinued has been operated with but little patronage by the public, is unremunerative, and that the proposed changes in methods of operation incidental to the reduction of service are necessary to accomplish the desired curtailment of expenses.

Public hearings were held at San Francisco on July 26 and August 1, 1921, the matter was duly submitted and is now ready for decision.

The service proposed to be discontinued and the change in method of operation arising therefrom is as follows:

Ferry service from San Francisco via Oakland Pier and connecting electric interurban trains to commence at 7:00 P. M. instead of at 8:00 P. M. (on a forty minute headway.)

Ferry service on Saturday and Sunday evenings to be the same as on all other evenings of the week.

Passengers from San Francisco for Berkeley via the Ninth and California Street Lines will be required to take the Ellsworth Street Line at Oakland Pier and transfer at Shellmound Junction for their respective stations, excepting on trains connecting with ferry boats leaving San Francisco daily at 4:20 P. M., 4:40 P. M., 5:00 P. M., 5:20 P. M., and 5:40 P. M., and on trains connecting with ferry boats arriving at San Francisco at 7:10 A. M., 7:50 A. M., 8:10 A. M., and 8:50 A. M. daily, and 7:30 A. M. daily except Sunday, which trains will operate to and from Oakland Pier without change as at present.

Ferry boat leaving San Francisco at 1:20 A. M. daily will make connection with trains for Oakland via Seventh Street Line, for Berkeley via Shattuck Avenue Line; the Ellsworth, California and Ninth Street - Berkeley - lines not being operated as connecting services.

Ferry boats arriving at San Francisco at 2:05 A. M. daily and 6:10 A. M. daily, except Sunday, will make connection at Oakland Pier with electric interurban trains originating only on the Oakland - Seventh Street Line - and on the Berkeley - Shattuck Avenue Line; no connection being made with the Berkeley - California, Ninth Street and Ellsworth Lines.

Witnesses for complainant representing the Berkeley Chamber of Commerce , Cragmont Improvement Club, Affiliated Berkeley Clubs, Longfellow Community Association, Northbrae Improvement Club and Berkeley Manufacturer's Association were practically unanimous in voicing their objection to the proposed transfer at Shellmound Junction during other than the morning and evening hours when the heavy commutation travel is being handled. The objections were based on the probability of delay, the inconvenience to passengers by reason of a change of cars being required, the lack of shelter facilities during inclement weather, and the possible hazard of accident. Some of the testimony of witnesses for complainant was directed to the change from twenty minute to forty minute headway during the evening hours and it was suggested that this difficulty might be overcome if arrangements were made for alternate forty minute service during the evening hours by the boats and trains of defendant, Southern Pacific Company, and the Key Division service of the San Francisco-Oakland Terminal Railway as regards the competing service serving the City of Berkeley. The scope of the present proceeding does not authorize the Commission to direct the installation of the suggested alternate service by the facilities of the two competing lines, although the idea is worthy of consideration by the defendant, Southern Pacific Company, not only as to the Berkeley Lines of its electrified system but in general as to other lines of its system. An alternate service by the use of the facilities of the competing companies, not only during the evening hours but in the off-peak hours when the heavy commuting travel is not in evidence might well result in a conservation of operating expense to both the companies without depriving the public and their patrons of a reasonable and satisfactory service. This matter

is one that would require considerable study as to the perfection of details requisite to properly develop the service and such arrangements would require the interchange of tickets in that commutation and other tickets should be honored irrespective of the source of issue.

Defendant, Southern Pacific Company, filed as an exhibit a statement showing results from operation of its Ferry and Electric Suburban Lines and the following abstract of totals from such exhibit is self explanatory:

| | <u>12 Months Ending December 31, 1920.</u> | <u>5 Months Ending May 31, 1921.</u> |
|-------------------------------------|--|--|
| Total Operating Revenues, | \$3,654,095.20 | \$1,585,180.50 |
| Operating Expenses, | 4,160,980.36 | 1,671,403.92 |
| Taxes, | <u>191,839.99</u> | <u>83,221.98</u> |
| Total, Expenses and Taxes | \$4,352,820.35 | \$1,754,625.90 |
| Operating Loss, | 698,725.15 * | 169,445.40 * |

Note: - (*) Indicates deficit.

Mr. F. L. Burchhalter, Assistant General Manager of the Southern Pacific Company, was the principal witness presented by defendant. His testimony was to the effect that the necessity for economies prompted defendant to desire to effect a curtailment of service that greatly exceeded in expense the revenue derived from its operation; that certain changes in the method of handling the train service were requisite, among them the proposed transfer in hours of light travel at Shellmound Junction:

This witness estimated cost of service proposed to be eliminated and revenues derived therefrom to be as follows:

| | <u>Monthly Cost</u> | <u>Monthly Revenue</u> |
|---|---------------------|------------------------|
| Elimination of connection in both directions with Ellsworth, California and Ninth Street Lines with first boat at Oakland Pier, | \$ 531.00 | \$ 113.00 |
| Elimination of connection, in both directions, with Ellsworth, California and Ninth Street Lines with last boat at Oakland Pier, | \$ 728.00 | 245.00 |
| Elimination of California and Ninth Street Lines between Shellmound Junction and Oakland Pier during off-peak or heavy commutation hours, passengers transferring to and from Ellsworth Line trains when originating on or destined to points on California and Ninth Street Lines, | \$7,000.00 | |
| Elimination of boat and train mileage by commencement of schedule on forty minute headway after 7:00 P. M. trip from San Francisco, | \$4,880.00 | \$2,200.00 |
| Elimination of boat and train mileage by establishment of schedule on forty minute headway on Saturday and Sunday nights after 7:00 P. M. trip from San Francisco, | \$8,300.00 | \$4,400.00 |

The above general proposed changes with other minor adjustments incidental thereto aggregate an estimated monthly cost of \$24,000.00 of which Mr. Burchhalter estimates one-half will be a direct saving in operating expense, or approximately \$12,000.00 per month.

Traffic checks made at intervals during the period from May 11 to July 25, 1921, inclusive, show the following daily average number of passengers carried:

Passengers from Berkeley arriving at Oakland Pier to connect with 5:50 A. M. boat for San Francisco, . . .

| | |
|------------------------------|------|
| Ellsworth Line, | 6.1 |
| California, | 18.1 |
| Ninth Street Line, | 9.3 |

Passengers for Berkeley leaving San Francisco
on 1:20 A. M. boat:

| | |
|-----------------------------------|------|
| Ellsworth Line, | 24. |
| California Street Line, | 18.1 |
| Ninth Street Line, | 16.2 |

Passengers from Berkeley arriving at Oakland
Pier at 1:30 A. M. to connect with last boat
to San Francisco:

| | |
|-----------------------------------|-----|
| Ellsworth Line, | 9.3 |
| California Street Line, | 6. |
| Ninth Street Line, | 7.9 |

I have carefully considered all the testimony and exhibits presented in this proceeding and am of the opinion that the defendant, Southern Pacific Company, has justified the necessity for the proposed curtailments of service in that such service has returned revenue which is not comparable with the expense of operations, and that the proposed curtailment of service is reasonable and should be permitted inasmuch as sufficient patronage is not accorded the service to warrant its continuance.

As shown above the evidence indicates that the principal objections of the complainant's witnesses is based on the proposed transfer at Shellmound Junction for patrons of the California and Ninth Street Lines during hours other than those of peak commutation travel, the cars of the Ellsworth Line being used to transport passengers between Shellmound Junction and Oakland Pier transferring at Shellmound Junction to and from cars of the California and Ninth Street Lines. The inconvenience anticipated will not prove a material factor owing to the stipulation of the attorney for the defendant, Southern Pacific Company, that on all trips leaving Oakland Pier where a consolidation of the Ellsworth, California and Ninth Street Lines is

made to the Ellsworth Line train to Shellmound Junction and where the passengers to be transported exceed in number those that can be seated in a single car, the defendant, Southern Pacific Company, proposes to operate additional cars in the Ellsworth Line train and to break up the train at Shellmound Junction cars running thence over the California and Ninth Street Lines for the accommodation of patrons destined to points on such lines. This stipulation will be made a portion of the order in this proceeding.

I have not lost sight of the protest of the witnesses for complainant who object to the diminution of service during the evening hours and on Saturday and Sunday nights. These witnesses representing civic organizations and improvement clubs naturally do not look with favor on any diminution of service to and from their respective portions of the city of Berkeley. It must, however, be apparent to all the parties interested and present at the hearing on this proceeding, as it is to this Commission, that a great disparity exists between the revenues derived from the service proposed to be diminished and the cost of furnishing such service and that, in the interest of economy, service that is not patronized to a point which will approximately meet its direct cost should be eliminated providing there are not especial reasons that render the retention vital and essential to the public interest. In the present proceeding I am convinced that no unreasonable curtailment is proposed in the adjustment of train service on week days after the hour of 7:00 P. M. and on Saturdays and Sundays.

I suggest the following form of order:

ORDER.

Public hearings having been held in the above entitled

proceeding, the matter having been duly submitted and the Commission being fully advised,

IT IS HEREBY ORDERED, That defendant, Southern Pacific Company, be and the same hereby is authorized to make the following changes in its schedules covering the operation of ferry steamers and connecting interurban trains:

- I - Ferry service to and from San Francisco via Oakland Pier and connecting electric interurban trains to be placed on a forty minute headway daily, such forty minute service to commence after 7:00 P. M.

- II - Train operation, connecting with ferry steamers between San Francisco and Berkeley via Oakland Pier to be arranged on a basis where passengers using Ninth and California Street, Berkeley Lines, will be transported between Oakland Pier and Shellmound Junction via the trains of the Ellsworth Street Line excepting on trains connecting with ferry boats leaving San Francisco daily at 4:20 P. M., 4:40 P. M., 5:00 P. M., 5:20 P. M., and 5:40 P. M. and on trains connecting with ferry boats arriving at San Francisco at 7:10 A. M., 7:50 A. M., 8:10 A. M., and 8:50 A. M. daily and 7:30¹ daily, except Sunday, such trains on the Ninth Street and California Street Lines to operate to and from Oakland Pier without change as at present; provided, however, that, in accordance with the stipulation of counsel for defendant at the hearing in this proceeding, on all trips leaving Oakland Pier where a consolidation of the Ellsworth, California and Ninth Street Lines is made to the Ellsworth Line train to Shellmound Junction and where the passengers to be transported over such lines exceed in number those that can be seated in a single car defendant, Southern Pacific Company, will be required to operate additional cars sufficient to afford seating capacity for all passengers offering, in the Ellsworth Line train and to divert cars at Shellmound Junction running thence over the California and Ninth Street Lines for the accommodation of passengers destined to points on such lines.

- III - Defendant, Southern Pacific Company, is hereby authorized to discontinue electric interurban trains connecting with ferry boat leaving San Francisco at 1:20 A. M. daily and with ferry boats arriving at San Francisco at 2:05 A. M. daily and 6:10 A. M. daily,

except Sunday, on Ellsworth, California
and Ninth Street - Berkeley Lines.

IT IS HEREBY FURTHER ORDERED, that discontinuance
and rearrangement of service herein authorized shall not be
made effective until defendant, Southern Pacific Company, shall
have given ten days notice to the traveling public by posting
notices on all its steamers assigned to the Oakland Pier route,
at its ferry terminal in San Francisco, at all stations in
Berkeley and Oakland and other communities served by connecting electric
interurban trains originating and terminating at Oakland Pier,
and by advertisement in newspapers of general circulation in
the cities of San Francisco, Oakland and Berkeley,

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 31st day
of August, 1921.

H. A. Dundies
H. A. Dundies
J. W. Martin
Charles H. Brown
H. A. Dundies
Commissioners.