

Decision No. 28672

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

-oOo-

In the Matter of the Application of  
CITY OF OAKLAND, a municipal cor-  
poration, for an order Requiring  
SOUTHERN PACIFIC COMPANY to restore  
service on its so-called Eighteenth  
Street Line in the City of Oakland,  
California.

)  
) Case No. 3908  
)  
)

ORIGINAL

B. F.

~~P. B.~~ Fernhoff and W. W. Cooper, for the  
City of Oakland.

E. J. Foulds, for Southern Pacific Company.

Geo. E. Sheldon, for the Committee for the 18th  
Street Car Line Restoration.

Harry See, for the Brotherhood of Railroad Trainmen.

Harold D. Webber, for the Downtown Property Owners  
Association of Oakland.

Edw. G. Wilcox, for the Oakland Chamber of Commerce.

Fred C. Hutchinson, City Attorney, for the City of  
Berkeley.

Harry Blair, for the Acorn Club of Oakland.

John C. Stirrat, for Apartment House Owners Assn.

Frank S. Richards, for Key System and East Bay Street  
Railways, Ltd.

Breed, Burpee & Robinson, for The John Breuner Company.

Harry C. McPike, for Miller Estate Company.

Fred T. Wood, for Oakland Real Estate Board.

Phillips & Munck, by Felton L. Watson, for certain  
property owners on the north side of 21st street,  
between Telegraph Avenue and Broadway.

WARE, COMMISSIONER:

O P I N I O N

In this proceeding the City of Oakland requests that the  
Commission, pursuant to Section 64 of the Public Utilities Act,  
make its order, or orders, setting aside, rescinding and making  
of no effect, that portion of its Opinion and Order in Decision  
No. 25740, in Application 18641, dated March 16, 1933, permit-  
ting and authorizing Southern Pacific Company to discontinue pas-  
senger service on its Eighteenth Street Line operating along

Eighteenth, Twentieth, Twenty-first and Webster Streets, City of Oakland, and for an order authorizing and requiring Southern Pacific Company to resume passenger service on said line on a basis equivalent to that offered prior to the date of said Decision No. 25740.

Public hearings were held in this matter in Oakland on January 8th, April 24th and 25th, and May 15th, 1935, and thereafter in San Francisco on May 20th, 1935. At the hearing on May 20th, 1935, oral arguments were presented and the matter duly submitted.

The hearing in Oakland on January 8th, 1935, was confined to the question of the Commission's jurisdiction to grant the relief sought herein and all parties addressed their arguments to this phase of the matter. The Commission, in its Opinion and Order in Decision No. 27800, dated March 4, 1935, in this proceeding concluded that it had jurisdiction to act upon the complaint and ordered that the matter be set for further hearing for the purpose of taking testimony in the issues of the case.

The Opinion in said Decision No. 27800 reviewed the history and authority for the abandonment of the 18th Street line and it appears unnecessary to review these matters.

Protestant, City of Oakland, presented testimony through residents and property owners in the area adjacent to Webster Street between 14th Street and 19th Street in an endeavor to show that the withdrawal of the service of the so-called Eighteenth Street line had the effect of reducing property values and causing business to leave the area; and that convenience and necessity required resumption of service on said line. Residents in the area adjacent to Eighteenth Street also contended that operation along said Eighteenth Street was a necessity for their convenient transit to and from San Francisco. It was also alleged that said line would

attract sufficient traffic to justify its operation; however, no estimates dealing with the probable revenue on this line were presented.

Defendant, Southern Pacific Company, and Key System, intervenor, presented evidence tending to show that the area involved was reasonably served by the 12th and 22nd Street lines of Key System and that none of the area was more than 2,000 feet removed from one or the other of these lines. Furthermore, certain property owners and business men of the involved area testified that said Key System lines adequately served the territory. The record also shows that the elimination of service on this line has materially relieved congestion and hazard, particularly along that portion of the line where the track is constructed in narrow streets in the business section.

The carriers also took the position that the abandonment of the Eighteenth Street line was part of a general program of elimination of duplication of service, approved by both the Interstate Commerce Commission and the California Railroad Commission; that certain of the physical properties of this line have been abandoned; and that to require the restoration of service would necessitate an order from the Interstate Commerce Commission.

The record shows that there has been but little change in the way of public transportation needs in the district formerly served by the Eighteenth Street line subsequent to the time the Commission made its order in said Decision No. 25740. The Commission would be justified in making its Order directing the restoration of service on this line only upon a clear showing that public convenience and necessity now require this service and with due consideration to other factors which must be considered. Such a showing of public convenience and necessity has not been made in this record.

In looking into the future, however, we expect some improvement in the interurban transportation service to this and other districts of the east bay cities and it is apparent that such an improved service plan should be viewed from a comprehensive standpoint. The elimination of the Eighteenth Street line was part of an important plan looking toward a general interurban transportation system with a minimum of duplication. This matter is of particular importance at this time with the completion of the San Francisco-Oakland Bay Bridge.

After a careful review of this record it must be concluded that this complaint should be dismissed without prejudice, with the view that the matter of adequate interurban transportation is one the Commission is vitally interested in and will continue to study the situation from the standpoint of public interest, which might be broadly stated as adequate service at the lowest reasonable cost.

The following form of Order is recommended:

O R D E R

Public hearings having been held and the matter being under submission,

IT IS HEREBY ORDERED that said complaint is hereby dismissed without prejudice.

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 23<sup>rd</sup> day of March, 1936.

*M. B. Harris*  
*John A. Whelan*  
*W. H. Linn*  
*Walter J. Moore*  
*Frank R. Linn*  
Commissioners