

Decision No. 3056R

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
SOUTHERN PACIFIC COMPANY for per-
mission to discontinue operation of
passenger train No. 251 between Niles
and Oakland Pier.

APP. NO.
21683

ORIGINAL

R. S. Myers, for applicant.
C. W. White, City Attorney for City of Hayward
and Hayward Chamber of Commerce, protestants.
Alfred L. Poe, City Attorney for City of
San Leandro, protestant.
Marler W. Haley, for C. E. Nelson, protestant.

BY THE COMMISSION:

O P I N I O N

In this proceeding, Southern Pacific Company requests per-
mission to discontinue the operation of its passenger train No. 251
operating between Niles and Oakland Pier, Alameda County.

A public hearing was held in this matter before Examiner
Hall in Hayward on January 14, 1938, at which time the matter was
submitted.

Passenger train No. 251 leaves Niles at 5:42 A.M., passing
through Hayward, San Leandro and Oakland, arriving at Oakland Pier
at 6:40 A.M. and makes connection with the ferry which arrives in
San Francisco at 7:12 A.M. In addition to train No. 251, there is
also operated train No. 253 which leaves Niles at 6:39 A.M., arriving
at Oakland Pier at 7:44 A.M. and connecting with the ferry arriving
in San Francisco at 8:12 A.M.

Applicant presented traffic checks of the number of revenue

passengers carried on train No. 251 and are summarized as follows:

<u>Dates</u>	<u>Total Passengers</u>	<u>Average Per Day</u>
Nov. 4 and 5, 1937	117	58.5
Dec. 1 and 2, 1937	108	54.0
Jan. 3 to 6, inc., 1938	234	39.0

A detailed check of the revenue passengers carried on January 4, 1938, is as follows:

<u>Number of Passengers</u>	<u>Station</u>	
	<u>From</u>	<u>To</u>
1	Halvern	Oakland
1	Harder	Oakland
1	Harder	San Francisco
4	Hayward	Oakland
15	Hayward	San Francisco
2	Cherry	San Francisco
10	So. San Leandro	San Francisco
2	San Leandro	San Francisco
10	Elmhurst	San Francisco

Applicant showed that its estimated annual "out of pocket" loss due to the operation of this train amounts to \$8,365.00 or 53.19 cents per train mile, (Exhibit 1) made up as follows:

<u>Expenses</u>	<u>Amount</u>
Wages	\$3265.00
Fuel Oil	3253.00
All other	3343.00
Total	<u>9861.00</u>
Passenger revenue	<u>1496.00</u>
Loss per annum	<u>\$8365.00</u>

Upon this showing applicant contends that it should be allowed to discontinue the operation of these trains.

The granting of the application was opposed by the City of Hayward, the Hayward Chamber of Commerce, the City of San Leandro and by individuals who use the train in going to the bay area. These parties contended that the later train (No. 253) delivers them in San Francisco too late for them to reach their place of employment on time. Furthermore, in the event that this train (No. 251) was discontinued, it would be necessary to use local busses to meet the electric transbay trains at Melrose in Oakland, at an added cost. It was contended that this added cost would be a serious burden and would

require some of these people to move to a locality whereby these added costs would be eliminated.

It was suggested that possibly the time of departure from Niles of train No. 253 be changed to a time approximately midway between the present departures of the two trains and thereby accommodating all the passenger traffic satisfactorily by one train. The record indicates that the patrons of train No. 253 do not want its schedule changed as they would arrive in San Francisco too early, whereas the patrons of train No. 251 would arrive at work late if its schedule is set at a later time.

There is before us a situation where there is insufficient patronage to maintain the operation of train No. 251 and its discontinuance would discommode a certain number of its users. It appears that if the schedule of train No. 253 were advanced twenty or forty minutes, it would not be satisfactory to the patrons of either train.

Unquestionably train No. 253 should hold to its present schedule as it carries a substantial amount of passenger traffic which is much in excess of the passenger traffic on train No. 251. The record shows clearly that there is insufficient patronage on train No. 251 to continue its operation. It is to be clearly understood that if there is sufficient need for the operation of a train on the No. 251 schedule at some time in the future, applicant should restore such service.

It is found a fact that public convenience and necessity do not justify the continued operations by applicant at the present time of train No. 251 and that the application should be granted.

O R D E R

Southern Pacific Company is authorized to discontinue the operation of its passenger train No. 251 between Niles and Oakland Pier, Alameda County, as the same is shown in Western Division Time

Table No. 225, subject to the following conditions:

- (1) Applicant shall give not less than ten (10) days' notice to the public of said discontinuance by posting notice in said train.
- (2) Applicant shall, within thirty days thereafter, notify this Commission, in writing, of the discontinuance of said train.
- (3) This authorization shall become void if not exercised within one year, unless time be extended.

The effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 31st day of

January, 1938.

Walter H. ...
Frank ...
W. L. Riley
Commissioners