

Decision No. 33781

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of SOUTHERN)
PACIFIC COMPANY, first, for permission to dis-)
continue the operation of passenger trains Nos.)
231 and 232 between Tracy and Oakland Pier via) Application
Niles, and second, to discontinue all regular) No. 23810
passenger service between Tracy and Elmhurst,)
via Niles.)

R. S. MYERS, for applicant

HARRY SEE, for Brotherhood of Railroad Trainmen

C. W. WHITE, City Attorney for the City of Hayward.

ORIGINAL

BY THE COMMISSION:

O P I N I O N

In this proceeding Southern Pacific Company requests permission to discontinue the operation of passenger trains Nos. 231 and 232 between Tracy and Oakland Pier, via Niles, and to discontinue all regular passenger train service between Tracy and Elmhurst, via Niles.

A public hearing was conducted by Examiner Malquist in Hayward on December 18, 1940, at which time the matter was submitted for determination.

Southern Pacific Company maintains, as a part of its system, a line of railroad between Oakland Pier, Oakland, and Tracy, which passes through Elmhurst, Hayward, Niles, Pleasanton, Livermore, and various smaller communities. The only passenger trains running between Elmhurst and Tracy via this route are the two proposed to be discontinued herein.

Applicant showed by exhibits that the revenue developed by said train service was far less than the cost of operations, and that by their discontinuance an annual estimated saving of approx-

imately \$22,000 would result. (1) The withdrawal of trains Nos. 231 and 232 would eliminate all passenger train service by Southern Pacific Company between Elmhurst and Niles. However, passenger service through the territory is performed by other carriers, to wit: The Western Pacific Railroad Company, Pacific Greyhound Lines, Peerless Stages, and Santa Fe (buses). The present schedules of these services are shown on Exhibits Nos. 2 and 3.

The record shows that mail service now being performed by those trains will be handled by star routes, apparently resulting in a somewhat better mail service.

Traffic of Railway Express Company is handled by trains Nos. 231 and 232 and The Western Pacific Railroad Company's train No. 11 for Livermore and Pleasanton, whereas traffic for Hayward and Niles is handled by Pacific Motor Trucking Company. In the event these trains are discontinued, express service throughout the territory will be handled by Pacific Motor Trucking Company's trucks. The record indicates that the proposed arrangement will improve the express service throughout the territory.

Although parties appeared as protestants to the granting of the application, no testimony in support thereof was offered.

(1) Exhibit No. 4:

| | |
|---------------------------------|-----------------|
| Estimated annual cost | \$33,252 |
| " " revenue | <u>18,404</u> |
| Loss | <u>\$14,848</u> |

Exhibit No. 5:

| | |
|------------------------------------------------|-----------------|
| Estimated Loss of Revenue to Company | <u>\$11,161</u> |
| Estimated Annual Savings | \$22,091 |

A witness for the Livermore Chamber of Commerce stated that he did not want to see the service discontinued, but owing to the small amount of use made of these trains he was agreeable to their being withdrawn from service.

The record in this proceeding clearly shows that the continued operation of these trains is not warranted at this time and that public convenience and necessity will be as well served by passenger service of other carriers located in the territory involved. The application, therefore, will be granted.

O R D E R

A public hearing having been held, and the matter being under submission,

IT IS HEREBY ORDERED that Southern Pacific Company is hereby authorized (a) to discontinue the operation of passenger trains Nos. 231 and 232 between Tracy and Oakland Pier, via Niles, and (b), to discontinue all regular passenger train service between Tracy and Elmhurst, via Niles, subject to the following conditions:

- (1) Cancel, in conformity with the rules of this Commission, all passenger rate tariffs and passenger train time schedules between Tracy and Elmhurst, via Niles.
- (2) Applicant shall give not less than ten (10) days' notice to the public of said passenger train discontinuance by posting notice in said trains and in agency stations involved.
- (3) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the abandonment of the passenger service herein authorized and of its compliance with the conditions hereof.
- (4) The authorization herein granted shall lapse and become void if not exercised within one (1) year from the date hereof, unless further time is granted by subsequent order.

The effective date of this order shall be twenty (20)

days from the date hereof.

Dated at San Francisco, California, this 3rd
day of January, 1941.

Ray & Ricey

[Signature]

[Signature]

Justus J. Carver

Commissioners