

ORIGINAL

Decision No. 35900

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

An Investigation on the Commission's)	
own motion into the operations of)	
Interurban Electric Railway, Key)	Case No. 4478
System, and East Bay Transit Company)	
re rates, service and facilities.)	

Appearances entered at the hearings September 17 to October 16, 1942, inclusive.

DONAHUE, RICHARDS & HAMLIN, by Frank S. Richards and Marshall Rickson, for Key System.

JOSEPH J. YOVINO-YOUNG, City Attorney, for the City of Albany.

L. F. WILLIAMS, Mayor, City of Albany.

CHAS. A. RUGGLES and ALLAN P. MATTHEW, for Thousand Oaks Improvement Association.

FRED HUTCHINSON, City Attorney, GERALD W. STUTSMAN, Assistant City Attorney, and JOHN PHILLIPS, Assistant City Manager, for the City of Berkeley.

HAROLD P. LUCK and THOMAS A. REGAN, Employees of Shell Development Co., Emeryville.

ROBERT COLLINS, for City of Richmond.

GERARD A. BEUKERS, in propria persona.

GILBERT H. KNEISS, War Production Board.

BY THE COMMISSION:

SEVENTH INTERIM OPINION AND ORDER

While the above-entitled general investigation includes the entire operations of the Key System, the instant order is restricted to the question as to whether or not the Key System should provide mass transportation to the Thousand Oaks District of Berkeley by rail instead of by motor coach service; no change of fare is involved.

The matter now under consideration was initiated by a petition filed August 1, 1942 by the Thousand Oaks Improvement Association, requesting that the Commission reopen this proceeding for further hearing to determine whether or not the Key System should be required to extend its "F" Shattuck Avenue rail line from its present terminus at Northbrae Station northerly to The Alameda, a distance of some 1500 feet, ⁽¹⁾ including the Northbrae Tunnel. It is alleged in said petition that the proposed rail extension would permit of a reduction of motor coach operation in the Thousand Oaks District and thereby conform with the national program of rubber conservation, also that the proposed rail service would provide a better mass transportation service to this district.

Testimony was taken in this matter before Examiner Hunter, at Berkeley, September 17, and at San Francisco on September 29, 30 and October 16, 1942, and it is now ready for decision.

Prior to July 26, 1941, the Thousand Oaks area of Berkeley was served by rail lines operated by the Interurban Electric Railway Company, a subsidiary of the Southern Pacific Company, through the operations of the so-called "9th Street" and "Shattuck Avenue" lines. When authority was given by this Commission for the discontinuance of such rail service by the Interurban Company, the Key System was authorized to serve the area by means of motor coaches. By Decision No. 34460, dated August 1, 1941, the Key System was authorized to extend its Shattuck Avenue rail operation from University Avenue to Northbrae Station, a

(1) The rail and overhead for this section of track is in place; it will, however, require some work to place it in an operating condition.

distance of approximately 1.2 miles, over the line formerly owned by the Southern Pacific Company. This service was initiated August 6, 1941. The change in operation followed a transfer in ownership of the rail facilities from Southern Pacific Company to the city of Berkeley and the city in turn leased the property to the Key System. The proposal now before us for consideration is for a further extension of this rail service to the Thousand Oaks District. The Southern Pacific Company has recently relinquished title to all this rail line to the city of Berkeley and in turn the city has expressed its willingness to lease the line to the Key System on substantially the same basis as it now leases to this carrier the line between Dwight Way and Northbrae Station. Furthermore the Mayor of the City testified in favor of this extension.

At the hearing October 16, 1942, the Key System indicated its willingness to extend rail operation along the Shattuck Avenue line to the Thousand Oaks District under certain conditions, two of which appear to justify special consideration, i.e.;

- (a) That this extended rail operation will not in any way delay the construction of the Key System rail line between Oakland and Richmond;
- (b) That the extended rail service to the Thousand Oaks area be performed with the equipment now used on the Shattuck Avenue line.

At this time the Key System is constructing for the account of the Maritime Commission a new rail line between Oakland and the shipyards at Richmond. This rail extension involves some six miles of double track line, the rail program for which contemplates the use of the rails now in place on the Shattuck Avenue line, over which extended service to the Thousand Oaks District is considered herein; in fact, the Key System holds a requisition issued by the Maritime Commission for this steel. In view of the fact that the Richmond extension is being constructed to provide mass transportation to an important war industry, it is in the public interest to

construct this line at the earliest possible moment. To this end the Commission's staff has conducted an investigation to determine if there is an equivalent amount of steel available which can be used to complete the new rail line to Richmond in lieu of that under requisition on the Shattuck Avenue line. The record shows that if the Key System removed all the requisitioned rail on the Shattuck Avenue line over which extended service is considered herein, the amount of steel thus obtained would be the equivalent of 3440 feet of single track.

The Commission's Transportation Engineer, Ward Hall, testified that an equivalent amount of rail could be secured for the Richmond extension by single tracking a portion of the line over which extended service is being considered, together with the removal of rail in Solano Avenue which now belongs to the city of Berkeley and is not now in use. All of the above rail is 90 pounds steel.

A representative of the War Production Board testified as follows:

"Mr. Hall pointed out to us where additional (rail), I think belonging now to the City of Berkeley on Solano Avenue and elsewhere is available to take the place of this tunnel rail. However, in case anything comes up to block the removal of that rail and its use in the Richmond railroad in lieu of that in the tunnel we have arranged to allocate 3440 feet, which I think is the mileage or footage through the tunnel, of the Glen Ellen line which is now being torn up, and that will be available in about a week, as I understand it."

With respect to service and equipment on the proposed extended operation, testimony and exhibits presented by the Commission's Research Engineer, Homer H. Grant, show that the Key System can extend its rail operation on its Shattuck Avenue line to the

Thousand Oaks District with the equipment now used on this line, and that the present 20 minute base headway might possibly be maintained by reducing layover time and eliminating a stop at Center Street. He further testified, however, that it may be necessary to lengthen this base headway to 21 minutes, also, that this extended rail service will permit of an over-all saving of over 125,000 bus miles ⁽²⁾ per year in the Thousand Oaks District and at the same time provide a transportation service with greater carrying capacity than is now offered by the Key System motor coach operation.

The Key System takes the position that to perform a dependable service on this line, with the same equipment that now is in operation, will require that the base headways be extended from 20 to 22 minutes, however, this schedule contemplates an additional express stop at the Army Base. On the other hand, Mr. Lester S. Ready, Consulting Engineer and witness for the Thousand Oaks District, testified that his studies indicated that the extended operation could be conducted on the existing 20-minute base headway under prevailing conditions, particularly if provision is made to expedite loading and unloading through the operation of all doors on the trains rather than the present practice of receiving and discharging passengers through one door, and also providing ground loaders at the heavy loading points.

A property owner of Berkeley urged that rather than extend the rail service as considered, the private right-of-way, transferred to the city by Southern Pacific Company, including the tunnel, should be paved to accommodate highway traffic. This Commission is without jurisdiction to pass upon the question of constructing such

(2) Revision of motor coach operation in the Thousand Oaks District is being considered in separate proceedings.

a highway. As the record now stands there is no other opposition to the proposed rail extension to the Thousand Oaks District as a substitute to motor coach service by the Key System.

The Commission is of the opinion that the above described extension of rail service by the Key System from Northbrae Station to the Thousand Oaks District, if it can be accomplished consistently with this company's requirements for steel rail in the construction of the extension being made to the Richmond Shipyards, would be distinctly in the public interest. Rail service to the Thousand Oaks residential area would offer a more satisfactory and reliable transportation service to the large number of residents within that area. Such an extension of rail operations will permit the elimination of thousands of motor coach miles per year now operated by the Key System in serving this District and the evidence indicates also that the extended operation may be accomplished without employment of additional equipment and without material change in the service now being afforded to existing rail or bus patrons. This substitution of rail for motor coach service is in conformity with the statement of policy of the Office of Defense Transportation issued April 17, 1942. In view of these conclusions, and in view of the evidence presented indicating that it is entirely possible for the Key System to obtain the consent of the Maritime Commission for the retention of the trackage involved, as well as all necessary consents from the City of Berkeley, it seems appropriate that an order be issued directing the company to institute this extended rail service.

O R D E R

The Commission having considered the petition of the Thousand Oaks Improvement Association and the evidence submitted in

this proceeding, and based upon the findings and conclusions set forth in the foregoing opinion,

IT IS HEREBY ORDERED that the Key System, within thirty (30) days from the date hereof, unless upon petition further time be given by the Commission, extend the operations of its "F" Shattuck Avenue electric passenger train service from its present terminus at Northbrae Station through the Northbrae tunnel to a terminus at The Alameda in the city of Berkeley and perform the necessary rehabilitation work as well as construct the necessary loading and shelter facilities to provide this service. This change of service is to be effected upon not less than five (5) days' advance notice to the Commission and the public.

For all other purposes the effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 27th day of October, 1942.

A. J. Barry
Francis R. Haveman
Richard L. ...
COMMISSIONERS