

Decision No. 23533.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

<p>In the Matter of the Investigation on the Commission's own motion in the matter of filing time tables and of posting notice of changes in the arrival and departure of regular passenger trains.</p>)
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Case No. 2984.

- A. L. Whittle, for Southern Pacific Company, Northwestern Pacific Railroad Company and Peninsular Railway Company.
- L. N. Bradshaw, for The Western Pacific Railroad Company, Sacramento Northern Railway and Tidewater Southern Railway Company.
- E. E. Bennett for Los Angeles and Salt Lake Railroad Company.
- F. J. Mackie, for The Atchison, Topeka and Santa Fe Railway Company.

SEAVEY, COMMISSIONER:

O P I N I O N

This is an investigation on the Commission's own motion in the matter of filing time tables and of posting notice of changes in the arrival and departure of regular passenger trains.

A public hearing was conducted in this proceeding on February 4th, 1931.

Pursuant to the request from several carriers, the Commission instituted the above entitled proceeding in the interest of promulgating practical rules, under present-day conditions, governing the filing of notice to the public and the Commission of changes in the operation of regular passenger trains.

At the hearing a draft of a proposed General Order in this matter was introduced for consideration, copies of which were furnished all carriers affected in advance of the hearing. At the conclusion of this hearing, provision was made for taking the matter under submission after the carriers had had thirty (30) days in which to review a new proposed order to be furnished them and embodying certain changes suggested by the representatives of the various carriers. It was understood that the carriers would be afforded an opportunity, within this thirty-day period, to request additions or modifications in the proposed General Order or ask for further hearing. The reports from the carriers show that they are in accord with the proposed General Order, except for a few suggestions for minor changes, which can be embodied in the final order.

After carefully considering the record in this proceeding, the following form of order is recommended.

O R D E R

An investigation having been instituted on the Commission's own motion in the above entitled proceeding, a public hearing having been had and the matter now being under submission and ready for decision,

The Railroad Commission of the State of California Hereby Finds as a Fact that the proposed rules and regulations governing the filing of time tables and of posting notice of changes in the arrival and departure of regular passenger trains, as prescribed in General Order No. 27-A, are just, reasonable and in public interest; therefore,

IT IS HEREBY ORDERED that all carriers engaged in the operation of regular passenger trains, coming within the jurisdiction of

this Commission, on and after April 15-1931, shall conform to the regulations governing the filing of time tables and of posting notice of changes in the arrival and departure of regular passenger trains, as prescribed by the Railroad Commission of the State of California in its General Order No. 27-A.

The effective date of this General Order shall be April 15-1931.

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 day of March, 1931.

CC Sweeney
Leon Whidell
W. H. Carr
W. B. Harris
Fred G. Stewart

Commissioners.

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"GENERAL ORDER NO. 27-A.

(Superseding General Order No. 27 and Supplement
1 to General Order No. 27).

RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

IN THE MATTER OF FILING TIME TABLES AND OF
POSTING NOTICE OF CHANGES IN THE ARRIVAL
AND DEPARTURE OF REGULAR PASSENGER TRAINS
AND CONNECTING BOATS OR FERRIES PERFORM-
ING A PART OF THE SERVICE BETWEEN TERMINI.

Approved March 23, 1931. Effective April 15, 1931.

IT IS HEREBY ORDERED that each railroad corporation operating between points within this state shall file with this Commission three (3) copies of all reissues of its time tables or supplements thereto, or new schedules, in so far as they affect movements of passenger trains within the State of California, used for the government of its employees, at least five (5) days before their effective date and shall post notice of such change in a conspicuous place, in each station affected where an agent is maintained, at least five (5) days before the change is to become effective.

IT IS HEREBY FURTHER ORDERED that whenever a change in time table is to be made by a railroad corporation which will effect a reduction in the number of passenger trains on any main line or branch line of its railroad, or which will effect a reduction in the amount of passenger train service rendered at any station on its railroad, such railroad corporation must submit to this Commission, at least ten (10) days before the change is to become effective, an approximate time table outline showing its proposed reduction in service and set forth the reasons for such proposed reduction in service. A notice to the public of such proposed new time schedule or reduction in service shall be posted in all trains that will be affected by the proposed change or changes and in all stations along the line affected where an agent is maintained for a period of at least ten (10) days prior to the effective time of the proposed reduction in service. The proposed change or changes in service may be put into effect after providing said ten (10) days' notice to the public and the Commission, provided, however, that in case of public protest or for any other reason which the Commission may deem good cause, the carrier may be required to file an application seeking the formal approval of the Commission to reduce said passenger train service unless, in such cases, it elects to continue or restore the service. It may be understood that in cases where the plans for the proposed reduction in service have advanced to a point where it would be unreasonable and/or hazardous to cancel the same, the said changes may be put into effect and the carrier will be allowed reasonable time within which either to restore the service or file such formal application;

provided, further, that in lieu of posting notices in the trains affected, as indicated above, the carrier may afford such notice to the public in either of the following manners:

- (a) Post notices in all non-agency stations for a period of not less than ten (10) days before the change becomes effective.
- (b) Publish, at least three (3) times in a newspaper having a general circulation through the district affected, notice of the proposed change in schedules.

If, in a particular case, exemption from any of the requirements herein is desired, the Commission will consider the request of a carrier for such exemption when accompanied by a full statement of the conditions existing and the reasons why such exemption is asked.

Nothing contained in this order shall be construed to apply to street railways.

General Order No. 27 and Supplement No. 1 to General Order No. 27 are hereby cancelled.

By order of the Commission.

H. G. MATTHEWSON,
Secretary."