

ORIGINAL

A. RICHARD THOMPSON, et al.)
Complainants,)

-vs-

THE SAN DIEGO ELECTRIC RAILWAY)
COMPANY and THE SAN DIEGO &)
SOUTHEASTERN RAILWAY COMPANY,)
Defendants.)

Case No. 452.

S. W. Switzer for Complainants.
Read G. Dilworth for Defendants.

LOVELAND, Commissioner:

OPINION.

The complainants in this case reside in that portion of the city of San Diego which lies between South Chollas Creek and the southern boundary line of the city of San Diego. The complaint alleges that the San Diego & Southeastern Railway Company operates a commercial railroad from the city of San Diego through National City and Chula Vista to Otay. The line of this railway practically bisects the territory in which these complainants reside. The complaint also alleges that the San Diego Electric Railway Company is an electric street railway operating in the city of San Diego; that this Company has two lines running a short distance outside of the city limits, one to Kensington Park and the other to East San Diego.

The complaint requests that this Commission require the San Diego & Southeastern Railway Company and the San Diego Electric Railway Company to exchange transfers at the points of intersection of their lines. At present, if one of the complainants desires to reach some point on the line of the San Diego Electric Railway Company he must pay two fares of five cents each, one to the San Diego & Southeastern Railway Company and

the other to the San Diego Electric Railway Company. An order such as prayed for in the complaint would entitle the complainants to reach any point on the lines of the San Diego Electric Railway Company for a single fare of five cents. Complainants do not desire the exchange of transfers in order to reach any point on the line of the San Diego Electric Railway Company outside of the city of San Diego.

In their answer to this complaint the defendant companies raise the question of jurisdiction. They claim that Section 19 of Article XI of the Constitution of this State gives to the municipal authorities of the city of San Diego the right to regulate rates of transportation upon street railways between points within the municipal limits. They claim that the municipal authorities have already fixed a rate of five cents for such transportation. The defendant companies contend that this Commission has no jurisdiction to require them to exchange transfers for the reason that an order requiring such exchange of transfers would compel the street railway company to accept a portion only of the five cent fare for transporting a passenger between two points within the limits of the municipality and that such an order would amount to a regulation of the rates of the street railway company for transportation within the city limits, the power to regulate which rates is vested exclusively in the municipal authorities.

I am of the opinion that the contention of the defendant companies is correct and that this Commission has no jurisdiction to grant the relief requested in this complaint.

I recommend, therefore, that the complaint be dismissed. and submit herewith the following form of order:

ORDER.

This case coming on regularly for hearing and, after argument had, it appearing that this Commission has no jurisdiction to grant the relief asked for in the complaint,--

IT IS HEREBY ORDERED, that the complaint be, and the same hereby is dismissed.

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 3rd day of December, 1913.

John M. Kelleman
H. S. Ireland
W. L. Gordon
Edwin O. Edgerton

Commissioners.