

Decision No. 1775**ORIGINAL**Decision No. 1775

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of )  
 various carriers to establish rules )  
 and regulations with reference to use )  
 of drawing room and compartment in )  
 Standard Pullman Sleeping cars. )

Application No. 1007

C. W. Durbrow and E. W. Camp for applicants  
 Seth Mann and Wm. R. Wheeler for San Francisco  
 Chamber of Commerce.

EDGERTON, Commissioner.

O P I N I O N

This is an application by Southern Pacific Company, The Atchison, Topeka and Santa Fe Railway Company, San Pedro, Los Angeles and Salt Lake Railroad Company, Western Pacific Railway Company and Tonopah and Tidewater Railroad Company for permission to charge an increased or additional passenger rate for persons traveling in drawing rooms or compartments in Pullman Sleeping cars.

The present rate requires only one ticket for each person traveling in a pullman car regardless of whether such person occupies a seat or an entire compartment or drawing room.

The request of these railroads is that they be allowed to charge extra railroad fares for persons occupying compartments or drawing rooms alone, the contention being that where one person occupies a drawing room or a compartment he is being given additional or more service or service of a different character than that which is given a person occupying a seat, and that it is not fair to the railroad to compel it to haul the comparatively large amount of space occupied by a drawing room or a compartment for

the same remuneration which it receives for hauling the space occupied by a single seat. Furthermore, it is contended that it is a discrimination as between passengers to charge the same price for these different services. The railroads further urge that if permitted to charge additional fares for the use of drawing rooms and compartments, individuals will not be as prone to use these facilities as they now are and hence they will be available for the use of families and persons who really need such accommodations.

The Chamber of Commerce appeared by Wm. R. Wheeler and Seth Mann and protested against this proposed increase. They called attention to the fact that the traveler paid the Pullman Company more for the drawing room or compartment than for a seat and that this additional payment was all that should be charged for the greater or additional service. Furthermore, that if the railroads were entitled to greater compensation for the service performed in relation to drawing rooms and compartments this compensation should be sought by way of a revision of the contract between the Pullman Company and the railroads.

I am impressed with the fact that a person traveling in a drawing room or in a compartment is receiving a greater service or an additional service than a person traveling in a seat or who occupies one berth, but I am not convinced that the additional price charged for the compartment or drawing room by the Pullman Company is not adequate consideration for this additional service.

It may well be that the railroad is not receiving a fair share of the compensation paid for this additional service, but this result is brought about by the contract entered into by the railroad and the Pullman Company.

Considering the matter from the standpoint of the traveler, there is no evidence presented or offered to show that when he pays the additional amount required by the Pullman Com-

pany for the use of a drawing room or compartment he <sup>was</sup> is not adequately paid for this additional service. This being true, to compel him to pay in addition an extra passenger fare would unjustly burden him, and I do not see how we can sanction any increase in the cost of transportation to the traveler without an adequate showing that the present cost to him is unduly low.

In other words, it seems to me that this Commission has not been put in a position by the railroads to pass upon the real question at issue, to-wit: Should the passenger pay more for the service which he is now receiving?

I therefore recommend that this application be denied and dismissed.

I submit herewith the following form of order:

#### ORDER

Application having been made by Southern Pacific Company, The Atchison, Topeka and Santa Fe Railway Company, San Pedro, Los Angeles and Salt Lake Railroad Company, Western Pacific Railway Company and Tonopah and Tidewater Railroad Company for permission to charge an increased or additional passenger fare for persons traveling in drawing rooms or compartments in Pullman Sleeping cars, and a public hearing having been had on said application and the Commission being fully apprised in the premises,

IT IS HEREBY ORDERED by the Railroad Commission of the State of California that said application be and the same is hereby denied.

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 1st day  
of September, 1914.

John W. Buchanan

H. H. Woodland

Alex. Gordon

Edwin O. Edgerton

Edwin O. Edgerton

Commissioners.