

Decision No. ✓

ORIGINAL

Decision No. 2306

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

David A. Curry,

Complainant,

vs.

The Yosemite Valley Railroad
Company, The Yosemite Trans-
portation Company, Southern
Pacific Company, Atchison,
Topeka & Santa Fe Railway
Company.

Case No. 783

Defendants.

David A. Curry in propria persona
Chas. P. Cutton for Yosemite Valley Railroad
Company and The Yosemite Transportation
Company.
Geo. D. Squires for Southern Pacific
Company.

EDGERTON, Commissioner.

O P I N I O N

This is a complaint of David A. Curry against the Yosemite Valley Railroad Company, the Yosemite Transportation Company, the Southern Pacific Company and the Atchison, Topeka and Santa Fe Railway Company requesting that the defendant companies be ordered to establish and maintain an all daylight service between San Francisco and Yosemite in each direction during the period from May 1st to September 1st of each year, thereby eliminating the necessity of stopover at El Portal.

All of the defendants filed answers denying the material allegations of the complaint.

The present schedule operated between San Francisco and Yosemite and between Yosemite and San Francisco is as follows:

SOUTHERN PACIFIC.

Lv. 9.20 a.m. San Francisco	Ar. 4.10 p.m.
Lv. 9.52 a.m. Oakland	Ar. 3.32 p.m.
Ar. 2.14 p.m. Merced	Lv. 11.10 a.m.

ATCHEISON, TOPEKA & SANTA FE.

Lv. 9.00 a.m. San Francisco	Ar. 5.30 p.m.
Lv. 9.20 a.m. Oakland	Ar. 5.00 p.m.
Ar. 1.45 p.m. Merced	Lv. 12.30 p.m.

YOSEMITE VALLEY RAILROAD.

Lv. 2.40 p.m. Merced	Ar. 11.00 a.m.
Ar. 6.20 p.m. El Portal	Lv. 7.20 a.m.

YOSEMITE TRANSPORTATION COMPANY.

Lv. 7.00 a.m. El Portal	Ar. 5.00 p.m.
Ar. 8.30 a.m. Yosemite	Lv. 3.30 p.m.

During the summer months an additional night service is provided from San Francisco, the schedule of same for the season of 1914 being as follows:

SOUTHERN PACIFIC.

Lv. 11.40 p.m. San Francisco	Ar. 10.00 p.m.
Lv. 12.17 a.m. Oakland	Ar. 9.29 p.m.
Ar. 4.50 a.m. Merced	Lv. 5.40 p.m.

ATCHEISON, TOPEKA & SANTA FE.

Lv. 11.55 p.m. San Francisco	Ar. 10.30 p.m.
Lv. 11.55 p.m. Oakland	Ar. 10.10 p.m.
Ar. 6.00 a.m. Merced	Lv. 5.55 p.m.

YOSEMITE VALLEY RAILROAD.

Lv. 8.00 a.m. Merced	Ar. 11.35 a.m.
Ar. 11.35 a.m. El Portal	Lv. 8.00 a.m.

YOSEMITE TRANSPORTATION COMPANY

Lv. 12:30 p.m. El Portal	Ar. 5:00 p.m.
Ar. 2:00 p.m. Yosemite	Lv. 3:30 p.m.

The overwhelming evidence in this case shows that the large majority of the people going to Yosemite Valley from San Francisco prefer to make the trip entirely in one day. Serious objection is shown to exist on the part of travelers to being compelled to break their journey and stop over night at El Portal. Several excursion agents, whose business it is to gather people together for a trip into Yosemite Valley, testified that such excursionists always requested to be landed in the valley in one day without being compelled to stop at El Portal. It appears that where these excursion agents obtain special trains for their parties, these trains were always run on a schedule which provided for a continuous trip into the Valley. The same evidence was given as to the desire of the traveler for an unbroken daylight schedule from the Valley to San Francisco.

The fact that the public are interested in the establishment of a daylight schedule is evidently known to the officials of the defendant, Southern Pacific Company. Mr. E.E. Wade, Assistant General Passenger Agent of that company testified as follows:

"I don't want to be understood as opposed to the daylight service. I wish it were possible to have a daylight service from San Francisco to the Yosemite Valley. I know the Southern Pacific would like to have a daylight service from Sacramento to the Yosemite Valley, and we have a daylight service to the north as far as Shasta Springs; we have a day-

light service to Lake Tahoe; we have a daylight service to almost all our resorts in California.

"We also have a night service; in other words, we have a double daily service. People can take their choice and travel as they please, and they do so. If we had that same condition to Yosemite, it would please us very much."

I am of the opinion that public necessity and convenience require the establishment by the defendants of a schedule that will permit the trip from San Francisco to Yosemite, and in like manner, the trip from Yosemite to San Francisco, to be accomplished during the daylight hours. By the establishment of such daylight schedule, the convenience of the public would be served and in connection with the night schedule operated during the summer months a choice of either daylight or night trips could be made, placing Yosemite in the same position regarding a selection of train service as now exists with other principal resorts in California.

The practicability of a daylight schedule is now to be considered, it having been contended by defendant, Yosemite Valley Railroad, that an all daylight schedule was unreasonable and that an all daylight period was inadequate time for a train service from San Francisco to Yosemite.

The two principal objections offered to the establishment of a daylight schedule were the alleged difficulties in connection with the operation of the automobile stage line of the Yosemite Transportation Company between El Portal and Yosemite and in the turning of the train of the Yosemite Valley Railroad at Merced after having arrived from El Portal and preparatory to the return trip.

As to the stage line, it was shown that although the time schedule between El Portal and Yosemite, in both directions,

had been published for a long time as requiring one hour and thirty minutes, that the average running time from El Portal to Yosemite had been for the month of June, 1914, a period of two hours, one and a fraction minutes, and for the outbound trip about one hour and forty-five minutes. These averages have been obtained by dividing the entire time consumed by the number of trips and have not excluded time consumed on extraordinary trips where breakdowns or delays occurred.

The operation of the automobile stages of the Yosemite Transportation Company between El Portal and Yosemite is subject to the regulation of the Superintendent of National Parks as regards speed and other features of operation, although the general rules and regulations governing the admission of automobiles into the Yosemite National Park for the season of 1915 were held not to apply between the junction of the Coulterville Road and the branch from such road running to El Portal, with the exception of Rule 7 as to speed which is general in its application and applies to all roads upon which automobile traffic is permitted within the Yosemite National Park reservation.

It appears that the Federal Regulations as published for the information and government of the general automobile traffic are not intended specifically to apply or to be enforced in regard to automobile stages operating under a concession from the Interior Department of the Federal Government, and while the matter of the speed regulation as fixed by Rule 7 of the Federal Regulations as a safety requirement would be insisted upon, it is not unreasonable to assume that the Superintendent of National Parks would permit such reasonable regulations for the operation of the automobile stages into Yosemite from El Portal as to enable the general public to be accommodated. In case of delay, it

may be that the trains of the Yosemite Valley Railroad would reach El Portal too late to enable passengers to be transported over the stage line from El Portal to Yosemite Valley during daylight hours, and in such cases the run from El Portal to Yosemite would have to be made after the hours of daylight.

It appears, however, that in the past night trips have been made by stages of the Yosemite Transportation Company upon special permission of the Assistant Superintendent of National Parks and whenever such permission for night operation has been requested it has always been granted. It appears, therefore, that an application to the Federal Authorities for a seasonal permit enabling the operation of automobile stages after daylight hours between El Portal and Yosemite, such permission to be available for use at such times as when accident or unforeseen delay rendered it necessary, would meet with the careful consideration of such authorities and if granted would render unnecessary the obtaining of individual permits for specific occasions upon short notice.

Considerable stress was laid upon the necessity of an interval of one hour being required at El Portal for the purpose of checking baggage and loading and unloading stages in connection with the transfer from stage to railroad at that point. In the year 1913, during the months from April to September, on train No. 2 there were handled 5992 passengers, an average of 32.7^{per day}, and during the year 1914, for the same period, there were handled a total of 3549 passengers, an average of 19.4^{per day}. Train No. 2 carried during the months from May to August, inclusive, (the months that the night passenger train was in service, and the heaviest months in the season) during the year 1913, a total of 2905 passengers, and in the year 1914, during the months from May to July, inclusive, (during which months the night service was operative) a total of 2114 passengers, an average of 23.6^{per day}.

and 22.98 per day respectively.

Even assuming that the establishment of daylight service would increase the number of passengers desiring to make the trip to Yosemite and increase the average above that heretofore handled, with proper facilities for the checking of baggage and the transfer of same at El Portal the transfer should be accomplished in a shorter time than the one hour stated to be necessary; and the combined activities of the employees of the Yosemite Transportation Company and the Yosemite Valley Railroad Company at El Portal Station should be concentrated at the time of transfer at El Portal upon the prompt checking of baggage and discharge or dispatch of stages at that point.

In connection with the operation of the Yosemite Valley Railroad Company, the scheduled running time, El Portal to Yosemite, in either direction is three hours and forty minutes. The alignment of the track between El Portal and Merced Falls contains a great amount of curvature and is not of a character that would permit of fast time being made over this section of the railroad. The track between the stations of Merced Falls and Merced is over comparatively level country, with few curves and no adverse grades and would appear susceptible of faster time of operation than is contained on the present schedule, especially in view of the testimony of the General Manager of the Yosemite Valley Railroad that the track is in first class condition.

If no increase of the speed of trains under the schedule were contemplated in connection with the establishment of a daylight service, then such portion of the track could be used in making up time caused by any slight delays en route.

Considerable testimony was offered by witnesses for the defendant, Yosemite Valley Railroad Company, regarding the length of time necessary to prepare the trains of that Company for the

return trip after having arrived at Merced from El Portal. The location of the tracks of the Yosemite Valley Railroad Company at Merced is such that not only is the station of the Yosemite Valley Railroad Company served, but also the stations of the Southern Pacific Company and the Atchison, Topeka and Santa Fe Railway, in fact the bulk of the passenger traffic of the Yosemite Valley Railroad Company is derived from the stations of the Southern Pacific and Santa Fe Companies. In order to serve the three railroad stations above mentioned it is necessary for the train arriving at Merced to go to each station to deliver and discharge passengers, baggage, mail, express and parcel post, to turn the equipment ready for the outbound movement to El Portal, and to pick up passengers and load express, baggage, mail and parcel post for the return trip.

In the opinion of witnesses for the defendant, Yosemite Valley Railroad, the time consumed in this operation would vary from two hours and five minutes to two hours and ten minutes, the latter being the figure given by the General Manager of the Yosemite Valley Railroad as being required during the season of heavy travel and which contemplated an interval of forty minutes during which the train crew would secure lunch at Merced and return to the train. Deducting this forty minutes from the figures of Mr. Lehmer the turn-around at Merced could be accomplished in one and one-half hours on the basis of requiring the train crew to make arrangements for their lunches without tying up the train for such purpose.

A tentative schedule was prepared by the Railroad Service Inspector of the Commission, which allowed a period of one hour and thirty-five minutes for the operation of turning train, discharging and loading passengers at Merced.

Considering the average number of passengers that would probably be handled on the basis of figures introduced as representing the traffic during former years, it would appear that under

ordinary conditions the turn-around at Merced could be accomplished without interfering with the practicability of a daylight schedule from San Francisco to Yosemite. Testimony was introduced to the effect that the large amount of express matter to be handled might interfere with the prompt leaving time of the train, but as the express matter is handled by the employees of Wells Fargo & Company Express, it is incumbent on that company to provide sufficient force to promptly handle their business.

I am of the opinion that a daylight schedule from San Francisco to Yosemite, and in like manner a daylight schedule from Yosemite to San Francisco, during the months from May to September, inclusive, is practicable, and that such schedule will require but reasonable adjustment of the schedules of the Yosemite Valley Railroad Company and the Yosemite Transportation Company, the schedule of the Atchison, Topeka and Santa Fe Railway Company requiring no change to accomplish the daylight schedule, and the schedule of the Southern Pacific Company requiring but the addition of a train connection between Tracy and Merced to accommodate such patrons who might desire to use that line from San Francisco to Merced.

The establishment of a train schedule on the Yosemite Valley Railroad by which passengers will arrive at Merced from El Portal at or before 12:10 p.m. will enable passengers to complete their journey to San Francisco in daylight hours, either by the trains of the Southern Pacific Company or the Atchison, Topeka and Santa Fe Railway Company, arriving San Francisco at 7:50 p.m. and 6:45 p.m. respectively, and will also afford convenient connections for points south of Merced on both the Southern Pacific and Santa Fe lines, and without any interference with the existing schedules of either of these companies which are serving the transportation needs of many other communities than those who may be interested and concerned in the schedules serving the Yosemite Valley.

The establishment of a train schedule by the Yosemite Valley Railroad Company leaving Merced for El Portal at or about 1:45 p.m. will provide a daylight service for passengers for Yosemite from San Francisco. In the preparation of the attached order, the Southern Pacific Company is not specifically required to establish a train service from Tracy to Merced which would make possible the daylight service via that line, San Francisco to Merced thence via Yosemite Valley Railroad and Yosemite Transportation Company to Yosemite, for the reason that the present service of the Atchison, Topeka and Santa Fe Railway Company provides accommodation for passengers desiring to take the daylight service from San Francisco to the Yosemite Valley. This schedule also provides for passengers from points south of Merced by leaving Merced on the Yosemite Valley Railroad at or about 1:45 p.m. who may arrive at Merced on the trains of either the Southern Pacific Company or the Atchison, Topeka and Santa Fe Railway Company.

It appeared at the hearing that passengers coming out of the Yosemite Valley would, if necessary, be willing to leave that point as early as 6:00 A.M. and it appears possible and practicable to prepare a schedule for the stage line operated by the Yosemite Transportation Company that would deliver passengers and their baggage at El Portal in sufficient time to enable Yosemite Valley Railroad Company to deliver passengers at Merced at or before 12:10 p.m., and in like manner by co-operation with the employees of the Yosemite Valley Railroad Company at El Portal to facilitate the transfer and loading of passengers and their baggage upon stages upon the arrival of the train leaving Merced at or about 1:45 p.m. that would enable arrival of all passengers at Yosemite during daylight hours.

In the preparation of the accompanying order, the defendant, Atchison, Topeka and Santa Fe Railway Company, is referred to for the reason that its present schedules offer train service that

would render possible daylight service between San Francisco and Yosemite in either direction.

I herewith submit the following form of order:-

O R D E R

David A. Curry having filed complaint with this Commission against the Yosemite Valley Railroad Company, the Yosemite Transportation Company, the Southern Pacific Company and the Atchison, Topeka and Santa Fe Railway Company, requesting that a through route on a daylight schedule be established and maintained between San Francisco and Yosemite, and in like manner, between Yosemite and San Francisco, during the months from May to September, inclusive, in each year, and a public hearing having been held and the Commission being fully apprised in the premises, and being of the opinion that the public convenience and necessity require the establishment of such a through route and service from San Francisco to Yosemite, and in like manner from Yosemite to San Francisco, and that same is practicable and should be established,

IT IS HEREBY ORDERED, that the Yosemite Valley Railroad Company and the Yosemite Transportation Company shall establish and maintain a through route on a schedule that will permit of the arrival of passengers from the Yosemite Valley at Merced on or before the hour of 12:10 p.m. of each day, and that will provide for the departure of passengers from Merced for Yosemite Valley on or about the hour of 1:45 p.m. of each day and such schedule to be in lieu of that now operated and which provides for the arrival of passengers at Merced from El Portal at 11:00 a.m. and their departure from Merced for El Portal at 2:40 p.m., and

IT IS HEREBY FURTHER ORDERED that the Yosemite Valley Railroad and the Yosemite Transportation Company shall establish and commence the operation of said schedule on or before the 1st day of May, 1915, and shall continue same until the first day of

October, 1915, and thereafter during the same period of each year, unless otherwise ordered by this Commission.

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 20th day of April, 1915.

Max Thelen

Ashtorland

Lee Gordon

Edwin D. Edwards

Frank R. Delpin

Commissioners.