

## BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

D. L. Vandervoort, et al.,  
Complainants,

vs.

Pacific Electric Railway Co.,  
Defendant.

ORIGINAL

Case No. 924

S. A. D. Gray, for complainants.  
Frank Karr, for Pacific Electric  
Railway Company, defendant.

DEVLIN; Commissioner:

O P I N I O N

The complainants in this proceeding are patrons of the Pacific Electric Railway, and reside in the vicinity of Rio Vista located on the Van Nuys-Lankershim line of the defendant. It is alleged that the passenger fares assessed by defendant for transportation to and from Rio Vista are "unfair, unreasonable and exorbitant".

The fares complained of are as follows:

Between Rio Vista And	One way	Round- trip	10-Ride Indiv.	30-Ride Family	46-Ride Children	Monthly Commutation
Los Angeles	\$.30	\$.50	\$2.00	\$4.50	\$5.20	\$5.60
Hollywood	.25	.45	-	-	-	-
Los Nogales	.10	-	-	-	-	-

As a second cause for complaint it is alleged that by reason of the refusal of the defendant to establish and maintain a platform or depot at Rio Vista for the handling of freight, complainants are compelled to transact their freight business at

Los Nogales or Lankershim at considerable expense and inconvenience.

Rio Vista is a village located 12.4 miles from Fourth and Hill Streets, Los Angeles, 4.78 miles from Hollywood, .32 of a mile from Los Nogales and 1.82 miles from Lankershim. The settlement is now in the city of Los Angeles, having been annexed May 22, 1915.

No exhibits and no substantial evidence were offered by complainants to show that the passenger fares in issue are either excessive or discriminatory. Complainants' witness was not entirely conversant with the rate situation and relied principally upon the broad statement that the rates are excessive, referring to the fact that residents of Rio Vista patronize jitney automobiles, also that they walk the short distance to Los Nogales or to Universal City in order to secure the lower passenger fares in effect from those points.

A census of the population in the immediate vicinity of Rio Vista, secured by a witness for the complainants, would indicate a total of from 130 to 150 people, out of which number approximately 84 are patrons of the Pacific Electric Railway.

Defendant's testimony and exhibits are intended to prove that the present fares are not unreasonable nor excessive and that they are comparable with like fares for approximately the same distances between other points on its system.

Rio Vista is not shown as a station in passenger tariffs and therefore under the application rule takes the rates in effect to and from the next more distant station. The evidence shows that travel is light from the station in question, the average being but twelve or thirteen passengers per day in each direction.

Fares of defendant are based upon the zone system and while the charge is 25 cents between Highland Avenue-Hollywood

Boulevard and Rio Vista, a distance of 4.06 miles, this same fare will carry a passenger to Gardner Jct., 4.94 miles, Oakhurst, 5.46 miles, Normandie Avenue and Hollywood Boulevard, 6.24 miles, Brush Canon, 6.68 miles, or to Normandie Avenue and Santa Monica, 6.99 miles. The same may be said of other fares complained of, which according to the practice of defendant are graded up to zones and are not on a mileage basis. This practice when it does not bring about discrimination as between communities has not been held to be objectionable and the testimony in this case has failed to show any discrimination in the territory under discussion.

While on the witness stand the Traffic Manager for defendant admitted that the rates to Rio Vista were somewhat out of line and offered to make certain reductions. Following the hearing an informal discussion took place between some of the parties to the complaint and representatives of the railway company and as a result of this conference defendant has notified the Commission that it would extend the Los Nogales passenger fares to a point known as Second Street, which is .23 of a mile beyond the present station of Rio Vista, that a passenger shelter shed would be placed at the Rio Vista Station, and also that it would make certain reductions in the 10-ride commutation fares.

The record contains testimony to the effect that present rates do not afford defendant a return upon the value of its property but I do not think it necessary in this case to develop that question.

Whether or not a rate adjustment is unfair or unreasonable against a particular locality is a question of fact which must be decided upon consideration of the evidence in the case. I have made a careful analysis of the fares under attack and compared them with other fares between points on defendant's lines and have reached the conclusion that certain inequalities should be removed.

Defendant, as heretofore stated, has offered to extend the Los Nogales rates to Second Street, Rio Vista, also to make

reductions in the 10-ride commutation fares. This proposed adjustment extending the Rio Vista zone to Second Street, a point .23 of a mile north of the present Rio Vista stop, provides reductions in all the fares complained of, and under the evidence introduced no greater reductions would be justified. I therefore recommend that the following rates be established:

Between Los Angeles And	One way	Round- trip	10-Ride Indiv.	30-Ride Family	46-Ride Children	Monthly Commutation
Rio Vista	\$.25	\$.45	\$1.75	\$4.00	\$4.45	\$5.30

Between Hollywood- Colegrove and						
Rio Vista	.20	.35	1.35	3.50	4.05	4.60

In explanation of the situation as to the receiving and delivery of freight at Rio Vista, Mr. D. W. Pontius, Traffic Manager of the Pacific Electric Railway, testified that a regular freight station with facilities for handling both carload and less carload shipments had been established at Los Nogales, a distance of .32 of a mile (approximately 5 city blocks) south of Rio Vista at the junction of the State Highway the main thoroughfare from Los Angeles, this point being considered the most logical, serving conveniently the greatest number of residents in that locality. The testimony also shows that from an operating standpoint it would not be practical to maintain freight facilities at both Los Nogales and Rio Vista on account of their close proximity.

Investigation developed the fact that there are very few communities in this state where freight stations are located any nearer to the residential or business section than .32 of a mile and it would not therefore appear that there is any hardship caused by reason of the refusal of defendant in this case to accept or deliver freight at Rio Vista, having established facilities for handling such business at Los Nogales. I would therefore recommend that

insofar as the second cause for complaint is concerned, this case be dismissed.

I recommend the following form of order:

### O R D E R

D. L. Vandervoort, et al., having filed with this Commission a complaint attacking the passenger fares of the Pacific Electric Railway Company to and from Rio Vista Station, also requesting that facilities be provided at Rio Vista for the handling of freight and a regular hearing having been had and the Commission being fully apprised in the premises and basing its order on the findings set out in the opinion which precedes this order,

IT IS HEREBY ORDERED that the Pacific Electric Railway Company publish and file with this Commission within twenty days from the date of this order the following passenger fares which are found to be just and reasonable:

Between Los Angeles and	One Way	Round- Trip	10-Ride Indiv.	30-Ride Family	46-Ride Children	Monthly Commutation
Rio Vista	\$.25	\$.45	\$1.75	\$4.00	\$4.45	\$5.30

Between Hollywood- Colegrove and						
Rio Vista	.20	.35	1.35	3.50	4.05	4.60

IT IS FURTHER ORDERED that that part of the complaint with reference to the establishment of freight facilities at Rio Vista be 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 1<sup>st</sup> day  
of July, 1916.

Max Thelen

H. S. Townsend

W. E. Gordon

Edwin O. Edgerton

Frank R. Devlin

Commissioners.