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Decision No. ✓ .

ORIGINAL

Decision No. 3523

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF CALIFORNIA

Philip C. P. Kelly,

Complainant,

v.

Case No. 933.

The Atchison, Topeka
and Santa Fe Railway
Company and The Pull-
man Company,

Defendants.

Philip C. P. Kelly in propria persona.
Platt Kent for The Atchison, Topeka
and Santa Fe Railway Company.
Sanborn and Roehl for The Pullman Com-
pany.

BY THE COMMISSION.

O P I N I O N

This is a matter brought by formal complaint
of PHILIP C. P. KELLY, alleging that the lavatory ser-
vice on the Pullman sleeping cars operated by defend-
ants between the cities of Los Angeles and San Diego

is inadequate and insufficient and requesting that the matter be investigated by the Commission at a public hearing and that an order be made granting relief.

The defendants each filed separate answers denying the material allegations of the complaint. A public hearing was held at San Francisco on May 31, 1916, the matter was submitted and is now ready for decision.

The complainant, a traveling salesman, testified as to the inconvenience caused male passengers by reason of the small space comprising the portion of the car devoted to the men's lavatory. The Pullman cars regularly assigned on the night runs on the line of The Atchison, Topeka and Santa Fe Railway between Los Angeles and San Diego are of the type known as twelve-section, one drawing room and one compartment. Four cars of this type are assigned to this service, two each being operated on trains No. 78 and No. 79. The dimensions of the men's lavatory on this type of car are 6'8" x 6'0", a total area of forty square feet. Each lavatory contains three wash basins, a dental basin, and a small seat. Hooks are provided upon which the clothes of passengers can be hung, also a hook is provided for a razor strop. A swinging shelf or drop table has recently been installed to furnish additional space for the placing of travelers' grips or bags while using the lavatory facilities."

Witnesses for the defendant, The Pullman Company, testified that it was impossible to furnish a type of car having larger lavatory space in the portion assigned for the use of male passengers and provide the section, compartment and drawing room space demanded by their patrons, and that if larger lavatory space were to be provided another type of car would have to be placed in service and that the compartment space, for which there was considerable demand, could not be supplied. It was stated that the type of car to be furnished by The Pullman Company for service on the Los Angeles-San Diego line of The Atchison, Topeka and Santa Fe Railway Company was specified by the officials of the latter company and also that The Pullman Company was willing to furnish such types of standard cars as might be called for by The Atchison, Topeka and Santa Fe Railway Company. Testimony developed the fact that a considerable amount of the congestion and crowding of the men's lavatory was occasioned by the desire for use of these facilities by a number of male passengers at the same time; by the practice of many of the male passengers shaving thereby requiring a longer period in which to complete their toilets than is necessary for male passengers who do not include shaving as a portion of their toilet, also the use of the men's lavatory as a smoking room. The Pullman Company, through the testimony of its superintendent, Mr. F. L. Wood, concedes the

right of male passengers to use the lavatory for the purpose of shaving, which is also evidenced from the fact that a hook is provided in the men's lavatory upon which razor strops may be hung. Also through the testimony of Mr. William Lucas, one of The Pullman Company's service inspectors, it was conceded that a passenger desiring to smoke is entitled to use the men's lavatory for such purpose.

A rule of The Pullman Company permits their conductors to allow passengers to use the toilet facilities in a drawing room or compartment, provided the car is crowded and such rooms are unoccupied. This matter is one over which the Pullman conductor has jurisdiction and permits such use when in his judgment it is necessary. It was developed that in addition to the rule of The Pullman Company in some instances the use of the ladies' lavatory had also been permitted.

Notwithstanding the efforts of The Pullman Company to relieve the congestion by the application of their rules as above, it appears that congestion does exist and that delays are caused male passengers desiring to make use of the lavatory facilities.

It also appears that the space allotted for the men's lavatories in the Pullman cars operated on the line of The Atchison, Topeka and Santa Fe Railway Company between Los Angeles and San Diego is inadequate for the comfort and convenience of the male pas-

sengers and that The Pullman Company has other standard types of cars which could be substituted for those against which complaint is made in this case. This Commission has record of a type of standard car having a men's lavatory 6'8" x 9'9" in size, or a floor space of sixty-five square feet, as against forty square feet as existing in the type of car against which this complaint is directed.

The agreement existing between The Pullman Company and The Atchison, Topeka and Santa Fe Railway Company, executed under date February 1, 1906, and at present in effect, governs the conditions under which the cars of The Pullman Company are operated on the lines of The Atchison, Topeka and Santa Fe Railway Company. Section 1 of this agreement reads in part as follows:

"The Pullman Company shall, during the term hereinafter limited, carry on and conduct what is generally known as a sleeping car business over the railroads now or hereafter included in the 'Atchison System' as hereinafter defined, and for that purpose shall furnish on the tracks of the Atchison System all standard sleeping cars, tourist sleeping cars and parlor cars, properly equipped and acceptable to the General Manager of the Railway Company, necessary to meet the requirements of travel over said Atchison System."

Under the terms of the agreement the duty of specifying the class of Pullman equipment necessary to meet the requirements of travel rests with the General

Manager of The Atchison, Topeka and Santa Fe Railway Company.

O R D E R

PHILIP C. P. KELLY having made complaint that the men's lavatories in the Pullman sleeping cars operated over the line of The Atchison, Topeka and Santa Fe Railway Company between San Diego and Los Angeles are inadequate,

And a public hearing having been held and the Commission being fully advised in the premises and finding as a fact that the space accorded to the men's lavatories in the type of Pullman sleeping cars operated between San Diego and Los Angeles is inadequate for the comfort and convenience of the traveling public,

IT IS HEREBY ORDERED that The Atchison, Topeka and Santa Fe Railway Company regularly operate on its line between San Diego and Los Angeles standard Pullman sleeping cars, each having a ^{minimum} space assigned for men's lavatory approximately six feet eight inches by nine feet nine inches (6'8" x 9'9") in size, and that this order be effective thirty

(30) days after date of this order.

Dated at San Francisco, California, this 17th day
of July, 1916.

Max Helen
H. B. Glass
The Austin

Frank R. Devlin
Commissioners.