

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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THE TOWN OF HAYWARD and the  
 CHAMBER OF COMMERCE OF HAYWARD  
 Complainants,  
 vs. Case No. 262  
 WESTERN PACIFIC RAILWAY COMPANY,  
 (a corporation)  
 Defendant.

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Thomas V. O'Brien, for Complainants  
 Allan P. Matthew, for Defendant.

ESHELMAN and LOVELAND, Commissioners.

O P I N I O N

This is an action brought by the Town of Hayward, and the Chamber of Commerce of Hayward praying for an order requiring the Western Pacific Railway Company to inaugurate a passenger train service to accomodate commutation travel and also that an order be issued reducing passenger fares as follows:

	from	to
Commutation fare between San Francisco and Hayward	\$6.00	\$5.00
Single fare " " " " "	.50	.30
Round trip " " " "	.70	.50
Single " " Hayward and Oakland	.40	.20

The Complainants ask for the establishment of passenger train service of six trains daily each way between Hayward and San Francisco.

At the outset we will state that complainants have not sustained their contentions that the passenger fares are excessive and unreasonable. The records of the defendant do not disclose the fact that its passenger traffic has yet reached the proportions which will justify any reduction in passenger rates

If the passenger revenue which would be derived from traffic flowing to the Western Pacific Railway would result in any profit whatsoever, there might be some justification in requiring the road to accept a reduction in rates, which would create this profit, particularly in view of the present earning capacity of the line.

But it must be remembered that the Western Pacific is a new line having been constructed in the face of the most severe physical obstacles and financial difficulties during the panic of 1907. Until such time as the line has had reasonable traffic development, it would be most unwise and unjust to require it to reduce rates unless by so doing a profit not heretofore present could be realized.

As to the complainants' demand for a passenger train service consisting of six trains each way daily between Hayward and San Francisco, we believe it absolutely impossible for the defendant to give any such service at this time because of the lack of floating equipment.

The defendant owns but one steamer which is at present handling all of its business satisfactorily, but certain running repairs must be made between trips to keep this steamer in service daily.

Commutation service to be valuable at all must be absolutely reliable and the trains must not only depart and arrive on time, but be operated at such frequent intervals as will accommodate a large number of people who must be at their places of business at different hours. The slightest departure from schedule time of commutation trains renders the service of no great value.

This class of service we do not believe the Western Pacific is at this time in a position to render. Even if the road possessed the required steamers and rail equipment to give

the service it is very doubtful if the commutation and suburban travel would be profitable and at this time we do not feel that the line can afford to operate the service asked for by complainants at a loss.

Whenever the Western Pacific Railway is in a position to give the people of Hayward an adequate commutation service, the Commission will give the matters complained of further consideration.

We are not unmindful of the fact that railroad promoters frequently make all sorts of promises to town trustees and citizens, in order to secure valuable franchises or concessions.

In this case, we have no doubt that engineers and others formerly connected with the Western Pacific promised the Mayor and town officers a better service than has been given the citizens of Hayward as an inducement to grant franchises through that town.

There is no doubt, but that the Western Pacific is so located as to serve the community better than its competitors in the matter of time and as soon as this line is physically and financially able to take advantage of its superior location, the Commission will expect it to do so.

In order that no injustice should be done, we requested complainants several months ago to furnish the Commission a statement of persons who would purchase commutation tickets, provided, adequate service was established. We desired to know with reasonable certainty what revenue could be expected from this class of travel and the statement asked for has not been furnished. The complaint will be dismissed without prejudice, and we herewith submit the following order:

O R D E R.

The Town of Hayward and the Chamber of Commerce

of Hayward having complained against the rates and service of the Western Pacific Railway Company, and a hearing having been duly held,

IT IS HEREBY ORDERED, That the complaint of the Town of Hayward and the Chamber of Commerce of Hayward against the Western Pacific Railway be and the same is hereby dismissed without prejudice.

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 24<sup>th</sup> day of March, 1915.

John W. Ashburn  
H. H. ...  
Edwin C. Edgerton

Commissioners.