

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of the San Francisco-Oakland Terminal Railways for an order granting permission to increase the individual monthly commutation fares between San Leandro and Hayward and between San Leandro and San Lorenzo, as shown in Items 123 and 125, Local Passenger Tariff No. 1, C.R.C. No. 5, by limiting the fares to San Leandro, Davis Street; also application for permission to change Item No. 22 in same tariff to read San Leandro (Western Limits), instead of San Leandro and making fares read same as Oakland (Eastern Limits), and thus increasing certain one-way fares and establishing San Leandro (Davis Street) as the end of the zone, instead of San Leandro.

Application No. 324

Herman G. Walker,
Complainant,
vs.
San Francisco-Oakland Terminal Railways,
Defendant.

Case No. 347

Hayward Chamber of Commerce,
Complainant,
vs.
San Francisco-Oakland Terminal Railways,
Defendant.

Case No. 348

James Matheson,
Complainant,
vs.
San Francisco-Oakland Terminal Railways,
Defendant.

Case No. 352

Peter J. Crosby for Hayward Chamber of Commerce.
H. G. Walker, in propria persona and for James Matheson.
A. A. Rogers for San Leandro Chamber of Commerce.
Traylor W. Bell and Stanley J. Smith for San Francisco-Oakland Terminal Railways.

THEBLEN, Commissioner.

OPINION.

The four above entitled proceedings involve passenger rates and service on the interurban electric lines of the San Francisco-Oakland Terminal Railways between Oakland and Hayward, in Alameda County, California, and points intermediate thereto and were heard together. As their subject matter is related, a single opinion

and order will apply to all four proceedings.

In Application No. 324, the San Francisco-Oakland Terminal Railways asks authority to amend its passenger tariff in two respects: (1) so as to provide that the monthly commutation tickets between Hayward and San Leandro, selling for \$2.50, be limited so as to be good only between Hayward and Davis Street, a street in San Leandro running north and south and distant about half way between the easterly and westerly limits of the town, instead of being good between Hayward and the westerly limits of San Leandro, adjoining Oakland; (2) so as to limit the applicability of the 10¢ one-way passenger fare between Hayward and San Leandro to Davis Street, in San Leandro, instead of permitting the fare to apply between Hayward and the westerly limits of San Leandro adjoining Oakland.

If this application is approved, passengers holding commutation tickets will have to pay an additional 5¢ between Davis Street (San Leandro) and the western limits of the city. Likewise, passengers who ride between Hayward and any place west of Davis Street, will have to pay an additional fare of 5¢. Applicant claims that the fare of 10¢ between Hayward and San Leandro is a clerical error and insist that it was intended to limit the fare to Davis Street on the west.

The application to limit the commutation tickets for passage between Hayward and San Leandro (Davis Street) was based on the fact that ordinarily passengers do not disembark or board cars in San Leandro between Davis Street and the western limits of the town. It was further contended by the applicant that the merchants of Hayward were buying these commutation tickets and distributing them among their patrons who desired to travel to Oakland, it being possible to use this commutation ticket from Hayward to the western limits of San Leandro, then pay an additional 5¢, and thus be carried from Hayward to Oakland at a fare much lower than the regular tariff.

While this application was being investigated by the Commission, it appeared that very few, if any, commutation tickets were in the hands of merchants and that the principal number of commutation tickets were in the hands of persons who traveled daily between Hayward and Oakland.

Shortly after the Commission decided to hold a public hearing on the application, the three above entitled complaints were filed.

In Case No. 347, Walker vs. San Francisco-Oakland Terminal Railways, the complainant alleges that the defendant company requires its patrons to sign a commutation ticket, subject to conditions which are stated to be illegal and unreasonable, and that because of his refusal to sign an agreement to abide by the conditions mentioned on the ticket, the same was confiscated by defendant; that the defendant carrier is not complying with the provisions of Section 14 (a) of the Public Utilities Act in that it has refused to permit him to inspect schedules showing rates, fares, charges, etc., at its office in Elmhurst, where commutation tickets are on sale; and that the defendant is charging 15¢ for a one-way fare between Hayward and San Leandro contrary to the published rates on file with this Commission.

In Case No. 348, Hayward Chamber of Commerce vs. San Francisco-Oakland Terminal Railways, the complainant alleges that the defendant has been collecting 15¢ between the western limits of San Leandro and Hayward from some passengers, but only 10¢ from those who refused to pay more; that an additional 5¢ was demanded for passage between Davis Street, San Leandro and the western limits of that city from passengers holding commutation tickets reading between Hayward and San Leandro; and that the monthly commutation fare of \$5.00 between Hayward and Oakland is excessive, unjust and unreasonable. Complainant prays for an order of this Commission fixing the one-way fare between Hayward and the western limits of San Leandro at 10¢ and establishing a

fare of \$3.00 for a monthly commutation ticket without transfer privileges, between Hayward and Broadway, Oakland.

In Case No. 352, James Matheson vs. San Francisco-Oakland Terminal Railways, the burden of the complaint is the service on the defendant's line between Oakland and Hayward. The complaint alleges: (1) that cars are not properly ventilated and are unsanitary; (2) that certain cars are not furnished with light in the forward portion thereof, used as a smoking compartment; (3) that cars are not heated; (4) that cars are leaky; (5) that certain of the cars are constructed so as to provide more standing room and less seating room; (6) that cars are over-crowded, principally the one leaving Hayward at 7:57 A. M.; and, (7) that conductors employed by the defendant are discourteous. The complainant further alleges that conductors demand fares in excess of the fares published and on file with this Commission and that the fare of 10¢ between San Leandro and Hayward is excessive and unreasonable. The complainant prays for an order of this Commission directing the defendant company to furnish cars adequate and in proper condition for the service between Hayward and Oakland and to provide seats for passengers; also to establish a fare of 5¢ between Hayward and the western limits of San Leandro; also to establish a fare of 5¢ between Oakland and the eastern limits of San Leandro.

Referring first to applicant's request for permission to limit the commutation tickets between Hayward and San Leandro to passage between Davis Street (San Leandro) and Hayward, I find that the great majority of the San Leandro-Hayward commutation tickets are used by passengers who ride daily between Oakland and Hayward and who use these tickets from the western limits of San Leandro (the eastern limits of Oakland) to Hayward and pay an additional 5¢ fare between the Oakland eastern limits and points within the city of Oakland. There is nothing wrong in this practice. The Public Utilities Act specifically provides that

no through rate shall exceed the aggregate of intermediate rates. If a passenger avails himself of the published tariff rates up to a certain point and pays the published tariff rates to a point beyond, he is obtaining no more than the law commands the carrier to give him.

The whole question whether the applicant should be permitted to restrict its commutation tickets for passage good only between Davis Street (San Leandro) and Hayward so as to entitle it to collect an extra 5¢ between the eastern limits of Oakland and Davis Street, San Leandro, depends on whether or not the present rates are remunerative. This question I shall consider in connection with the complaints of the Hayward Chamber of Commerce and James Matheson.

The applicant's request for permission to correct an alleged clerical error in its passenger tariff naming one-way fare of 10¢ between Hayward and San Leandro, by limiting this ticket for passage to or from Davis Street, thereby entitling applicant to collect an additional 5¢ between Davis Street (San Leandro) and Oakland city limits from passengers traveling on one-way fares, will also be considered in connection with said two complaints.

Referring now to the Walker case, I shall first consider the conditions to which passengers are required to subscribe on commutation tickets, which conditions are alleged by complainant to be illegal and unreasonable. In my opinion, carriers do not have the right to print on their tickets any conditions which are not covered by tariff publication. A person examining a carrier's tariff on file with this Commission is entitled to know under what conditions passengers or freight will be transported. Conditions appearing on a ticket and not covered by the carrier's published tariffs are unlawful. Carriers must print in their tariffs the conditions which appear on the ticket itself. Several of the conditions appearing on defendant's commutation tickets are unreasonable and clearly unlawful. It

will not be necessary now to pass definitely on each of these conditions, for the reason that the matter may be considered when the defendant presents for filing a tariff showing the conditions on which it intends to rely..

The defendant admitted at the hearing that it did not have its tariffs on file at its Elmhurst station. Defendant stated that it had not considered Elmhurst as a regular agency station but admitted that inasmuch as tickets were sold at the receiving station at Elmhurst as a matter of convenience to the public and of assistance to conductors the tariffs should be on file there. I am satisfied that the defendant did not wilfully violate Section 14(a) of the Public Utilities Act, providing in part that tariff schedules must be kept on file open for public inspection in every station where tickets are sold, and shall consider this matter as having been satisfactorily disposed of.

Concerning the allegation in the Walker complaint that the defendant was charging 15¢ between San Leandro and Hayward whereas the tariff on file with this Commission provided a fare of only 10¢ for this service, the defendant has admitted that it gave instructions to collect the higher rate in the belief that it would in that way more effectively maintain its contention that the lower fare was inserted through a clerical error. The records of this Commission indicate that upon the complaint of several citizens concerning the service and practices of the defendant the Commission notified the defendant's representatives that its tariff called for a fare of 10¢ only between San Leandro and Hayward and that this fare only should be collected until the Commission acted one way or the other upon the application to restrict the fare to Davis Street, San Leandro. The action of the defendant in continuing to collect the fare of 15¢ between the western limits of San Leandro and Hayward in violation of the tariff on file with this Commission was the cause of continual

friction between passengers and conductors. The public was subjected to the necessity of struggling for the fare established by the tariff, and the defendant's employees were placed in the humiliating position of continually quarreling with passengers--collecting 15¢ when the passengers would rather pay the amount than engage in an argument and accepting 10¢ when the passenger refused to pay any more. This arbitrary and unlawful action of defendant brought upon its head the well deserved censure which was administered by the Commission at the hearing. A statement filed by defendant upon the demand of the Commission shows that between December 12, 1912, (on which day the defendant knew the situation) and January 13, 1913 (the first day of the hearing) defendant collected over \$1,000 in excess of the lawful fares. This money was taken by defendant without right and should not be retained by defendant. It will be almost impossible for the people who were compelled to pay the excess fares to recover them. In view of defendant's apology at the hearing and of its earnest efforts thereafter to supply all facts and data bearing on the questions at issue and to assist the Commission in every way to get at the facts, I do not at present feel disposed to recommend a prosecution of the defendant and its officers for these unlawful acts, provided that the money unlawfully collected by defendant be applied by defendant in some hasting way for the benefit of its patrons on the Oakland-Hayward line. I recommend that 30 days' time be given to defendant to suggest a method in which the moneys so collected shall be expended for the purposes herein indicated, and that in the meantime further action in the premises be deferred.

I shall now consider the application of the San Francisco-Oakland Terminal Railways with reference to the restriction of one-way and commutation fares, the complaint of the Hayward Chamber of Commerce to the effect that the monthly commutation fare between Oakland and Hayward of \$5.00 is excessive and unreasonable and the prayer of that body for the establishment of a fare of \$3.00 per month, and the complaint of James Matheson concerning

the unreasonableness of the one-way fare between Hayward and San Leandro and between Oakland and San Leandro, both of which the complainant asks to be fixed at 5¢.

Taking up first the application of the San Francisco-Oakland Terminal Railway, it appears that the general theory on which carriers request an increase in rates is that the existing rates are not sufficiently remunerative. Witnesses for the applicant stated that the Hayward line was not a paying proposition. This general statement was later modified to refer to that portion of the Hayward line which lies east of the eastern limits of the city of Oakland. It is needless to say that carriers can not expect each particular piece of line to be self-supporting. Certain pieces of line produce nothing, but act as a bridge to carry the traffic from one producing section to another. Other lines may not produce enough to support themselves but partly make up the deficiency by contributing traffic to the main artery or system. The Commission in considering these questions must necessarily consider the property as a whole and endeavor to arrive at an adjustment which will be fair to the carrier and to the public alike. In so doing, it is often necessary, where business is extremely light on this or that particular branch and the traffic contributed to the main system is of small volume, to make some additional allowance for branch line service or while passing over remote and sparsely settled districts, which may be located at the end of a particular line. That these conditions do not apply to the present situation will hereinafter appear.

The applicant operated in November, 1912, 38 lines exclusive of what is known as the "Key System." During this month the average daily receipts per car hour on all of the lines of the applicant amounted to approximately \$2.61 per car hour. Of the 38 lines ~~lines~~ operated, 26 lines produced revenue less than \$2.61 per car hour and 12 produced more than that amount.

In point of revenue per car hour, the Oakland-Hayward line ranked fourth of all the lines operated by the applicant.

In the month of August, 1912, the Hayward line produced receipts amounting to \$3.69 per car hour and ranked second of all the lines operated by the applicant other than the Key System. During this month, 17 lines operated at less than \$1.71 per car hour, which amount covers the average cost of operating defendant's cars other than interest on bonded indebtedness and taxes. During the month of December, 1912, the average receipts on the Hayward line were \$3.58 per car hour and the line ranked fourth in the amount of receipts per car hour. During this month, 16 lines operated at less than \$1.71 representing the cost of operation.

During the month of November, 1912, the receipts of the Hayward line amounted to \$29,823.24. The passengers carried for the month amounted to 678,276. During the month of December, 1912, during part of which time the applicant received from some passengers less fare than from others for passage between San Leandro and Hayward, the applicant's receipts for the Hayward line amounted to \$30,702.86 and the number of passengers carried was 683,162. In other words, during the month of December the applicant's receipts for the Hayward line increased \$879.62 and the number of passengers carried increased 5886, or an average of 15¢ per additional passenger carried.

During the month of January, 1913, the applicant's receipts per car hour on the Hayward line decreased to \$3.10 or about 48¢ per car hour less than during the month of December, 1912. January, however, is generally recognized as a dull month for travel and it is noticeable that practically all of the lines of the applicant showed decreased earnings in January over December. The county line earnings decreased about 30¢ per car hour; the Richmond line about 34¢ per car hour; the Grove street line about 24¢ per car hour; the Elmhurst line about 33¢ per car hour; the West Eighth street line about 36¢ per car hour, and, in fact, practically all lines show substantial decreases in January as compared with December,

from which facts I must conclude that the decrease in earnings on the Hayward line for the month of January as compared with December can not be attributed to the obedience by the carrier to its lawful tariff fares on file with the Commission, which fares are lower than those which it had been collecting..

Below is a statement of car hour receipts for all lines of the defendant's Oakland Traction System and the Hayward Line, indicating that the Hayward Line earns far above the average of all lines:

Month	No. of lines Operated	Average receipts per car hour all lines	Rank of Hayward Line Car Hr. earnings	Earnings per car hour Hayward Line
<u>1912</u>				
March	34	2.2846	2	3.2479
April	35	2.3227	1	3.3909
May	34	2.3939	1	3.5978
June	33	2.4072	1	3.7044
July	38	2.3624	3	3.5566
Aug.	38	2.5393	2	3.6944
Sept.	38	2.5542	4	3.6291
Oct.	38	2.59684	3	3.59229
Nov.	38	2.60879	4	3.56769
Dec.	38	2.56133	4	3.58498
<u>1913</u>				
Jan.	36	2.35798	6	3.10280
Feb.	37	2.44617	6	3.06418

Prior to the consolidation of the Oakland Traction Company, the San Francisco-Oakland-San Jose Consolidated Railway, and other properties, into what is now known as the San Francisco-Oakland Terminal Railways, the Oakland Traction Company earned as

an independent property during the year 1911, an average of \$2.47 per car hour on all its lines. With earnings at the rate of \$2.47 per car hour the Oakland Traction Company for the fiscal year 1911 showed operating revenues of \$3,016,244.76, the operating expenses for this period \$1,953,616.33, or a net operating revenue of \$1,062,628.43. After payment of taxes and interest on funded and floating debt amounting to \$668,706.53, the Oakland Traction Company showed a net income of \$380,225.08. From this net income a dividend amounting to \$211,500.00 on the preferred stock of the corporation was paid, leaving a surplus of \$168,725.08. It must be remembered, as before stated, that this dividend was paid and the surplus created from an average earning per car hour of \$2.47.

The report before the Commission of the San Francisco-Oakland Terminal Railways for the year ending June 30, 1912, includes the Key System, Oakland Traction Company and other properties consolidated into what is now known as the San Francisco-Oakland Terminal Railways. For the fiscal year 1911/12 the operating revenues per car hour were \$2.93. From this report it is impossible to say exactly what the earnings of each separate property are. The figures for the months of November and December, 1912, and January, 1913, indicate that the car hour earnings of the two principal parties of the San Francisco-Oakland Terminal Railways are as follows:

	<u>November 1912</u>	<u>December 1912</u>	<u>January 1913</u>
Key System	3.44	3.51	3.30
Oakland Traction	<u>2.61</u>	<u>2.56</u>	<u>2.34</u>
Average	3.02½	3.03½	2.82

It will be seen by these figures that the Key System earnings per car hour are considerably in excess of those of the Oakland Traction Company, so that I believe it is safe to assume that the average car mile earnings of the Oakland Traction Company, as a whole, will not exceed \$2.50 per car hour.

The report of the Consolidated Company for the fiscal year ending June 30, 1912, indicates that a dividend of \$423,000, or 6%

on the preferred stock of the Oakland Traction Company was paid during this year from the earnings of that company prior to consolidation.

According to the report rendered to the Commission for the fiscal year ending June 30, 1911, the railroad line of the Oakland Traction Company cost \$116,515.05 per mile. The property was capitalized at that time for \$285,591.80 per mile, which was divided into capital stock of \$176,653.20 per mile and funded debt \$108,938.60 per mile.

From the records on file with the Commission it would appear that the capitalization of the Oakland Traction Company was not materially increased in the fiscal year ending June, 1912, during which period it and other properties were consolidated into what is known as the San Francisco-Oakland Terminal Railway. Therefore, on an average earning of about \$2.50 per car hour, the Oakland Traction Company was able to pay interest on [&]funded debt of \$108,938.60 per mile and declared a dividend of 6% on its preferred stock of \$68,447.000 per mile. In other words, the defendant earned a reasonable return on a capitalization of \$177,000.00 per mile when the actual cost of the road was approximately \$116,000.00 per mile. It is difficult to understand, therefore, on what ground the defendant urges that the Hayward line is not remunerative when the car hour earnings of that line range from \$3.06 per car hour to \$3.69 per car hour, particularly in view of the fact that interest on its funded debt and dividends on its stock were paid on an average earning of not to exceed \$2.50 per car hour. It should also be remembered in this connection that during the latter part of January and the entire month of February the defendant has been operating its so-called Hayward Express cars through to the eastern limits of the city of Oakland without doing any local work and it is quite natural that the receipts of the Hayward line should fall off slightly on this account.

I shall turn now to the Matheson complaint, and particularly to matters affecting defendant's service.

Referring first to ventilation, it is a difficult matter, to say the least, to ventilate cars so as to please all patrons. Persons who like plenty of fresh air insist on all of the ventilators as well as the doors and windows being opened. Other passengers in the same car object to perhaps the doors, while still others object to the windows being opened. It is practically impossible to please everyone on a street car or train in the matter of ventilation. Our investigations have developed the fact that on the Hayward and Lehigh type of cars, used on the ~~Xxxxxxxx~~ Oakland-Hayward line, the roof ventilators as well as the rear car door are generally open. The Hayward type car has a smoking compartment which, if it happens to be on the rear of the car, according to the direction the car is traveling, is always open. If it happens to be in the forward end of the car, it is either open or closed, according to the notion of the passengers.

Referring to the complaints as to lighting, the Hayward type of car is lighted throughout. The Lehigh car has no smoking compartment and is lighted throughout. During our investigations we found but one payee type of car used in the Hayward service, this being the type of car concerning which complaint was made. The use of this type of car, which is more properly usable in strictly street car service, we understand to have been due to temporary shortage of cars. The payee type of car is open at both ends with a center compartment closed. The forward end of the car is used as a smoking compartment and is kept darkened at night in order that the motorman may better see the track ahead. We consider it absolutely essential that the motorman should be protected from the glare of the lights behind him. This is a recognized necessity where men are constantly straining their eyes ahead following the rays of a headlight and one which we consider necessary in safe operation at night. As already stated, it appears that this type of cars is very seldom used on the Oakland-Hayward line. If it

appears that defendant has not a sufficient number of the Hayward or Lehigh type of cars for this run, defendant should acquire additional cars of these types.

Complainant alleges that cars of the defendant in the Hayward service are not heated. We know of no street car system in this western country which heats its cars for short runs. Some of the larger interurban systems having runs of 80 or 90 miles have electric heaters in their cars, but I doubt whether the installation of heaters on the cars of the Hayward line of the defendant company would prove satisfactory. It is not unusual to hear people complain about there being too much or too little heat on a large car of a steam railroad, and in a well filled street car, we believe there would be considerably more complaint concerning heat than on steam trains. I do not believe the Commission is justified at this time on the showing in this case to require the defendant to install heaters in its cars on the Hayward line.

Concerning the allegation that defendant's cars are leaky, the Commission's ~~inspectors~~ inspectors have made an examination of the cars in the Hayward service and have failed to find any evidence of the same being leaky. The roofs are sloping and water can not stand thereon. It is possible during a driving rain storm, if the ventilators are open, that some water will come in through these ventilators, but under ordinary circumstances we believe it will not be difficult to avoid complaint on this score. I have no doubt that rain penetrated the inside of the car, as the complainant alleges, but this was probably due to the ventilators being open during a driving storm or to the fact that the car in question having run all summer in the dry weather, opened some seams which admitted the water. Whether or not the car roof will leak can only be detected after the first storm of winter. It might be well for the defendant as the winter season approaches to test the roofs of the cars and make such repairs as are necessary to keep out the moisture.

Since the hearing, the Commission's inspectors have made careful examination at different times of the sanitary condition of the cars in the service ~~fixtix~~ between Oakland and Hayward. They have found that in many instances cars were in a dirty condition while others were clean or fairly so. In many cases windows were very dirty and the car floors in bad condition. The Commission realizes that during the rainy season it is difficult to keep either the windows or floors of a car in street car service clean. People will carry mud into a car and on the floor, and teams passing cars will splash water and mud on the sides of cars and on the windows. No amount of regulation can prevent such acts. Conductors can not at the end of each run wash the windows of a car and they very seldom have time to sweep ^{the car out} before making a return trip.

I believe, as a rule, that the employees are just as anxious to have their cars clean as the public, and our inspectors report that since the hearing in these cases there has been a marked improvement in the condition of the cars with regard to cleanliness. There is one thing in this connection which impresses me very forcibly, after a careful review of our inspectors' reports, and that is, that cars are frequently littered with scraps of paper and other debris thrown on the car floors by passengers. The public can not expect to ride in clean cars if they themselves wantonly litter them up.

It is my belief that cars should be thoroughly washed at more frequent intervals than once in ten days, which is the admitted practice of the defendant.

As to the complainant's contention that cars are constructed with a view to compelling passengers to stand rather than to be seated, the testimony at the hearing and our subsequent investigations have convinced me that this allegation is made under a misapprehension of the true state of facts. The Lehigh type car has all cross seats and seats 52 passengers; the Hayward type car has cross seats in one compartment and side seats in the smoking compartments and seats the same number of passengers. In the smoking

compartment, it is true, people can stand up to better advantage than in the section where smoking is not permitted, but nevertheless the same number of seats are provided, and if the car were equipped with nothing but cross seats it would seat no more passengers, being a car of the same length. From this it is apparent to me that the placing of cross seats in the car would accomplish no good and would only discommode those who were obliged to stand. The payee type of cars seats 48 passengers and could not be made to seat any more if seats were placed crosswise. Therefore, it is obvious that it is more comfortable, if passengers are obliged to stand, to have the seats running lengthwise in the car than crosswise. I am not passing on the relative convenience of cross or longitudinal seats for passengers who have seats.

Referring now to the overcrowding of the cars, the Commission has made a careful study of the situation. Attached to this opinion and order are tables prepared by the Commission's rate department showing exhaustively the travel on the various cars on the dates indicated, with particular reference to the relation between the number of seats and the number of passengers.

In considering the overcrowding of cars I shall first take up the eastbound service. As a general rule, I do not find that any material overloading of Hayward cars occurs before 4 P.M. Occasionally there is a slight overcrowding of cars between the hours of 11 A. M. and 1 P. M., but according to the records examined by the Commission this overloading has been confined exclusively to the territory west of the Oakland eastern limits, the overcrowding being relieved in the neighborhood of Elmhurst. The car leaving Oakland at 4:16 P.M. appears to have been overloaded as far east as the Oakland eastern limits. The same may be said of the local car leaving Oakland at 4:36 P.M. for Hayward. The car leaving Oakland at 4:46 P.M. is always overcrowded, but ~~only~~ on only one occasion, except Sunday, does this car show any overloading beyond the eastern limits of Oakland. The express car leaving at 4:56 P.M. is not now being overloaded. Between the hours of 5 and 6

P.M. the regular local leaving at 5:06 P.M. is generally overcrowded to a much greater extent than any of the cars at this hour. The local car leaving at 5:26 P.M. is frequently overloaded. The express car leaving Oakland at 5:16 P.M. is generally overloaded but the other two express cars, one at 5:36 P.M. and one at 5:56 P.M., are seldom if ever overloaded. All of the overloading referred to is practically confined to points west of the eastern limits of Oakland. As the cars do not work between Webster Street and the eastern limits of Oakland, it is safe to assume that the people who are compelled to stand on the express cars are compelled to do so until the eastern limits of Oakland are reached. There appears to be a general overcrowding of the local San Leandro cars in the afternoon, particularly between the hours of 5 and 6:30 P.M., which overloading is relieved prior to reaching the Oakland eastern limits.

This is one of the difficulties of street railroading which is hard to overcome. People who are in the habit of traveling to work between the hours of 6 and 9 A.M. all desire to return home from 5 to 6:30 P.M., with the result that a street railroad finds it extremely difficult to transport the passengers without overcrowding. If every passenger were to be provided with a seat, the company would be required to employ many extra motormen and conductors who would be compelled to remain idle practically all day or else run empty cars during the middle of the day. It would not be good business to run cars empty during the middle of the day and it would be most difficult for a street railroad to maintain a competent organization were it only provided three or four hours a day work for its men. Hence the problem of overcrowding cars between the hours of 5 P.M. and 6:30 P.M. is a difficult one to solve. The overloading of cars westbound from Hayward is almost confined almost exclusively to cars leaving Hayward at 6:49 A.M., 7:09 A.M. and 7:54 A.M. There are a number of cars operating locally between San Leandro and Oakland which appear to be overcrowded. I believe that defendant can materially relieve the congestion by

running an additional car occasionally between Oakland and San Leandro, in both directions, at such times as it appears that the present westbound cars from Hayward are being overloaded at San Leandro and at times when it appears that the eastbound cars are being overloaded west of the eastern limits of Oakland.

I do not believe it wise to make any order at this time specifically directing the defendant to run additional cars at any particular time, believing that it is better to call attention to the particular cars which appear to be overcrowded and permit the defendant to relieve the congestion in a way which will best fit in to its present schedules. If defendant does not within ninety days ^{from} the effective date of this order take the necessary steps to relieve the congestion, this Commission, upon having its attention drawn to the matter, will make further investigations.

With reference to the allegation in the complaint that employees of the defendant are discourteous, I can only say that in my judgment, the employees were confronted with a situation which would tax the patience of almost anyone. The instructions to the conductors were to collect a fare in excess of the tariff fare on file with this Commission, a fact which was well known to the public, and a conductor in order to do his duty as directed by his employer was obliged to make every effort to collect the fare as directed by the defendant. Many passengers refused to pay a fare in excess of that published in the tariffs, with the result that there was constant conflict between the conductors and passengers, which, I believe, in a great measure accounts for the charges that the employees are rude and discourteous. The conductors were certainly in an unenviable position and I am satisfied that it will be found that with the principal cause of conflict removed, the traveling public will find the conductors of the defendant as courteous a lot of men as will be found on any street railroad in the country.

After a careful consideration of all the evidence in these proceedings, I find the following facts:

I find as a fact that the one-way fare of 15¢ between Hayward and Oakland is amply remunerative and the application of the San Francisco-Oakland Terminal Railways to restrict the fare to 10¢ between Hayward and San Leandro for passage to or from Davis Street (San Leandro) only, so as to bring about an increase in the through fare between Hayward and Oakland from 15¢ to 20¢, is not justified and should be denied.

I find as a fact that the application of the San Francisco-Oakland Terminal Railways to restrict the commutation ticket now sold between San Leandro and Hayward for passage from or to Davis Street (San Leandro) only, so as to bring about an increase in fare for passengers using these tickets to the Oakland city limits and there paying an additional fare, is not justified and the application to so restrict the ticket should be denied.

I find as a fact that the present 5¢ fare zones of the defendant, San Francisco-Oakland Terminal Railways, on its Hayward line are such by reason of one zone overlapping another as to bring about a very confusing situation resulting in the public being charged excessive and unreasonable rates; that the cities of Oakland and San Leandro, while distinct municipalities, are practically one community; that the fare of 5¢ should be extended from the present easterly limits of the city of Oakland to Davis Street (San Leandro); that a 5¢ fare zone should be established between San Leandro (Davis Street) and the station or stop known as Ashland; that a 5¢ fare zone should be established between Ashland and Hayward; that the fares so to be established are just and reasonable fares and that existing fares in so far as they differ from the fares so to be established are unjust and unreasonable.

I find as a fact that the defendant's monthly commutation fare of \$5.00 per month between Hayward and Oakland, good for one trip daily, is an unreasonable and unjust fare and should not exceed \$4.50 for a similar ticket, which sum I find to be a just and reasonable fare for this service. ~~There is no evidence in the record to support the~~

The defendant should also publish a commutation rate of \$4.00 per month between Hayward and Oakland without transfer privileges, good for one trip in each direction daily except Sundays, which sum I find to be a just and reasonable fare for such service.

I submit herewith the following form of order:

O R D E R.

SAN FRANCISCO-OAKLAND TERMINAL RAILWAYS having made application to this Commission for authority to limit the individual monthly commutation fare between San Leandro and Hayward and between San Leandro and San Lorenzo, so that the western limit shall be Davis Street, San Leandro, and also to limit the application of the one-way passenger fare between Hayward and San Leandro, so that the western limit shall be Davis Street in San Leandro, and Herman G. Walker, Hayward Chamber of Commerce and James Matheson having filed with this Commission Cases No's 347, 348 and 352, respectively, against the San Francisco-Oakland Terminal Railways, complaining of the fares and service of said railway company, and said application and said cases having been consolidated and a public hearing having been held thereon, and the Commission being fully advised in the premises and basing its conclusions on the findings of fact contained in the opinion which precedes this order,

IT IS HEREBY ORDERED AS FOLLOWS:

1. The application of San Francisco-Oakland Terminal Railways is hereby denied.
2. San Francisco-Oakland Terminal Railways is hereby directed to publish and file with this Commission within twenty (20) days from the effective date of this order, passenger tariffs establishing the following one-way fares between Oakland and Hayward and points intermediate thereto; which fares are hereby found to be just and reasonable fares for the service performed:
 - (a) A passenger fare of five (5) cents between points within the city of Oakland and Davis Street in San Leandro, with

the present transfer privileges at points within the city of Oakland.

(b) A passenger fare of five (5) cents between Davis Street in San Leandro and the station known as Ashland, located easterly from San Leandro.

(c) A passenger fare of five (5) cents between said station of Ashland and Hayward.

3. San Francisco-Oakland Terminal Railway is hereby ordered to publish and file with this Commission within twenty (20) days from the effective date of this order, a passenger tariff establishing a monthly commutation fare, good for one ^{round} trip daily, of four dollars and fifty cents (\$4.50) between Hayward and Oakland, without transfer privileges, and also a commutation fare of four (\$4.00) dollars per month, good for one trip in ^{each} either direction daily, except Sundays, without transfer privileges, between Hayward and Oakland, which fares are hereby found to be just and reasonable fares for the service performed.

4. The relief asked for in Cases No's 347, 348 and 352 is hereby granted in so far as it is covered by this order and denied in so far as not covered thereby.

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 24th day of March, 1913.

John M. Eubank

W. H. ...

...

Max Thelen

Edwin O. Edgerton

Commissioners.