

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

MAYFIELD CHAMBER OF COMMERCE,

Complainant,

vs.

PENINSULAR RAILWAY COMPANY,

Defendant.

Case No. 377.

ORIGINAL

Sidney M. Cuthbertson for Complainant.

S. F. Lieb and Owen D. Richardson for Defendant.

LOVELAND, Commissioner:

OPINION

In this case complainant, the Mayfield Chamber of Commerce, by its secretary, Sidney M. Cuthbertson, complains that the defendant, Peninsular Railway Company charges a rate of five cents from Lincoln Avenue, Mayfield, and from Stanford Avenue, Mayfield, to Palo Alto, and ten cents from Mayfield Junction, Mayfield, to Palo Alto and Stanford University, the same charges being made in the opposite direction; that Stanford Avenue, Lincoln Avenue and Mayfield Junction are all within the incorporated limits of the town of Mayfield; and complainant alleges that it is unreasonable to charge a greater rate to and from Mayfield Junction than is charged to and from other stopping places or stations in Mayfield.

The distance from Mayfield Junction to Lincoln Avenue, Mayfield, according to the testimony of complainant is .33 of a mile, and complainant alleges that if five cents is to be added to the fare from Mayfield to Palo Alto and Stanford University when passengers start from Mayfield Junction, then five cents

should be deducted from the fare to all points south when passengers start from Mayfield Junction.

The tariffs of defendant disclose, and the testimony shows, that the rate from Mayfield Junction to certain points south thereof is five cents less than from Lincoln Avenue and Stanford Avenue in Mayfield, while in other instances, or to some towns, it is the same.

Complainant further testified that this addition of five cents from Mayfield Junction to the Mayfield rate going north, was all that it had to complain of; that there was no objection to a rate of five cents being charged between stopping places in Mayfield; nor was there anything in the complaint of complainant as to other rates or as to service. We therefore confine our consideration to the subject matter of the complaint.

Defendant denied that the rate in question was an unreasonable or a discriminatory rate and justified the addition of five cents to the Mayfield rate to Stanford University and Palo Alto when passengers start from Mayfield Junction or travel from Stanford University and Palo Alto to Mayfield Junction, upon three grounds:

First: That passengers traveling from Mayfield north to Palo Alto or Stanford University enjoy a lower rate per mile than is given on any other portion of defendant's road. Defendant claims that the distance from Mayfield Junction to Lincoln Avenue, Mayfield, is .46 of a mile, and that to make the rate from Mayfield Junction north, the same as from Lincoln Avenue, will still further reduce the rate per mile for passengers from Mayfield.

Second: That to reduce the rate from Mayfield Junction to Palo Alto and Stanford University would throw defendant's whole system of rates out of line; and

Third: That defendant Peninsular Railway Company is

month
operated at a loss, showing a deficit each year of from
\$8,000.00 to \$12,000.00. Hem

I shall consider each of these defenses separately:

First: While it is true, according to the tariffs of defendant on file with this Commission, that passengers traveling from Mayfield enjoy a lower rate per mile than that which prevails on other parts of defendant's system, it is also true that when passengers board the trains at Mayfield Junction and leave them at Lincoln Avenue or Stanford Avenue, Mayfield, or when they make any trip solely within the limits of Mayfield, they pay a five-cent fare, and in such instances pay a much higher rate per mile than is charged on any other part of defendant's system. The truth of the matter is that that portion of defendant's system from Mayfield to Palo Alto and Stanford University may well be regarded in the nature of a street car service, and while the rate per mile is lower than the rate per mile on longer trips, when the distances are considered, the discrimination is not undue.

Second: To answer defendant's contention that to reduce the rate from Mayfield Junction to Stanford University and Palo Alto would throw defendant's whole system of rates out of line, it need only be said that if Mayfield Junction be eliminated from the tariff and the fare made the same from and to all stopping places in Mayfield, defendant's system of rates would not be disarranged or interfered with.

Third: The testimony of defendant, the Peninsular Railway Company, that it is operating at a loss and shows a deficit each ^{month} year of from \$8,000.00 to \$12,000.00, is uncontroverted; but it also appears from the testimony of defendant in this case that the travel from Mayfield Junction is very slight and its revenues can not be impaired to any Hem,

appreciable extent by eliminating Mayfield Junction from its tariffs and making the rate from and to all stopping places in Mayfield the same.

My idea that its revenues will not be impaired, is supported by the fact that in adopting this plan of making its rates it will be compensated, in a small way, by an advance of five cents on some of its fares from Mayfield south, in event there is any travel from Mayfield Junction to points south thereof.

It should also be remembered that the Peninsular Railway Company is a comparatively new enterprise, and is really passing through a formative period, and that such loss as its operations now show is no greater than is to be expected by any similar road while it is building up its business.

I find as a fact that the fare which should be charged by Peninsular Railway Company should be the same between all stopping places in Mayfield and other points on defendant's line.

I recommend the following order:

O R D E R

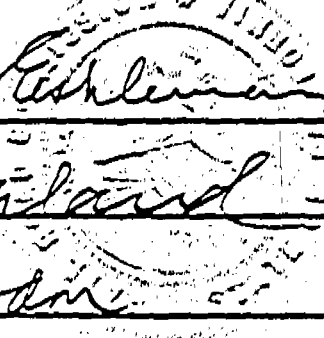
Mayfield Chamber of Commerce having complained to the Commission that the Peninsular Railway Company was charging unreasonable and discriminatory rates in that it charged five cents more from Mayfield Junction to Palo Alto and Stanford University, and in the opposite direction, than it charges from and to Lincoln Avenue and Stanford Avenue in Mayfield, and a hearing having been held, and the matters and things comprehended in the complaint

thoroughly investigated; and the Commission finding as a fact that the rates between all stopping places in Mayfield and other points on defendant's line should be the same;

IT IS HEREBY ORDERED that defendant Peninsular Railway Company amend its tariffs making the rate the same between Stanford Avenue, Lincoln Avenue and Mayfield Junction, Mayfield, and all other points on defendant's line, such tariff to be filed with this Commission not later than June 1, 1913.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission.

Dated at San Francisco, California, this 9th day of May, 1913.


John M. Ashland
W. H. ...
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Commissioners.