

BEFORE THE RAILROAD COMMISSION  
OF THE STATE OF CALIFORNIA.

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Decision No. 683  
ORIGINAL

WILLIAM R. BOWKER,

Complainant,

- vs. -

Case No. 369.

SAN DIEGO ELECTRIC RAILWAY  
COMPANY,

Defendant.

Wm. R. Bowker for complainant.  
Harry L. Titus and Read G. Dilworth for defendant.

ESHLEMAN, Commissioner.

O P I N I O N

The San Diego Electric Railway Company which owns the electric railways in San Diego and Coronado, and the San Diego and Coronado Ferry Company, which operates between these two cities, maintain a joint special family commutation ticket good for fifteen round trips from any point on the line of the Coronado division of the San Diego Electric Railway Company to any point on the so-called Ferry Lines of the Electric Railway Company in San Diego, and sells such commutation ticket for \$1.50. The sale of such ticket is limited to bona fide residents of Coronado, and the time within which the same may be used is limited to fifty days. The complainant urges that the failure of the carriers involved to accord a like privilege to residents of the City of San Diego and to put in a commutation ticket of similar character applying from San Diego to Coronado and return is a discrimination and asks that the discrimination be removed by requiring the carriers to put in a joint commutation ticket similar in character applying between San Diego and Coronado and return. The carriers admit that the practice is

discriminatory and asks leave to cancel the rate. The City of Coronado while not appearing formally in the case entered its protest against any change which will restrict the privilege which its citizens now have.

Witnesses in behalf of the carriers testified that this special ticket was put in for the purpose of encouraging residence in Coronado wherein Spreckels Brothers, who own the stock of these carriers, have other large interests. It is also urged that Coronado is strictly a residence city and that the residents of said city go regularly to San Diego where for the most part their business interests are, while there is very little business carried on in Coronado and a very small amount of regular commutation traffic between San Diego and that City. The justification for the limitation of these commutation tickets to bona fide residents of Coronado is that the rate is very low and that during the summer months a great number of tourists reside at Coronado and at Tent City and if the carriers are required to accord to these tourists similar privileges to those accorded to the regular residents of Coronado that their revenues will be very seriously curtailed. In special justification of their position it is urged that the time limit of fifty days for fifteen round trips is so liberal that unless it were restricted all of the great number of summer residents, who are not the class for which commutation rates are usually or reasonably made, will be able to avail themselves of this rate.

The complainant, Bowker, does not disclose the reason for this action. He admits that he is a resident of Coronado and a regular patron of these carriers using the commutation ticket involved, and that the granting of the application would not benefit him, and if the removal of the discrimination would cause any change in the rate which he now has he does not desire to press his complaint. The sole justification for his position he gives as "justice and equity". The carriers involved urge that there is some ulterior motive, but I do not consider it necessary to go into this question inasmuch as any person whether interested or not has a legal right to complain of the rates or service of a utility. The position of

the carriers to the effect that there are very few, if any, people in San Diego who could or would avail themselves of this rate if it were accorded seems to me to be justified both from a knowledge of the character of the two cities of Coronado and San Diego, which the evidence discloses, and the failure of any one in San Diego, either individually or officially, to bring this matter to the attention of the Commission or to join with Mr. Bowker in his suit. It is a little hard for me to understand just why this complainant is interested in having a commutation rate put in from a business city to a residence city and return under the state of facts here disclosed, and under conditions under which commutation rates are rarely put in and for which there is little demand, particularly when he is a patron of the carriers and avails himself of the commutation privilege in the reverse direction.

I do not at all agree with the carriers' admission that this commutation rate does amount to a discrimination against San Diego, and their offer to remove this discrimination by taking the privilege away from Coronado should not in my opinion be accepted, and the only thing to determine is whether the circumstances and conditions are sufficiently similar on the San Diego side as regards the need for the commutation rate to and from Coronado as to require such a commutation rate to be put in. To this end a check of the regular round trip travelers from the San Diego to Coronado side was required to be kept by the carriers, and it was found, just as one would expect, that comparatively few people go regularly to Coronado and return every day, and these are engaged in building work in Coronado, and the count shows that they are not permanently so engaged but that on the completion of the particular job upon which they happen to be employed they ordinarily take other employment in San Diego; besides, with a very few exceptions, the origin of their trip to Coronado is outside the limit of the Ferry Lines and therefore they could not avail themselves of this privilege were it required to be accorded.

I do not believe from the evidence in this case that Mr.

Bowker has at all made out a case, and there being no question of the reasonableness of the rates themselves, and feeling that the present arrangement is one very advantageous to Coronado and not at all disadvantageous to San Diego, I recommend that the complaint be dismissed and submit the following order:

O R D E R

WILLIAM R. BOWKER having filed his complaint against the San Diego Electric Railway Company, and a hearing having been held and being fully apprised in the premises,

IT IS HEREBY ORDERED that the said complaint be and the same is hereby 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 24<sup>th</sup> day of May, 1913.

John M. Cushman  
W. A. L. ...  
Max Thelen

Commissioners.