

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

RICHARD F. ROBERTSON,

Complainant,

vs.

Case No. 388

PENINSULAR RAILWAY COMPANY,

Defendant.

ORIGINAL

B. S. Crittenden, for Complainant,
S. F. Lieb and Owen D. Richardson, for Defendant.

LOVELAND, Commissioner:

O P I N I O N.

This complaint was originally directed against the one-way fare, the individual monthly commutation fare and the family commutation fare of the defendant, Peninsular Railway Company, in effect between San Jose and Los Gatos, and also comprehended the service of said defendant between these points. At the hearing, the children's forty-six ride individual monthly commutation fare of \$2.30 between Saratoga and Los Gatos, for a distance of approximately 4.3 miles, was alleged to be unreasonable and unjust as compared with the fare of \$2.75 for the same class of service between Saratoga and San Jose for a distance of 11.3 miles. At the same time, the single trip fare of 10 cents between Campbell and a station called Pines and between Pines and certain points adjacent thereto was complained of as being unreasonable.

Without examining into these matters and hearing fully in regard thereto, it would, of course, be impossible to fairly determine the equities therein and as no evidence was introduced to support these allegations and as they are entirely without the issues raised by the pleadings these matters will not be given further consideration at this time. These matters may be brought

before the Commission in a regular manner at any future time.

The service between San Jose and Los Gatos is practically hourly throughout the day and until 11:30 o'clock at night and during some parts of the day cars leave San Jose for Los Gatos, via Campbell and via Saratoga, at practically the same time and thereby afford optional routes between San Jose and Los Gatos on practically the same schedule.

From the point of view of the complainant, who is a resident of Los Gatos, and who very frankly admitted that he was viewing the matter from the standpoint of his own personal convenience and as a citizen of Los Gatos only, the present schedule could be bettered by alternating over the two routes the present trains on half hour schedules and that, instead of having a train by each route leave San Jose or Los Gatos hourly, the schedule should be so arranged that there would be a train between San Jose and Los Gatos on the hour and the half hour by alternate routes.

The complainant had no fault to find with the number of trains between Los Gatos and San Jose but with the manner in which they were operated only.

It is my opinion that the interest of the parties living in the territory between San Jose and Los Gatos should be fully considered in this matter before any change in the schedules of the trains is made, and in view of the fact that it has not been possible to look into this feature of this matter, and that the testimony of the defendant that ninety per cent of its traffic on this part of its line originates and terminates at points intermediate to Los Gatos and that the present schedules were specially arranged to take care of the traffic of the whole community, rather than of any particular section, was uncontroverted, I do not believe that it is proper at this time to make any change

in the defendant's train schedules between San Jose and Los Gatos.

I next come to the complaint against the passenger fares of the defendant. The fares which were particularly called into question in this proceeding are the one-way fare of 25 cents, the 62-ride individual monthly commutation fare of \$5.00, and the 30-ride family six months commutation fare of \$5.00 between San Jose and Los Gatos. It is contended that these fares are excessive and unjust for the reason that they are inconsistent with other fares of the defendant and exceed fares between other points on other lines in California where the transportation conditions and circumstances are similar, and, in support of this contention, the complainant points out, in comparison, the fares of the defendant between San Jose and Saratoga, the fares of the Pacific Electric Railway between Los Angeles and Pasadena, and the fares of the Northwestern Pacific Railroad between San Francisco and Fairfax; and to illustrate these comparisons, I have set out these fares in a statement herein below.

Miles	PENINSULAR RY. CO. Between San Jose and	One Way Fare in Cents	Rate Per Mile in Cents	62 Ride Individual Monthly Comutation Fare	Rate Per Mile in Cents	30 Ride Family Six Months Comutation Fare	Rate Per Mile in Cents	46 Ride Individual Monthly Comutation Fare	Rate Per Mile in Cents	46 Ride Childrens Individual Monthly Comutation Fare	Rate Per Mile in Cents
11.3	Saratoga	.20	1.77	\$4.00	.685	\$4.00	1.16	\$4.00	.77	\$2.75	.53
12.3	Los Gatos (via Campbell)	.25	2.03	5.00	.655	5.00	1.36	4.15	.733	3.00	.53
15.6	Los Gatos (via Saratoga)	.25	1.65	5.00	.516	5.00	1.07	4.15	.578	3.00	.418

Miles	PACIFIC ELECTRIC RY. Between Los Angeles and	One Way Fare in Cents	Rate Per Mile in Cents	52 Ride Individual Monthly Comutation Fare	Rate per Mile in Cents	30 Ride Family Six Months Comutation Fare	Rate Per Mile in Cents			46 Ride Childrens Individual Monthly Comutation Fare	Rate Per Mile in Cents
11.2	Pasadena	.15	1.34	\$5.00	.858	\$3.00	.692	--	--	\$3.45	.671

Miles	NORTHWESTERN PACIFIC RAILROAD Between San Francisco and	One Way Fare in Cents	Rate Per Mile in Cents	62 Ride Individual Monthly Comutation Fare	Rate per Mile in Cents					46 Ride Childrens Individual Monthly Comutation Fare	Rate Per Mile in Cents
14.7	Kentfield	.35	2.38	\$5.00	.549	--	--	--	--	\$3.00	.443
18.2	Fairfax	.35	1.86	5.00	.443	--	--	--	--	3.00	.358

It will be noted from the foregoing statement that the one-way fare between San Jose and Saratoga is on a basis of 1.77 cents per mile, which is somewhat lower than the per mile basis in effect between San Jose and Los Gatos, via Campbell, which is 2.03 cents per mile. However, the one-way fare of 25 cents between San Jose and Los Gatos, likewise, applies via Saratoga, over a distance of 15.6 miles, and via this route the rate per mile is 1.65 cents.

While the 30-ride family six months commutation fare between San Jose and Los Gatos, via Campbell, is on a higher per mile basis than is the similar fare between San Jose and Saratoga, the 52-ride individual monthly commutation fare between San Jose and Los Gatos, via Campbell, is on a lower basis than is the similar fare between San Jose and Saratoga, all these fares between San Jose and Los Gatos apply also via Saratoga, by which route the per mile basis in every case is considerably lower than the per mile basis between San Jose and Saratoga.

A comparison with the Pacific Electric Railway fares between Los Angeles and Pasadena is not, in my opinion, unfavorable to the fares of the Peninsular Railway between San Jose and Los Gatos, for it will be noted that, although the one way fare and the 30-ride family commutation fare is less, and the rate per mile therefor is less than in the case of the individual monthly commutation fare, the rate per mile between Los Angeles and Pasadena is considerably higher than the rate per mile for the similar ticket between San Jose and Los Gatos, either via Campbell or Saratoga. Again, the distance between Los Angeles and Pasadena is but 11.2 miles, while the distance between San Jose and Los Gatos, via Campbell, is 12.2 miles and, via Saratoga, 15.6 miles.

The traffic between Los Gatos and San Jose is not, in my opinion, comparable to the traffic between Los Angeles and Pasadena. In the latter case, the movement is between cities of considerable

size, the smaller of which is as large as the larger of the cities involved in the movement between San Jose and Los Gatos. The complainant in this regard admitted that the traffic between Los Angeles and Pasadena was at least one hundred times in excess of the passenger traffic between San Jose and Los Gatos. While I have not at hand actual figures to substantiate the extent of this difference, I am satisfied from the records of this office that there is sufficient difference in the volume of the traffic and in other circumstances surrounding its transportation as to make the transportation conditions surrounding the movement from Los Angeles to Pasadena entirely dissimilar from those conditions surrounding the transportation between San Jose and Los Gatos.

As to the comparison with the fares between San Francisco and Fairfax, it will be noted that, while the rate per mile thereto is less in both cases than the rate per mile, between San Jose and Los Gatos, ^{via Campbell} the rate per mile between San Francisco and Kentfield, which point is also included in the zone in which the Fairfax rate is applicable, of both the one-way fare and the monthly commutation fare is in excess of the rates per mile between San Jose and Los Gatos, via Saratoga, on similar tickets and do not compare unfavorably with the rates per mile between San Jose and Los Gatos, via Campbell, being, in the case of the one-way fare, higher, and lower in the case of the monthly individual commutation fare.

Again, between San Francisco and Kentfield and Fairfax, there is a considerable volume of traffic and I do not believe, viewing the comparisons and taking into consideration the amount of the traffic, that the rates between San Jose and Los Gatos are out of line therewith.

At the direction of the Commission, certain traffic and operating statistics were compiled by the defendant in regard to the relation of the San Jose-Los Gatos lines, as regards operation and revenue, to the entire line. A statement follows showing, for a period of two weeks commencing May 27, 1913 and ending June 9, 1913, inclusive, the number of passengers carried, the revenue thereon and the car miles and car hours on the part of the line between San Jose and Los Gatos as compared with the same elements on the entire line.

STATEMENT SHOWING CAR-MILES, CAR-HOURS, NUMBER OF PASSENGERS
AND REVENUE THEREON FOR PERIOD OF TWO WEEKS
COMMENCING MAY 27, 1913, TO JUNE 9, 1913,
INCLUSIVE.

	Car-Miles	Percentage	Car-Hours	Percentage	No. of Passengers Paying Fare	Percentage	Revenue	Percentage
Between San Jose and Los Gatos via Campbell including intermediate points.	7278 ✓	17.40% ✓	533 ✓	13.45% ✓	18578 ✓	18.85% ✓	\$1936.22 ✓	22.02% ✓
Between San Jose and Los Gatos via Saratoga including intermediate points	9327 ✓	22.30 ✓	683 ✓	17.25 ✓	24443 ✓	24.74 ✓	2323.60 ✓	26.42 ✓
Between points on balance of line.	25221 ✓	60.3 ✓	2745 ✓	69.3 ✓	58230 ✓	57.41 ✓	4533.56 ✓	51.56 ✓
TOTAL	41826	100.	3961	100.	101251 ✓	100.	8793.38	100.

It will be noted that on the line between San Jose and Los Gatos, via Campbell and via Saratoga, the car miles were 39.7% of the total car miles and the car hours were 30.7% of the total car hours, while the number of passengers carried were 42.9% of the total passengers carried on the entire line and the revenue thereon was 48.4% of the revenue accruing to the entire line. In other words, that while the car miles and car hours were less on the lines between San Jose and Los Gatos, the number of passengers and the revenue thereon was greater as compared with the entire line, but it does not, from these figures, appear that the San Jose-Los Gatos lines are unduly burdened with the other lines.

The testimony of the defendant that it is operating its entire line at a loss is uncontroverted and from the exhibit offered in this case and from the records on file in the office of the Commission, it appears that there is a deficit of from \$8,000.00 to \$12,000.00 per month. As suggested by the complainant, this deficit may, to a large extent, be brought about by the payment of interest on outstanding stocks or bonds which do not represent actual values, but in the absence of any information or evidence to support such a statement it is obviously of small use. The Commission's valuation of this property has not proceeded far enough to enable it to form its conclusions in regard thereto and ascertain therefrom some idea of the proper capitalization of this line.

While it would, no doubt, as the complainant contends, be to the advantage of the residents and property owners of Los Gatos ^{and} intermediate territory to secure reductions in the present fares, and in the end might prove beneficial to the Railroad itself, if the carrier is unwilling to experiment in this regard, it does not follow that this Commission ~~should~~ should adjust the fares so as to bring about this result, this Commission being empowered only to prescribe just and reasonable rates. The

carrier should, in this regard, at least, adjust its fares so that all discrimination between persons and localities is entirely eliminated and should provide insofar as possible, relative rates for the various classes of service, which relation should generally be maintained without discrimination.

From a consideration of all of these matters I am led to the conclusion that the facts do not sustain the complaint and recommend that it be dismissed.

I therefore submit the following form of order:-

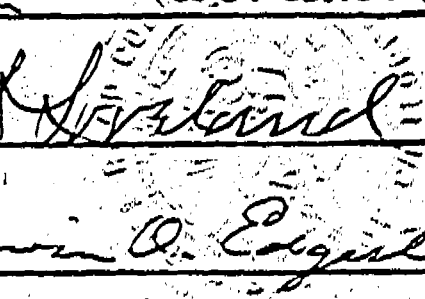
O R D E R

Richard F. Robertson having filed a complaint against the Peninsular Railway Company and a hearing having been held and being fully apprised in the premises, and the Commission being of the opinion that the facts do not sustain the complaint,

IT IS HEREBY ORDERED that the said complaint be and it 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 1st day
of July, 1913.


John McCallister
W. H. Loveland
Edwin O. Edgerton

Commissioners.