

Decision No. 9145

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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W. D. Moore, Tom B. Felt,  
John F. Even, C. B. Shively,  
E. H. Gould, Ed R. Shepard,  
S. L. Mayfield, and S. E.  
Wyckoff and Arthur H. Shepard,

Complainants,

vs.

San Francisco, Napa & Calistoga  
Railway, a corporation,

Defendant.

ORIGINAL

CASE NO. 1514

W. D. Moore, et al.,

Complainants,

vs.

Southern Pacific Company,  
a corporation,

Defendant.

CASE NO. 1515

Frank E. Coombs and Nathan F. Coombs, for Complainants.

Morrison, Dunne & Brobeck, by H.W. Clark and R.C. Foster  
for San Francisco, Napa & Calistoga Railway.

C. W. Durbrow, for Southern Pacific Company.

BY THE COMMISSION -

O P I N I O N

In Case No. 1514, W. D. Moore et al., made complaint against the San Francisco, Napa & Calistoga Railway, hereinafter called the electric road, alleging that the monthly commutation fare between Napa and Vallejo of \$11.64 is unfair and unreasonable to the extent that it exceeds a monthly commutation fare of \$7.00 per calendar month.

In Case No.1515, W.D. Moore et al., made complaint against the Southern Pacific Company, hereinafter called the Southern Pacific, alleging that the monthly commutation fare between Napa and Mare Island Navy Yard of \$11.65 is unreasonable to the extent that it exceeds a monthly commutation fare of \$7.00 per calendar month.

The above entitled cases were consolidated for hearing and decision. A public hearing was held February 21, 1921, and the matter is now ready for a decision.

The complainants in these proceedings are commuters living in the city of Napa and employed at the U. S. Navy Yard at Mare Island, across the channel from Vallejo.

The distance from Napa to South Vallejo via Southern Pacific is 15.5 miles and from South Vallejo to Mare Island 1.2 miles, a combined distance of 16.7 miles. The Assistant Passenger Traffic Manager of the Southern Pacific testified that a travel check for ten days next preceding the hearing in these cases, on February 21, 1921, showed an average of 427 commuters per day between Napa and Mare Island, and that the average number of commute tickets sold were as follows:

SEPTEMBER	1920	-	504
OCTOBER	"	-	475
NOVEMBER	"	-	505
DECEMBER	"	-	523
JANUARY	1921	-	522
FEBRUARY	"	-	504

Testimony shows, further, that in September 1918 there were 520 commute tickets sold, October 532, and in November 514. So it is evidenced that the average number of tickets sold has been fairly constant. The evidence indicated also that the electric line carries about 100 commuters per day between Napa and Vallejo. The commutation fare for a monthly commutation ticket for one round trip daily prior to February 7, 1918, on the Southern Pacific was \$10.60.

On February 7, 1918, commutation fares generally were readjusted, based on 1 cent per mile and this commutation fare was reduced to \$10.00. On June 10, 1918, under General Order No.28 of the Director-General of Railroads, commutation fares were increased 10 per cent, making this commutation fare \$11.00. On December 1, 1918, the U. S. Railroad Administration put in a rate for 10 and 12 ride tickets for war workers only of \$1.58 and \$1.90, respectively, between Napa and Mare Island. These fares remained in effect until July 31, 1920, at which time they were abolished. While the Government could legally put in any rate it chose and confine such rate to any class of patrons, the private carrier is prohibited by statute from doing that same thing. Carriers must provide the same rates and service for all patrons regardless of who they may be .

The evidence showed that the carrier furnishes special train and boat service /morning and evening between Napa and Mare Island to accommodate commutation travel, it being necessary to maintain a ferry service from South Vallejo to Mare Island which is required entirely by the commutation service.

Eight coaches and a ton wheel locomotive are used in this service, - the engine requires a watchman at Napa on account of no round house facilities. The ferry boat "The Bay City" is used in the Napa and Oakland-San Francisco commute service.

Southern Pacific Railroad Excursion Tariff No.28-1, C.R.C.2784, effective September 1, 1919, provides commutation rates between specified points in California north of Santa Barbara and Mojave. This tariff covers practically all of the commutation business of consequence in this territory. Section 17 of that tariff provides a basis for making fares for individual monthly commutation tickets where specific fares are not shown. That basis is 1¢ per mile plus 10% for 62 trips which was increased by this Commission's Decision No.7983 by 20%. The distance between Napa and Mare Island

is 16.7 miles,- multiplied by 62 trips makes 1035.4 miles; on the basis of 1¢ per mile plus 10¢, the rate would be \$11.39, increased by 20% would make \$13.67 based on the formula for figuring commutation rates, whereas the present rate applicable for 62 rides between Napa and Mare Island is \$11.65.

Considerable testimony was taken to the effect that these commuters did not work on Sunday and that being U. S. Government employees had the privilege of 30 days vacation per annum, with pay. Further testimony was to the effect that many of these workers were Seventh Day Adventists and did not work on Saturdays. All of these matters are of no consideration to the carrier. The employees do not all take their vacations at one time nor do they all refrain from work on Saturday, therefore, the same service must be maintained whether a portion of these employees lay off or are on vacation.

Commutation traffic is wholesale transportation and reduced rates for such service are given upon the theory that the passenger makes one round trip daily.

With the exception of a few points in California on the peninsula south of San Francisco, all monthly commutation rates are based on 62 rides. The only place where different rates are given when Sunday trips are eliminated is between San Francisco and San Jose for points from Burlingame south. The defendant Southern Pacific has contended that its commutation rates are too low. The commutation fare of \$11.65 for 16.7 miles between Napa and Mare Island is not comparable to commutation rates within the Metropolitan district where thousands of commuters ride daily. The exhibits filed by complainants contained comparisons of rates for metropolitan districts only. The Napa-Mare Island rate may be comparable, however, with rates for similar distances on the coast division of the Southern Pacific, for instance between Burlingame and Mayfield, 15.5 miles, we find a rate of \$12.20; between Broadway and Mayfield, a distance of 16.6 miles, we find a rate of \$12.61; on the

Southern Pacific, Western Division, Miles to Livermore, 17.7 miles, \$14.52; San Leandro-Farwell, 16.9 miles, \$13.20. On the electric line we find monthly commutation rates, Calistoga-Yountville, 17.5 miles, \$12.66; Dunsmuir-Veteran's Home, 16.59 miles, \$12.00; St. Helena-Napa, 16.9 miles, \$12.18.

On the Central California Traction Company, monthly commutation rates anywhere on its line, \$.0132 per mile; on Peninsula Railway Company, Palo Alto and Saratoga, 16.76 miles, \$12.06 for 60 rides; on Petaluma & Santa Rosa Railroad, Petaluma and Sebastopol, 16.6 miles, \$12.60.

No evidence was offered by complainants either by testimony or exhibits comparing or concerning rates on the electric line.

The complaint in this proceeding alleges that any rate in excess of \$7.00 for calendar month commutation round trip daily was unreasonable and unfair and that a \$7.00 rate would produce a fair and just return on defendants' investments. We find no rate in the defendant electric line's tariffs on file with this Commission comparable to a \$7.00 rate for any like distance.

Complainants produced no evidence of whatsoever character as to the proposed \$7.00 rate being compensatory or otherwise.

The defendant Southern Pacific offered in evidence an exhibit showing that the cost of the service, reckoned by process of elimination from figures taken from its annual report was \$4990.00 per month, while 500 commutation tickets at \$11.65 each, which is the present rate, produces \$5825.00 revenue, while 500 similar tickets at \$7.00 rate would produce \$3500.00, or \$1490.00 less than enough to pay actual operating expenses. The defendant's exhibit did not attempt to show value of property used and useful in this service, nor did it set up any depreciation or maintenance of buildings or road bed.

The defendant electric line filed an exhibit showing earnings and expenses of commutation trains covering last four months 1920. Actual earnings compiled from conductors' reports showed a car mile earning of \$.544, while at full seating capacity earning would be \$.581, total operating cost per car mile \$.666. Therefore, these trains lack \$.085 per car mile of paying operating expenses. If a \$7.00 rate was in effect, the earning of these commutation trains would be \$.349 per car mile, or \$.317 per car mile less than enough to pay operating expenses.

Taking all of these conditions and circumstances into consideration, we believe that no showing has been made that the present rates are unreasonable or unfair, or that they produce an unreasonable return upon the investment and that therefore, this complaint should be dismissed.

IT IS ~~HEREBY ORDERED~~ <sup>ORDER</sup> that the complaints in this proceeding should be and the same are hereby dismissed without prejudice.

Dated at San Francisco, California, this 24<sup>th</sup> day of June, 1921.

*H. P. Anderson*  
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*H. P. Anderson*  
COMMISSIONERS.