

Decision No 9543

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

Richmond Chamber of Commerce,  
Complainant,

vs.

Atchison, Topeka & Santa Fe Rail-  
way Company, Defendant.

CASE NO. 1532.

D. I. Hall and W. J. Wallace, for Complainant,  
Platt Kent, for Defendant.

LOVELAND, COMMISSIONER:

O P I N I O N

This complaint, filed by the Richmond Chamber of Commerce of Richmond, Calif., hereinafter referred to as complainant, against the Atchison, Topeka & Santa Fe Railway Company, hereinafter called the Santa Fe, alleges that the one-way passenger fare of 65 cents between San Francisco and MacDonald Avenue Station in the city of Richmond, and the one-way fare of 54 cents between Ferry Point in the city of Richmond and San Francisco, are illegal, unjust and excessive. The fares named in the complaint include war tax.

The fare between San Francisco and Richmond (MacDonald Avenue) is 60 cents and between Ferry Point and San Francisco is 50 cents. The complaint further alleges that the defendant, Santa Fe, on or about August 18, 1918 removed its passenger station

from Richmond Avenue in the city of Richmond and since that time has failed to maintain a passenger station or to stop its trains to receive or discharge passengers at that point and that the removal of the Richmond Avenue station and the discontinuance of stopping trains at Richmond Avenue were without order or permission or authority and that such discontinuance of station facilities and the stopping of trains thereat have been a great inconvenience to a large number of the residents of the city of Richmond. Complainant asks that the Santa Fe be required to restore the passenger fares between San Francisco, and Ferry Point, Richmond Avenue, and MacDonald Avenue, all in the city of Richmond, California, based on the rates in effect prior to Federal control, and to restore its passenger station at Richmond Avenue in the city of Richmond.

Prior to Federal control of the railroads the passenger fare between San Francisco, and Richmond Avenue and Ferry Point in the city of Richmond, was 25 cents. The fare between San Francisco and Richmond (MacDonald Avenue) was originally 30 cents; later increased to 50 cents, and on August 26, 1920 to 60 cents. The rates of 25 cents and 30 cents between San Francisco, and Richmond Avenue and MacDonald Avenue in the city of Richmond, did not include the privilege of checking baggage. During Federal control the Santa Fe terminal was diverted from Ferry Point and the Santa Fe passenger traffic moved via Oakland Pier of the Southern Pacific. Simultaneously with the Santa Fe fares named the Southern Pacific Company and the San Francisco-Oakland Terminal Railways (Key Route) maintained a 25 cent rate (without baggage privilege) between Richmond and San Francisco. By General Order No.28 of the Director General of Railroads this

changed the rate to 28 cents and, by this Commission's Decision No. 7983, which authorized State rates to be increased in harmony with Interstate Commerce Commission's Ex Parte 74, it was increased to 34 cents.

Subsequent to relinquishment of Federal control of railroads the Santa Fe discontinued service via the Southern Pacific Company's Oakland Pier and resumed service via Ferry Point with their own boats. However, after the Santa Fe resumed operations via its own line it did not restore the "No baggage privilege fare" between San Francisco and Richmond (MacDonald Avenue) and Richmond Avenue and Ferry Point in Richmond. During the period of Federal control the Santa Fe removed the Richmond Avenue Station and discontinued stopping trains at that point.

The evidence showed that the city of Richmond has had two growths; the original town was Point Richmond, but later a community began to grow on MacDonald Avenue, a half mile or more distant from Richmond Avenue, or Point Richmond. The Richmond Avenue Station was built as a convenience to the people in the old town and rates established voluntarily by the carrier. The Santa Fe does not maintain a regular and frequent commutation service, such as is maintained by the Southern Pacific and the Key Route to Oakland, Alameda and Berkeley; it does, however, operate a ferry service between San Francisco and Ferry Point to meet all incoming and outgoing trains, and which service is comparable to the service rendered by the Southern Pacific and the Key Route between Richmond and San Francisco. It was testified that the defendant's facilities were not taxed to capacity and that without additional expense other than that of selling tickets and the accounting therefor it could handle all the normal passenger traffic tributary to Santa Fe rails between San Francisco and Richmond.

neighborhood of Richmond Avenue can reach San Francisco by two routes other than the Santa Fe; one is to take the electric line to Albany and the Key Route, the other is to use the electric line to the Southern Pacific station. The use of either of these routes not only requires more time than the use of the Santa Fe, but the passenger must ride on the electric line to the other side of the city of Richmond in order to enjoy the lower "no baggage privilege" fare between Richmond and San Francisco.

Had the Santa Fe, during Federal control, continued to operate via Ferry Point and its own boats to San Francisco the 25 cent fare between San Francisco and Ferry Point and Richmond Avenue, and the 30 cent fare between San Francisco and Richmond (MacDonald Avenue) under General Order No. 28 and Ex parte 74 would have been increased to 34 cents and 40 cents respectively. Had the operations of the defendant carrier remained under the jurisdiction of this Commission the Santa Fe could not have removed its Richmond Avenue station without permission from this Commission. Nor could the defendant have discontinued its service through Richmond Avenue and Ferry Point, nor could it have increased its rates without authority from the Railroad Commission.

We, therefore, believe that the same rates should apply today as would have been applied had the Santa Fe continued operating via Ferry Point during Federal control.

By applying the 10 per cent increase authorized by General Order No. 28 of the Director General of Railroads and the 20 per cent increase authorized by the Commission's Decision No. 7983, the fare of 25 cents between San Francisco and Ferry Point and Richmond Avenue would now be 34 cents and the 30 cent fare between San Francisco and Richmond (MacDonald Avenue) would now be 40 cents,

and an appropriate order will be issued.

Now in regard to the discontinuance of service to the Richmond Avenue Station, made at the time the service was discontinued to Ferry Point Station, Richmond Avenue being an intermediate point between the Santa Fe station of Richmond and its Ferry point station. The trains which formerly connected with the ferry system of the Santa Fe at Ferry Point were scheduled to terminate at Oakland and, therefore, no passenger service was given between Ferry Point and Richmond, thus resulting in no service to the station located at Richmond Avenue. Since the cessation of service and prior to the restoration of service from Richmond to San Francisco via Ferry Point the Santa Fe removed the station building at Richmond Avenue and failed to restore same after the commencement of service to San Francisco via Ferry Point. The change in the routing of trains was one that occurred during the time of Federal control of railroads; such Federal control has now ceased and restoration of the service between Richmond and San Francisco via Ferry Point and the Ferry System of the Santa Fe has been made. The facilities formerly enjoyed by the public at Richmond Avenue should be restored and a suitable shelter station should be established at this point and such trains as were scheduled to stop at Richmond Avenue prior to commencement of Federal control should now be scheduled to stop at this point.

From the evidence in the proceeding, I am not of the opinion that the Santa Fe should be required at this time to restore the ticket agency formerly located at Richmond Avenue, but I am of the opinion that Richmond Avenue should be served as a station stop and that suitable shelter facilities should be provided at such location, and the order herein will so provide.

O R D E R

IT IS HEREBY ORDERED that defendant, the Atchison, Topeka & Santa Fe Railway Company, be and it is hereby required to publish and file within twenty (20) days from the date of this order a one-way passenger fare of 34 cents, without baggage checking privilege, between San Francisco, and Ferry Point and Richmond Avenue in the City of Richmond, and a rate of 40 cents, without baggage checking privilege, between San Francisco and Richmond (MacDonald Avenue), such rates to be published on five (5) days notice to the public and to this Commission.

IT IS HEREBY FURTHER ORDERED that defendant, the Atchison, Topeka & Santa Fe Railway Company, be and it hereby is required to stop all passenger trains at Richmond Avenue for the purpose of taking on and discharging passengers, the trains to serve said Richmond Avenue to be the same as formerly served such point prior to commencement of Federal control, and that there shall be erected, within sixty (60) days from the date of this order suitable shelter station facilities at Richmond Avenue, such facilities to be constructed in accordance with plans to be submitted to the Commission for its approval within twenty (20) days from the date of service of this order.

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 23rd day of September, 1921.

H. B. Loveland  
Dwight Martin  
J. J. Benedict  
Commissioners.