

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

Decision No. 995

The Commission on its own initiative }  
in the matter of sanitary drinking }  
cups on passenger cars. }  
..... }

Case No. 460.

A P P E A R A N C E S

- R. G. Dilworth, San Diego Electric Street Railway Company; Point Loma Railway Company; San Diego and Coronada Ferry Company; San Diego and South Eastern Railroad Company; San Diego and Arizona Railroad Company.
- U. T. Clotfelter, The Atchison, Topeka and Santa Fe Railway Company.
- Allen P. Matthew, Western Pacific Railway Company.
- E. C. Booth, Southern Pacific Company.
- F. E. Chapin, Peninsular Railway and San Jose Railroads.
- C. J. Goodell, Northern Electric Railway Company.
- A. S. Halsted, San Pedro, Los Angeles and Salt Lake Railroad Company.
- W. S. Palmer, Northwestern Pacific Railroad Company.
- F. L. Wood, The Pullman Company.
- W. V. Hill, Pacific Electric Railway Company, Fresno Traction, Stockton Electric and Visalia Electric.
- John S. Mills, San Francisco-Oakland Terminal Railways.

GORDON, Commissioner,

O P I N I O N

A great many complaints have been received by the Commission relative to the inability to obtain drinking water on passenger cars in this state. During the warm months of July, August and September these complaints became more numerous, also a great many verbal complaints were made. On account of the number of these complaints which were made informally the Commission decided to investigate this matter on its own initiative.

On September 3, 1913, the Commission issued its order notifying all common carriers in the State that it would institute on its own initiative an investigation in the matter of the supply of sanitary drinking cups on passenger cars of steam railroads and interurban electric railroads in the State of California, and that a hearing in said

matter would be held on Tuesday, September 23, 1913, in the Office of the Commission, in the City of San Francisco, State of California, at which time and place all interested parties would have an opportunity to be heard. A hearing in the above matter was held on the date set, at which time testimony and opinions of all interested parties who desired to be heard was taken.

On October 30, 1912, the Treasury Department of the United States amended Article 3 of the General Regulations of the Interstate Quarantine Regulations, as follows:

"Common carriers shall not provide in cars, vehicles, vessels or conveyances operated in interstate traffic or in depots, waiting rooms or other places used by passengers traveling from one state or territory or the District of Columbia to another state or territory or the District of Columbia, any drinking cup, glass or vessel for common use; Provided, that this regulation shall not be held to preclude the use of drinking cups, glasses or vessels which are thoroughly cleaned by washing in water after being used by each individual, nor shall it be held to preclude the sanitary devices for individual use only".

This Order became effective in March of this year, and all of the Railroads in the State withdrew the cups, glasses or other vessels that had been installed for the use of the public at water tanks in railway cars and depots. This action occasioned the numerous complaints that have been received by the Commission, both in writing and verbally. Undoubtedly, the majority of complainants did not know that the glasses and cups which had been furnished by the Railroad Company were withdrawn in compliance with a Government order, but were of the opinion that same were voluntarily withdrawn by the Railroad Companies, and many of the complainants thought that the Railroad Companies' reasons for so withdrawing the cups was to encourage the sale of drinking cups, which were carried by news agents on their passenger trains.

For some time past the people who travel extensively have supplied themselves with their own individual drinking cups, but the people who only travel occasionally are generally not so provided. Many are unaware of the fact that the Government has compelled the railroad companies to withdraw the glasses or cups that were formerly furnished. This is especially true of women and children, and many of the complaints that have been received were either from women or men who have noticed that women and children have suffered for drinking water and have made complaints for them. There is no doubt in my mind but that some means should be available for all persons to secure a drink of water at a nominal cost on passenger trains, especially when there is a tank of water provided by the railroad company at one or both ends of the car.

At the hearing the representatives of the different railroad companies testified as to the manner in which they were supplying cups. In most cases where cups were supplied, with the exception of the Pullman Company, same are supplied by the news agents. The Southern Pacific Company has placed a sign on each water-tank notifying the traveling public that it is unlawful to provide drinking cups in cars or waiting rooms and that individual drinking cups may be secured from the news agent on the train, this sign lists the different classes of cups that are for sale, together with the prices for same. The Brown News Company has an exclusive contract with the Southern Pacific Company to barter drinking cups, magazines and the usual merchandise sold by news agents on trains. This Company has a package containing four paper cups, which is sold for five cents, and prices for cups range from this style, as the lowest, up to seventy-five cents for a collapsible nickel cup in a leather case. The Brown News Company operates only on the Southern Pacific Company's lines in this State, but there are news agents on the trains of the other large railroad companies in the State who operate in practically the same manner. These news agents sell their produce on a commission basis,

and naturally endeavor to sell the highest priced article they have; and it is very often the case that the news agent does not display or inform the purchaser that cups may be had at less than twenty-five cents, and as a great many of the traveling public take only an occasional ride and do not know that cups can be purchased at a lower price, and further, due to the fact that but an occasional trip is taken, and a cup which is permanent in its character and design is not desired, the intended purchaser very often through ignorance, or the high price of the cup, will forego the drink of water.

At the hearing testimony given by representatives of a great many of the carriers showed that the carriers who had news agents on their trains had for sale sanitary individual drinking cups at a nominal price. In a great many public places automatic cup-dispensing machines are installed, but only one or two of the railroad companies have tested these machines. One objection to the machine which dispenses the most desirable cup is that the Company manufacturing same is having litigation with other cup-vending machine companies for patent infringement, etc.

Testimony was also introduced as to the price of cups, and although this evidence was insufficient to determine the cost to the railroad companies of all classes of cups, at the same time the testimony which was given showed that cups could be purchased for from \$ 5.50 to \$6.00 per thousand, depending on the size of the order. This was for a paraffine, pressed paper cup, and probably as expensive cup as any other make of paper cups. Undoubtedly other cup manufacturers would have to sell their cups at as low a figure in order to compete with this cup. No testimony was introduced at the hearing tending to show how much it would cost the railroad companies to barter these cups. I am of the opinion that the railroad companies should be compelled to place these cups in the hands of the traveling public, and I am also of the opinion that they should not barter said cups for the purpose of making a profit from the sale of same, but I do believe

that the railroad companies should have available for all passengers who so desire a cup at such a price as will not be unreasonable.

At the present time there are objections to the different types of vending machines and as same have not been thoroughly tested by the railroad companies in this section of the country, I do not believe that an order should be entered by this Commission at this time compelling the railroad companies in the State to install automatic cup-vending devices. I am also of the opinion that cups should not be required on trains whose schedule run is short. A great many of the companies whose scheduled movement is less than one hour or thereabout have not provided water tanks in their cars.

I believe and I find as a fact that the merits of this matter justify the Commission in issuing a General Order, and I recommend that the following form of Order, except the first two paragraphs thereof, be adopted as General Order No. 37.

#### ORDER

WHEREAS, there has been received by this Commission several complaints alleging the inability to secure drinking water on passenger cars of the different railroads in the State, and the Commission being of the opinion that these complaints were sufficient in number to justify an investigation on the Commission's own initiative, and a hearing having been had in this matter, at which all railroads and interested parties were privileged to be present and give such testimony and express such views as they desired, and

WHEREAS, on the 23d day of September, 1913, the Commission held said hearing, and after a careful and exhaustive study and consideration of the matter, it has been found as a fact that sanitary individual drinking cups should be available for all passengers who take trip to exceed one hour and a half, on steam railroads or

electric interurban railroads within the State of California.

IT IS HEREBY ORDERED that all passenger cars of steam railroads and interurban electric railroads in the State of California that constitute a train or part of a train whose schedule time between terminals exceeds one hour and thirty minutes, shall be so provided with sanitary individual drinking cups that passengers on said passenger cars may be able to purchase one or more cups at a price not to exceed one cent each, and the traveling public shall be so notified by means of a poster card notice placed in a conspicuous place at or near the water tank in each passenger car.

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 8<sup>th</sup> day of October, 1913.

John McEwen  
H. J. Loveland  
W. G. Gordon  
Max Thelen

Commissioners.