

ORIGINAL

Decision No. 55202

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
SOUTHERN PACIFIC COMPANY to con-  
solidate the operation of passenger  
trains Nos. 75 and 76 with passenger  
trains Nos. 94 and 95, between San  
Francisco and Los Angeles, California.

Application No. 38039

Commission Investigation into the  
adequacy and sufficiency of passenger  
service of SOUTHERN PACIFIC COMPANY  
between points in California.

Case No. 5829

Charles W. Burkett, Jr., and Stanfield  
Johnson for the Southern Pacific Company, appli-  
cant in Application No. 38039 and respondent in  
Case No. 5829.

Gordon C. Larkin for Order of Railway Conductors  
and Brakemen; George W. Ballard and James E. Howe  
for the Brotherhood of Railroad Trainmen; G. L.  
Mitchell, Robert E. Mitchell and Iverson and Hogoboom  
for Brotherhood of Locomotive Engineers; E. A.  
McMillan for Brotherhood of Railway and Steamship,  
Freight Handlers, Express and Station Employees;  
William V. Ellis for Brotherhood of Locomotive Fire-  
men and Enginemen; Byron H. Davis for Railroad  
Employees Legislative Committee of California, and  
A. R. Linn for the City of Redding and the Associa-  
tion of California County Supervisors, protestants.

Roger Arneberg, City Attorney, Alan G. Campbell,  
Assistant City Attorney, T. M. Chubb, General Manager  
of Department of Public Utilities and Transportation,  
and R. W. Russell, Assistant General Manager of  
Department of Public Utilities and Transportation,  
for the City of Los Angeles; J. J. Devel and Joseph Q.  
Joynt for California Farm Bureau Federation; A. R.  
Linn for Northern California County Supervisors Asso-  
ciation, Counties of Shasta, Siskiyou, Trinity,  
Tehama, Glenn, Modoc, Lassen, and Plumas, Redding  
Chamber of Commerce, and the County of Butte;  
Vance Herrold and Howard A. Jones for the Long Beach  
Convention and Visitors Bureau; Henry E. Jordan for  
Bureau of Franchises and Public Utilities of Long  
Beach; William L. Anderson for the U. S. Department  
of Agriculture; Frederick W. Denniston for the General  
Services Administration and the Executive Agencies  
of the United States Government; Dion R. Holm and  
Paul L. Beck for the City and County of San Francisco,  
interested parties.

Edward F. Walsh, John L. Pearson and James K.  
Gibson for the Commission staff.

INTERIM OPINION

On May 17, 1956, applicant Southern Pacific Company filed Application No. 38039 herein requesting that the Commission authorize it to consolidate the operation of passenger trains Nos. 75 and 76 with the operation of passenger trains Nos. 94 and 95, between San Francisco and Los Angeles at the earliest possible date. On October 9, 1956, the Commission issued its order instituting investigation into the adequacy and sufficiency of passenger service of Southern Pacific Company between points in California, Case No. 5829. Application No. 38039 and Case No. 5829 were consolidated for hearing.

Public hearings were held before Commissioner Matthew J. Dooley and Examiner Wilson E. Cline in San Francisco on October 15 and 17, 1956, in Los Angeles on October 19, 1956, and again in San Francisco on November 20 and 21, 1956, and January 23, 1957.

At the close of the hearing on January 23, 1957, the proposed evidence being prepared concurrently by the Commission staff for presentation in Application No. 38039 and Case No. 5829 had not yet been submitted in evidence. Nevertheless oral argument was held on February 28, 1957, on Application No. 38039, at the conclusion of which counsel for applicant presented an oral motion for an interim order authorizing the consolidation of the operation of trains Nos. 75 and 76 with the operation of trains Nos. 94 and 95.

At the oral argument the Commission staff counsel took the position that the oral argument was premature and that the staff could take no position and could offer no recommendations until it had completed its own independent investigation. Other parties participating in the oral argument concurred in this position. The Commission staff counsel pointed out that considering applicant's evidence alone two factors were more or less self-evident. One

factor is that a substantial monetary saving to applicant would be effected by the proposed consolidation and the other factor is that on a substantial number of days throughout the year the consolidated train as proposed would not be sufficient to serve the public needs. He then requested that applicant at some future hearing present a specific plan setting forth the circumstances under which second sections of the proposed consolidated train would be operated.

Further public hearing was held in San Francisco before Commissioner Dooley and Examiner Cline on May 22, 1957.

On May 24, 1957, applicant filed its petition for interim relief again requesting the Commission to issue an interim order authorizing the consolidation of the Lark and the Starlight, on a temporary basis pending receipt of the staff evidence and the issuance of a final decision. Applicant has introduced evidence in support of its application and the petition for interim relief as follows:

(a) Applicant is presently sustaining a net out-of-pocket loss of \$1,743,000 per year from the operation of the Lark and the Starlight. Consolidation of these trains would reduce that loss by \$971,000 per year to a net out-of-pocket loss of \$772,000 per year.

(b) The consolidated train would make stops at the same stations where stops are made by the separate trains and would provide sleeping car and coach service with the same type of equipment as is being used by the separate trains.

(c) In addition to the service which would be provided by the consolidated train, the public has available the following common-carrier service between the points in issue:

- (1) 163 airplane flights with 8,901 seats available daily between San Francisco and Los Angeles.
- (2) 82 Greyhound bus schedules daily between San Francisco and Los Angeles and intermediate points.

- (3) 14 Continental Trailways bus schedules daily between San Francisco and Los Angeles.
- (4) 3 Santa Fe rail-bus schedules in each direction between San Francisco and Los Angeles.
- (5) Other daily passenger train service of applicant between San Francisco and Los Angeles by both Coast and San Joaquin Valley routes.

Further hearings were held in San Francisco on May 29 and June 5 and 6, 1957. During the course of these hearings testimony was received from the Commission staff witness regarding the staff findings and recommendations with respect to Application No. 38039. The following standards were recommended if the Commission should permit the consolidation of the Starlight with the Lark trains:

- a. An intending Lark sleeper passenger should be able to secure a roomette or bedroom at or prior to 4:00 p.m. on the day of Lark departure (9:00 p.m.).
- b. 10% of the chair car seats at the Los Angeles Reservation Bureau should still be open and available for sale at 4:00 p.m. for the north-bound Lark, and 15% of the chair car seats at the San Francisco Reservation Bureau should still be open and available for sale at 4:00 p.m. for southbound Lark passengers to points south of San Jose, without curtailing seat assignments to intermediate stations.
- c. Records should be maintained by the company for ready inspection so that compliance with these standards might be easily ascertained.

Counsel for the applicant during the course of the hearing submitted the minimum proposal which would be acceptable as an operating matter to Southern Pacific Company as follows:

A second section of the consolidated train will be operated whenever there exists, twenty-four hours or more prior to the time of departure, requests by prospective revenue passengers for coach seats, roomettes or bedrooms, which cannot be filled on a single train. In determining whether such requests exist, separate consideration will not be given to the cars operating between San

Francisco, San Jose and Los Angeles, on the one hand, and between Oakland Pier, San Jose and Los Angeles, on the other hand. If, subsequent to the determination to operate a second section, it develops that all revenue passengers can be accommodated in a single train, the second section will not be operated.

Counsel for applicant further stated that although applicant can sometimes set up second sections on an emergency basis on four or five hours notice, twenty-four hours is a workable minimum which would allow applicant to shift equipment into the terminals whenever it was needed instead of having to hold unused equipment available at the terminal. He stated that about the only time a second section would be required on five hours notice instead of twenty-four hours notice would be when airport passengers were seeking alternate service while the airports were closed in because of weather conditions. He argued that it would be unreasonable to require applicant at an out-of-pocket loss to maintain standby service for airport passengers whose plane schedules had been canceled.

The petition for interim relief was opposed by the operating brotherhoods and the City and County of San Francisco. It was supported by the representative of the California Farm Bureau. Mr. Linn, representing the City of Redding and other interests, requested that the dining car facilities be made available to all passengers on the train should consolidation be authorized either on an interim or permanent basis. The Commission staff counsel and witness supported the petition for interim relief providing applicant be required to comply with the staff recommended standard of operation set forth above.

The presentation of evidence by the Commission staff is not yet complete. Under such circumstances and after consideration of the entire record to date the Commission finds and concludes that applicant should be authorized on an interim basis to consolidate

the operation of passenger trains Nos. 75 and 76 with passenger trains Nos. 94 and 95 between San Francisco and Los Angeles and intermediate points, as proposed by applicant and subject to the standards hereinafter set forth in the interim order. Dining car service is service offered to passengers paying first class fares. Applicant will not be required also to offer dining car service to coach passengers on the consolidated trains.

INTERIM ORDER

A public hearing having been held in the above-entitled matters, the petition for interim relief having been considered and based upon the evidence of record and the findings and conclusions set forth in the preceding interim opinion,

IT IS ORDERED that:

(1) Southern Pacific Company, the applicant and respondent herein, is hereby authorized on a temporary basis pending receipt of further evidence and the issuance of a final decision herein to consolidate the operation of its passenger trains Nos. 75 and 76 with passenger trains Nos. 94 and 95 between San Francisco and Los Angeles and intermediate points, as proposed in Application No. 38039 as hereinafter modified.

(2) Applicant shall give not less than seven days' notice to the public of the consolidation of said passenger trains herein authorized by posting notices in said passenger trains Nos. 75, 76, 94 and 95 and in agency stations involved.

(3) Applicant shall notify the Commission in writing of the date of consolidation of the passenger trains herein authorized within ten days after the consolidation of said passenger trains.

(4) Applicant shall provide all intending sleeper passengers, who apply for sleeping accommodations on the said consolidated trains at least five hours prior to the scheduled departure time, with sleeping accommodations on said consolidated trains.

(5) Five hours prior to the scheduled departure time of the northbound consolidated train applicant shall have open and available for sale at the Los Angeles Reservation Bureau the equivalent of at least 10 per cent of the chair car seats on the full complement of the first section of said northbound consolidated train.

(6) Five hours prior to the scheduled departure time of the southbound consolidated train applicant shall have open and available for sale at the San Francisco Reservation Bureau the equivalent of at least 15 per cent of the chair car seats on the full complement of the first section of said southbound consolidated train for southbound passengers to points south of San Jose.

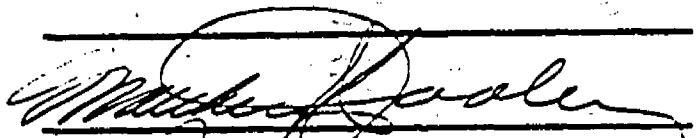
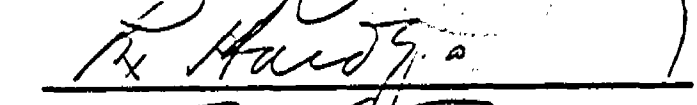

(7) In complying with paragraphs numbered (4), (5) and (6) of this interim order, applicant shall not be required by this interim order to operate more than two full sections of either the northbound or southbound consolidated trains.

(8) Applicant shall maintain for ready inspection by the Commission or members of its staff adequate records which will indicate the nature and extent of compliance with the operating standards set forth in this interim order.

The effective date of this interim order shall be ten days after the date hereof.

Dated at San Francisco, California, this 2<sup>nd</sup> day of JULY, 1957.

  
President

  
  
  
Commissioners