

**ORIGINAL**Decision No. 70568

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Unauthorized  
Discontinuance by SOUTHERN PACIFIC  
COMPANY of passenger Trains Nos.  
27 and 28, the "Overland".

Case No. 7955  
(Filed July 21, 1964) ✓

John MacDonald Smith, for Southern Pacific  
Company, respondent.

Leonard H. Wickliffe, for California State  
Legislative Committee, Order of Railway  
Conductors and Brakemen; George W. Ballard,  
for the Brotherhood of Railroad Trainmen;  
and James L. Evans, for the State Legis-  
lative Board, Brotherhood of Locomotive  
Firemen and Engineers, interested parties.

William C. Bricca and William R. Peters, for  
the Commission staff.

O P I N I O N

A duly noticed public hearing was held before Examiner Power in San Francisco on September 3, 1964. The matter was submitted on briefs, all of which have been received.

The issue in the present proceeding is whether the Southern Pacific Company has wrongfully consolidated its two passenger trains on the Ogden Route of that company. These trains were, respectively, Nos. 101 and 102, the "City of San Francisco" and Nos. 27 and 28, the "Overland".

It is alleged by the Order to Show Cause that Southern Pacific has violated the Commission's General Order No. 27-B, particularly that portion of the general order quoted below:

"IT IS HEREBY FURTHER ORDERED that whenever a change in time table is to be made by a railroad corporation which will effect a reduction in the number of passenger trains on any main line or branch line of its railroad, or which will effect a reduction in the amount of passenger train service rendered at any station on its railroad, such railroad corporation must submit to this Commission, at least twenty (20) days before the

change is to become effective, an approximate time table outline showing its proposed reduction in service and set forth the reasons for such proposed reduction in service. A notice to the public of such proposed new time schedule or reduction in service shall be posted in all trains that will be affected by the proposed change or changes in all stations along the line affected where an agent is maintained for a period of at least twenty (20) days prior to the effective time of the proposed reduction in service." (Emphasis added.)

Southern Pacific stipulated that the service had been discontinued and that no notice thereof had been given either to this Commission or the Interstate Commerce Commission.

The Order to Show Cause herein refers to the discontinuance of the Overland trains. However, what actually occurred was a consolidation since the services to Denver, Colorado, Kansas City and St. Louis, Missouri, formerly performed by the Overland, were continued by the City trains after the discontinuance of the Overland. Respondent moves the City cars to Ogden, Utah. From that station, the Union Pacific Railroad Company moves them to Omaha, Nebraska and Kansas City, Missouri. From Omaha the Chicago, Milwaukee, St. Paul and Pacific takes the Chicago cars on to that city. From Kansas City the Wabash Railroad takes the St. Louis cars on to that city.

The evidence shows that 80 percent of the passengers on these trains had origin or destination east of Ogden. As a result the operations of the Union Pacific must be considered. Union Pacific has combined three of its Los Angeles trains, the City of Los Angeles, the Challenger and the City of St. Louis. On the public timetable of April 1964 all three trains are shown with identical times indicated for each station. On the operating timetable only the City of Los Angeles is shown, it

being the surviving train. In peak travel times this train operates in two sections, at other times in one. The City of San Francisco operates in one section. However, when more than 24 cars have to be moved it is divided into two. In 1964 this happened seven times westbound, and once eastbound.

As a result, one eastbound train leaves Oakland and another leaves Los Angeles. Arriving at Ogden, Utah, the equipment is pulled apart and two new trains are made up, one for St. Louis, one for Chicago. Westbound this process is reversed. The Union Pacific's westbound trains from Chicago and St. Louis arrive in Ogden twenty minutes apart. The eastbound trains leave Ogden fifteen minutes apart.

It is clear that any attempt to increase the time interval between the schedules of the City of San Francisco and the Overland must, of necessity, inflict some inconvenience upon passengers traveling east of Ogden by increasing the Ogden layover for some of them.

Southern Pacific Company has been trying to discontinue the Overland trains for several years. On August 25, 1960, it petitioned the Interstate Commerce Commission for authority to consolidate the same two trains (Finance Docket No. 21255). This was denied (312 ICC 437). Thereupon Southern Pacific commenced another proceeding, Finance Docket No. 21946, seeking in the latter docket the discontinuance of the Overland. Number 21946 was commenced on February 5, 1962. As a practical matter this was a relitigation of the issue in 21255. However, this was technically not true as the ICC pointed out in its decision.

In Finance Docket 21946 the ICC handed down its decision on July 6, 1962. It was served on July 16th. It permitted the Southern Pacific to discontinue the Overland except during two seasons. These were the summer season, June 14 through Labor Day and the Christmas and New Year's Day holidays, December 22 through January 2. This operation was ordered to be continued for a period of one year from the date of the decision.

Southern Pacific actually continued the seasonal operation through the summer of 1963 and the Christmas holidays of 1963-64. When the time came for the summer renewal in 1964 Southern Pacific simply did not renew it as a separate train. It was its position that there was no "change in timetable", no "reduction in the number of passenger trains" and certainly no "reduction in the amount of passenger train service". The timetable and the service in effect on June 13 remained in effect on June 14.

While no official timetable was filed with the Commission indicating commencement of operation of the Overland as a separate train effective June 14, 1964, the company has continued to advertise operation of the Overland in its public timetables on the same schedules as the City of San Francisco on a year-around basis. While technically there has been a reduction in the number of summer seasonal passenger trains on June 14, 1964, there has not been a reduction in the amount of passenger train service, since the consolidated train provides the same service to all stations at the same times and in the same manner as was provided by a separate Overland train. It

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follows that no useful purpose would be served by ordering the operation of two trains during the summer season on the same identical schedule when one train with second sections as needed will accommodate all of the patronage and provide the same service to the public.

The Commission finds that:

1. Prior to January 2, 1964, Southern Pacific Company operated its Overland Trains Nos. 27 and 28 from Oakland, California to Ogden, Utah and reverse, on a seasonal basis from June 14 to Labor Day and from December 22 to the ensuing January 2.

2. After January 2, 1964, Trains Nos. 27 and 28 were discontinued and, on June 14, 1964, they were not revived as separate trains.

3. Southern Pacific Company failed to give notice of its intention not to revive Trains Nos. 27 and 28 as separate trains on June 14, 1964, either to the Interstate Commerce Commission or to this Commission and others to whom notice is required to be given by the Commission's General Order No. 27-B. ✓

4. No useful purpose would be served by ordering the operation of separate seasonal Overland trains when the consolidated trains of the City of San Francisco-Overland with

second sections as needed will accommodate all of the patronage and provide the same service to the public.

Southern Pacific Company is admonished to adhere in the future to the provisions of General Order No. 27-B in filing timetable notice of changes in service.

The Commission concludes that Case No. 7955 should be discontinued.

O R D E R

IT IS ORDERED that Case No. 7955 be, and it hereby is, discontinued.

Dated at San Francisco, California, this 12<sup>th</sup> day of APRIL, 1966.

Frederick B. Hallock  
President

John F. Mitchell

George T. Grover

W. G. ...

William ...  
Commissioners