ORIGINAL

Decision No. 11789

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

CITY OF SAN BERNARDINO, a municipal corporation,

Complainant,

vs.

SOUTHERN PACIFIC RAILWAY COMPANY, LOS ANGELES AND SALT LAKE RAILROAD COMPANY, ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY, and PACIFIC ELECTRIC RAILWAY COMPANY,

Defendants.

Case No. 1783.

Wm. Guthrie and Grant Holcomb for Complainant.
J. E. Lyons for Defendant, Southern Pacific Company.
E. W. Camp and B. Levy for Defendant, Atchison, Topeka & Santa Fe Railway Company.
G. F. Squires for Defendant, Pacific Electric Railway Company.
E.E. Bennett for Defendant, Los Angeles and Salt Lake Railroad Company.

BY THE COMMISSION:

O-P-I-N-I-O-N

City of San Bernardino, a municipal corporation, complains of defendants herein and alleges that the public necessity and convenience require that connections be made between the tracks of all of defendant railroads so that cars may be readily transferred from one railroad to another within the city of San Bernardino; that at the present time defendants, Atchison, Topeka and Santa Fe Railway and Pacific Electric Railway have an interchange track, that Pacific Electric Railway and Southern Pacific Railway Company have an interchange track, that Los Angeles and Salt Lake Railroad has joint track contracts with the Atchison,Topeka and Santa Fe Railway Company and the Southern Pacific Railway Company; that the terms and compensation for switching of cars to private spurs and industrial tracks within the City of San Bernardino are unreasonable.

Complainant prays for an order of the Railroad Commission requiring defendants to construct connections between their respective tracks so that cars may be readily transferred from one railroad to another in the City of San Bernardino; that all of defendants be required to switch to private spurs and industrial tracks upon its own railroads the cars of the other railroads, and to prescribe the terms and compensation for such service.

Defendants duly filed their answers herein denying the material allegations of the complaint; and by amended answers alleging that the Railroad Commission was without jurisdiction to make any order in this proceeding for the reason that the matter was one properly within the jurisdiction of the Interstate Commerce Commission in accordance with the provision of sub-division 22 of Section I of the Interstate Commerce Act as amended by the Transportation Act of 1920.

A public hearing on this complaint was conducted by Examiner Handford at San Bernardino at which time the matter was duly submitted and it is now ready for decision.

Witnesses for complainant testified as to conditions arising when shipments destined to an industry located on the rails of one of the defendant companies were received over the line of another carrier, principally as to industry tracks located on the line of the Southern Pacific Company or the Atchison,Topeka & Santa Fe Railway Company. If a shipment arrives over the rails of the carrier which does not serve

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the industry by direct track connection the delivery is made either by trucking from an established team track or by the switching of the car to the tracks of the railroad having connection with the industry. The expense of truck delivery is estimated to vary from $30.00 to $50.00 per car according to the commodity to be handled. In the case of actual movement of the car the point of transfer between the tracks of the Southern Pacific Company and the Atchison, Topeka & Santa Fe Railway Company is through the interchange at Colton and for this service a minimum charge of $30.00 per car is assessed and some delay is liable to accrue in connection with the transfer. It appears, however, that the principal reason for shipments requiring to be transferred is the failure of shippers to respect the routing orders of consignees and carload shipments are consigned to San Bernardino so routed that the delivering line is other than the line having physical connection with the delivery or industry track upon which the receipt of the shipment is desired. It also appears that the majority of instances where the misrouting or failure to observe routing instructions have occurred have been in connection with interstate shipments.

Witnesses for defendants, Southern Pacific Company and Atchison, Topeka & Santa Fe Railway Company, testified as to the cost of constructing an interchange track at San Bernardino to enable the switching of cars between the lines of the respective companies and the estimates of the cost of construction approximate from $4500. to $5400. and do not include the value of the land upon which the interchange track would be located.

It also appears that it is the policy of defendants, Southern Pacific Company and Atchison, Topeka & Santa Fe Railway

Company to establish joint rates on the carload movement of any commodity whenever such rate is requested and there appears that a reasonable volume of carload movement will follow the establishment and publication of such joint rate. The establishment of such joint rates, in addition to the use of joint rates which are already published and available for shippers and consignees, will fully meet many of the requirements and complaints now being considered and if any difficulty in securing the establishment of joint rates is experienced by shippers or consignees as regards intrastate carload business informal complaint should be made to this Commission that the matter may receive investigation and adjustment.

We have carefully considered all the evidence in this proceeding and are of the opinion and hereby find as a fact that the construction of an interchange track between the lines of the Southern Pacific Company and the Atchison, Topeka & Santa Fe Railway Company, defendants herein, is not justified, the cost of such track facility (exclusive of land required) being estimated at from $4500. to $5400. The expenditure would serve no useful purpose for the shipping public other than to make possible a facility to correct errors of routing for which shippers are primarily responsible. The use of joint rates now published, or the publication of new joint rates on carload commodities where the volume of shipments justify their establishment, together with proper diversions on shipments which may have been misrouted (provided that diversion orders are given at a proper time before the arrival of shipments), will eliminate the causes of complaint appearing herein.

The complaint will be dismissed.

O-R-D-E-R

A public hearing having been held in the above entitled proceeding, the matter having been duly submitted, the Commission being now fully advised and basing its order on the finding of fact as appearing in the opinion which precedes this order,

IT IS HEREBY ORDERED, that this complaint be and the same is hereby dismissed.

Dated at San Francisco, California, this 16th day of March, 1923.

C. L. Seavey

H. W. Brundige

J. F. Whitney

Commissioners.