

Decision No. 11854

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
The Atchison, Topeka & Santa Fe Rail- )  
way Company for Authority to make )  
certain changes in Tariffs adjusting )  
freight rates applying between points )  
on the lines of the Santa Fe and points )  
on the lines of the Northwestern Pacific )  
Railroad Company, through Richmond and )  
Tiburon. )

APPLICATION NO. 8601.

B. Levy, for The Atchison, Topeka & Santa Fe Railway Co.  
J. J. Geary, for Northwestern Pacific Railroad Co.

BY THE COMMISSION:

O P I N I O N

This is an application by the Atchison, Topeka & Santa Fe Railway Company for an order granting authority to correct an inadvertent omission in its rules, by which it failed to make certain changes in Item No. 1310, carried in Tariff Circular No. 2079-E, Cal.R.C. No. 449.

By an informal order issued June 6, 1917, the Atchison, Topeka & Santa Fe Railway Company was authorized to cancel Item No. 385, carried in its Terminal Tariff No. 8117-F, Cal.R.C. No. 341, governing the freight rates on traffic moving between points located on the Northwestern Pacific Railroad. The intent of the publications made in the year 1917 was to base all the rates on San Francisco, instead of partly on San Francisco and partly on

Richmond, but in making the application and publishing the tariff an error was made in not at the same time making the necessary changes in Item 1310, carried in Transfer & Drayage Tariff No. 2079.

The purpose of this application is to straighten out the publication errors by amending Item 1310, so as to make reference to the provisions of Item 25, carried in F.W.Gomph's Local, Joint & Proportional Freight Tariff No.16-F, C.R.C.No. 273, which provides for assessing charges to and from points on the Northwestern Pacific Railroad on rates based over San Francisco.

A hearing on the application was held before Examiner Geary at San Francisco on March 19, 1923 and the same is now ready for an opinion and order. There were no appearances in opposition, although interested shippers and Chambers of Commerce were notified of the proceeding. The applicant presented a number of exhibits showing that the changes would have but little, if any, effect upon revenue and that the sole purpose of the application was to correct the tariff mistakes. It also presented copies of letters received from the important shippers, advising they had no objections to the application. Several days before the hearing, the Commission received a communication from a large shipper of crushed rock, sand and gravel objecting to the proposed changes. The testimony of applicant's witness, however, was to the effect that there was no movement of these commodities to points on the Northwestern Pacific Railroad and that consideration would be given to publication of commodity rates if tonnage developed. The Commission also received a memorandum setting forth the commodity rates now in effect from the rock shipping points on the Southern Pacific to Northwestern Pacific points via Shellville Junction, which rates are but slightly in excess of the present combination over the Richmond Station of the Santa Fe Railway Company.

Upon all of the facts appearing in the record, we are

of the opinion that this application should be granted, inasmuch as the present tariff item has been continued in effect through error and inadvertence and but little revenue is involved.

O R D E R

Application having been made by the Atchison, Topeka & Santa Fe Railway Company for authority to correct an inadvertent omission in Item No. 1310, Tariff Circular No. 2079-E, Cal.R.C. 449, a hearing thereon having been held and it appearing that the application should be granted.

IT IS HEREBY ORDERED that the Atchison, Topeka & Santa Fe Railway Company be authorized to amend its Tariff No. 2079-E, Cal.R.C.No.449 in conformity with the application.

Dated at San Francisco, California, this 30<sup>th</sup> day of March, 1923.

C. Seavy  
H. B. ...  
Dwight Martin  
Egerton Shore

Commissioners.