

Decision No. 16821

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application of  
The Atchison, Topeka & Santa Fe Rail-  
way Company for authority to adjust  
rates on freight, also petroleum and  
petroleum products, between Richmond  
and Oakland (Emeryville), and on  
petroleum and petroleum products from  
Bay Point to Oakland (Emeryville), and  
from Oakland (Emeryville) to San Pablo  
and Vine Hill inclusive, and to depart  
from the provisions of Section 24(a) of  
the Public Utilities Act of the State  
of California.

APPLICATION NO. 12441

George T. Hurst and Platt Kent, for Applicant.  
Leo Jacobs, for S. T. Johnson Company.

BY THE COMMISSION:

O P I N I O N

This is an application of the Atchison, Topeka & Santa Fe  
Railway Company for permission, under Section 63 of the Public  
Utilities Act, to amend Item 960-B of its Tariff 12375-E, C.R.C.529,  
applicable to freight, carloads, and Notes 7, 8, 67 and 68 of its  
Tariff 9777-I, C.R.C.527, applicable in connection with rates on  
petroleum and petroleum products restricting the district between  
which the rates named in those items apply, by adding:

"Extending south on the main line from the  
northern boundary line of the City of Berkeley  
to a point 200 feet west of the west line of  
Yerba Buena Avenue and north from Shellmound  
Tower on the Berkeley (Ward St.) Line, to and  
including the west line of Vallejo Street; also  
north of the Ninth Street Electric Line to and  
including the south line of 59th Street".

Authority is also sought for relief from the provisions of Section 24 of the Public Utilities Act, for the reason that the Atchison, Topeka & Santa Fe Railway Company in serving Oakland (Emeryville), 20th and Wood Streets, on traffic moving through Richmond, is the long line having to meet via a circuitous route the rates of the Southern Pacific Company, the short line.

A public hearing was held before Examiner Geary March 3, 1926, and the matter having been duly heard and submitted is now ready for an opinion and order.

The rates will be stated in cents per 100 pounds, and the Atchison, Topeka & Santa Fe Railway Company and the Southern Pacific Company will be known as the Santa Fe and the Southern Pacific, respectively.

The only opposition to the granting of the application was presented by the S.T. Johnson Company, which company is served by the Southern Pacific at Oakland. This company testified they have transported carload shipments of petroleum products from Richmond to their plant at Oakland for 3 cents, plus \$2.70 per car by routing via the Santa Fe to Oakland, thence Southern Pacific delivery, whereas under the proposed adjustment the rate would be  $3\frac{1}{2}$  cents without the switching charge of \$2.70 per car. The testimony presented showed that the charge of 3 cents, plus \$2.70 per car, was slightly less than the charge arrived at by use of the rate of  $3\frac{1}{2}$  cents.

Prior to August 21, 1921 the Santa Fe and Southern Pacific rate between Richmond and Oakland (Emeryville) was 4 cents, both routes being on a rate parity. Effective August 21, 1921, in connection with the decision of this Commission in Case No. 1443, South San Francisco Chamber of Commerce vs. Southern Pacific

Company, et al., (18 C.R.C.997) the rate was reduced to 3 cents to points north of the Oakland (Emeryville) Line and to points south of the line  $3\frac{1}{2}$  cents. Under this adjustment the rate via the Santa Fe from Richmond to the interchange track at 20th and Wood Streets was  $3\frac{1}{2}$  cents, that point being south of the Oakland (Emeryville) Line. In order that the Santa Fe might enjoy the same rates as the Southern Pacific in that territory it was, under date April 1, 1924, in accordance with a petition filed, granted authority by this Commission to depart from the provisions of Section 24(a) of the Public Utilities Act and establish a rate of 3 cents on freight, carloads, from Richmond, California, only, to the Southern Pacific-Santa Fe transfer at 20th and Wood Streets, Oakland (Emeryville) applicable only to shipments destined to industries, warehouses or private side tracks within the Southern Pacific Oakland switching limits in the district north of a point 200 feet west of the west side of Yerba Buena Avenue, Oakland, California. At the same time authority was granted to amend Tariff 9777-I. Through a clerical error Item 960 of Tariff 12375-E and the foot notes in Tariff 9777-I were not amended to include an easterly limit and as a result the Santa Fe, in error, published a 3 cent rate applicable in Southern Pacific  $3\frac{1}{2}$  cent territory. The shippers who routed their traffic from Richmond to Oakland via the Santa Fe were enabled to reach Southern Pacific territory where the  $3\frac{1}{2}$  cent rate prevailed by paying 3 cents, plus the Southern Pacific switching charge of \$2.70 per car.

It appears that the granting of the authority prayed for will have the effect of complying with the Commission's suggestions in Case No. 1443, supra.

Upon consideration of all the facts of record we are of the opinion and find that the applicant should be permitted to depart from the provisions of Section 24(a) of the Public Utilities Act, and to meet via its long line the rates in effect via the Southern Pacific, the short line. We are further of the opinion and find that the applicant should be permitted to amend its Tariff 12375-E, C.R.C. 529, and reissues thereof, and to amend Tariff 9777-I, C.R.C. 527, as set forth in the application.

### O R D E R

This application having been duly heard and submitted, full investigation of the matters and things involved therein having been had and basing this order on the findings of fact and the conclusions contained in the opinion, which is hereby referred to and made a part hereof,

IT IS HEREBY ORDERED that the Atchison, Topeka & Santa Fe Railway Company be and it is hereby authorized to amend its Tariff 12375-E, C.R.C. 529 and reissues thereof, and Tariff 9777-I, C.R.C. 527, as set forth in Exhibit A of the application.

IT IS HEREBY FURTHER ORDERED that applicant, Atchison, Topeka & Santa Fe Railway Company, be and it is hereby authorized to depart from the provisions of Section 24(a) of the Public Utilities Act to the extent as set forth in Exhibit A of the application.

Dated at San Francisco, California, this 29<sup>th</sup> day of March, 1926.

*H. B. ...*  
*Chairman*  
*Ernest ...*

Commissioners.