

Decision No. 17964

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application)
of Southern Pacific Company and)
The Atchison, Topeka & Santa Fe)
Railway Company for an order)
authorizing readjustment of switch-)
ing charges on freight, carloads,)
in the City of Richmond.)

APPLICATION NO. 13144

A.L.Whittle and C.N.Bell, for Southern Pacific Company.
A.L.Whittle and F.H.Rockwell, for Atchison, Topeka &
Santa Fe Railway Company.

BY THE COMMISSION:

O P I N I O N

This is a joint application of the Southern Pacific Company and Atchison, Topeka & Santa Fe Railway Company, hereinafter referred to as Southern Pacific and Santa Fe, for authority to make certain changes in the rates for intrayard switching and to re-define the switching limits at Richmond by establishing zones as specifically set forth in Exhibits A and B of the Southern Pacific and C and D of the Santa Fe, attached to and made a part of the application.

A public hearing was held before Examiner Geary at San Francisco November 30, 1926 and the matter having been duly submitted is now ready for an opinion and order.

The present switching limits of the Southern Pacific, as published in Tariff 230-I, C.R.C.2826, Item 3180-B, may be roughly described as follows:

"From north line of Cutting Boulevard to a point 770 feet north of San Pablo station on the main line, also tracks owned by the Richmond Belt Railway and serving Blake Bros. Quarry, also all tracks serving Standard Oil Company's plants".

The present rate is 34 cents per ton, minimum \$7.20 per car, for movement between all intrayard points within these defined limits, except on carloads received from the Santa Fe in connection with a yard movement by that line, when the charge is \$3.60 per car in addition to the Santa Fe's charge.

The Southern Pacific proposes to establish six zones and to restrict the 34 cents per ton rate, minimum \$7.20 per car, to apply between points exclusively within zones designated as 1, 2 and 3. The first extends from the north line of Cutting Boulevard to a point 770 feet beyond San Pablo station on the main line, to and including the northerly connection with tracks serving Standard Oil Company's Asphalt plant on the Richmond Belt Railway; the second extends from Kelsey Avenue to and including wharf tracks at Point Orient; the third extends from Standard Oil Company's Asphalt plant to and including tracks serving Blake Bros. Quarry. The maximum distance between points within these three zones is approximately 6.3 miles.

The limits of the fourth zone extend from Cutting Boulevard to a point 770 feet north of San Pablo station and to Kelsey Avenue on the Richmond Belt Railway, also to and including Point Orient, but does not include connection with tracks serving Standard Oil Company's Asphalt plant. The proposed rate is

45 cents per ton, minimum \$11.00 per car, for a maximum distance approximating 9.2 miles.

The proposed rate for the fifth zone is 54 cents per ton, minimum \$11.00 per car, except on carloads of rock, sand and gravel, upon which a rate of 50 cents per ton, minimum \$11.00 per car, is proposed. The switching limits of this zone are practically the same as now published in Item 3180-B Southern Pacific Tariff 230-I, with the exception it does not include wharf tracks at Point Orient. The maximum distance between points within zone 5 is approximately 11.8 miles.

The sixth zone extends from Kelsey Avenue to and including all points on the Richmond Belt Railway, with the exception of wharf tracks at Point Orient, and the rate proposed is the same as that proposed for zone 4.

It is proposed to cancel application of rates shown in Items 1320 and 1330 series of Southern Pacific Tariff 230-I insofar as same applies at Richmond and publish new provisions defining the limits for switching cars when originating within switching limits of connecting line. The proposed limits to be established in place of those defined in Item 1320 series are as follows:

"From Cutting Boulevard to a point 770 feet north of San Pablo station on the main line and to a point 260 feet east of Castro Street on the Richmond Belt Railway to interyard tracks with the Santa Fe".

It is also proposed to amend Item 1260 series of Southern Pacific Tariff 230-I, which provides for switching carload freight subsequent to initial placement for unloading by establishing three separate and defined zones, as follows:

1. From north line of Cutting Boulevard to a point 770 feet north of San Pablo station on the main line to and including northerly connection with track serving Standard Oil Company's Asphalt plant on Richmond Belt Railway.
2. On Richmond Belt Railway from Kelsey Avenue to and including wharf tracks at Point Orient.
3. On Richmond Belt Railway from Blake Bros. Quarry to but not including northerly connection with tracks serving Standard Oil Company's Asphalt plant.

Rate of \$3.50 per car will apply within each of these zones for a subsequent switching movement and between all other points within the switching limits the rate will be \$4.75 per car.

The present switching limits of the Santa Fe designated as districts A and B are shown in Supplement 24 to Santa Fe Tariff C.R.C.542, as follows:

"(A) From, and including, Ferry Point, on the West; east on the main line, including all spurs and side tracks to, and including Mile Post 1186, on the East; on the Oakland Branch, to and including, Pullman Company on the South. (includes substations Rheem and San Pablo, Cal.)"

"(B) All points located on the Richmond Belt Ry. Co., including Standard Oil Co's tracks".

The switching rates and charges effective within these limits are the same as those published by the Southern Pacific. The present rate of 34 cents per ton, minimum \$7.20 per car, will be restricted to apply between points exclusively within zones designated as 1, 2 and 3. The first includes the district from Mile Post 1186 to and including Ferry Point and to 35th Street on the Oakland Branch, also to and including Standard Oil Company's Asphalt plant. The second extends from a point near Sanford

Avenue, on the north, to Ferry Point, on the south and to Second Street, on the east, also to Point Orient on the west. The third extends from Blake Bros. Quarry to but not including the tracks serving Standard Oil Company's Asphalt plant.

The limits of zone 4 extend from and include Blake Bros. Quarry and all points on Richmond Belt Railway except tracks serving the wharf at Point Orient, on the west, to a point near Sanford Avenue on the north; to and including Ferry Point on the south, also includes the west side of Second Street on the Oakland Branch. The maximum distance between points in this zone is approximately 9 miles and rate of 45 cents per ton, minimum \$11.00 per car, is proposed.

The proposed rate for zone 5 is also 45 cents per ton, minimum \$11.00 per car, for a maximum distance approximating 8.4 miles. The limits extend from Point Orient, on the west, to Mile Post 1186, on the north, thence east to 35th Street on the Oakland Branch.

The limits of the 6th zone extend from Blake Bros. Quarry, on the west, to Mile Post 1186 on the north; to 35th Street on the east. The distance between the two farthest points is approximately 11 miles. Rate of 54 cents per ton, minimum \$11.00 per car, is proposed, except on rock, sand and gravel, upon which rate of 50 cents per ton is proposed.

The limits of the 7th zone extend from Mile Post 1186, on the north, to Ferry Point, on the south; east to 35th Street on the Oakland Branch and on the west side of the main line to a point 500 feet east of Castro Street to interchange tracks with Southern Pacific. The present and proposed rate is 34 cents per ton, minimum \$7.20 per car, applicable only on carload freight

destined to industries, wharves and private sidings within switching limits of the Southern Pacific.

The limits of the 8th zone are similar in all respects to the limits shown in connection with the 7th zone, but rate applies from interchange tracks with the Southern Pacific to industries, wharves and private sidings located on the Santa Fe; the present rate of \$3.60 per car is to remain in effect.

The Santa Fe also proposes to amend Item 540 of Tariff C.R.C.542, which provides for switching carload freight subsequent to initial placement for loading, by establishing seven zones described in Exhibit "C" as Districts A, B, C, D, E, F and G. The limits of these district correspond with the limits of zones designated as 1 to 7, inclusive, in the order named and as heretofore described. It is not proposed to change the present rate of \$3.60 per car for a subsequent switch movement between points within districts designated as A, B and C, but for a subsequent switch movement between points within districts designated as D, E, F and G a rate of \$4.75 per car is proposed.

Witness for applicant testified that all tracks owned by the Richmond Belt Railway are included within the switching limits, and all switching service is performed by the Southern Pacific and Santa Fe during alternate periods; that the proposed changes have been made necessary by an extension constructed by the Belt Railway during the year 1925 from Winehaven to Blake Bros. Quarry. This extension is approximately 6100 feet in length. Service over this new extension was commenced during the early part of the year 1926.

The Santa Fe filed an informal application November 4, 1925 and the Southern Pacific an informal application December 3, 1925, requesting authority under section 63 of the Public Utilities Act to adjust the switching charges and limits to the basis as set forth in the applications, but due to the fact that the adjustments sought were general in effect, an informal authorization was denied.

Applicant, Southern Pacific, presented an exhibit comparing the proposed rates at Richmond of 34, 45 and 54 cents per ton, with the rates of 34, 45 and 63 cents per ton at San Francisco, Oakland and Richmond. The 63 cent rate is at San Francisco and involves a zone of 13.3 miles as compared with 54 cents at Richmond for 11.8 miles. The rates at San Francisco, Oakland and Los Angeles are the result of our decision in Application No. 6390, May 12, 1921 (19 C.R.C. 856). In that decision Commissioner Loveland said:

"In all three proceedings the South San Francisco Chamber of Commerce (the complainant) directed much of its testimony, exhibits and briefs to the contention that there should be but one uniform rate between all points within the San Francisco switching limits and this without any regard to the length of the haul or the character of the territory through which the traffic moved. With this contention I cannot agree, for there must be a limit to the distance a rate of fixed volume will carry, some point where the intrayard switching rate must break, otherwise it would be automatically extended with the expansion of industrial territories and the growth of our cities. This is illustrated at Oakland, where the original intrayard switching limit was 4.3 miles under a 25 cent rate, extended to 7 miles and then to 10.8 miles. There are now many factories south of Elmhurst and it would be no violent stretch of the imagination to picture, in the years to come, industrial zones extending without break for thirty or forty miles from the centers of San Francisco, Oakland and Los Angeles; a blanket rate for such a zone manifestly would not be considered and certainly could not be defended. The testimony shows that intrayard switching charges are based on distances at Seattle, Spokane and Portland, also at practically all centers throughout the United States".

The Richmond situation is identical to San Francisco, Oakland and Los Angeles and manifestly could have been adjusted at the same time.

No concrete figures were submitted to show the cost of service, although testimony was presented in a general way to the effect that the per car was greater at Richmond than at either San Francisco or Oakland. This higher cost is due to the fact that the volume of traffic handled in the yards at the latter points greatly exceeds the traffic handled in the Richmond yards.

There were no appearances in opposition to the granting of the petition, but on the other hand some 25 letters advising carriers that the shippers had no objection to the proposed changes were filed as exhibits.

Upon consideration of all the facts of record, we find that applicants' present rates for intrayard switching at Richmond are unjust and unreasonable and that the just and reasonable rates are those shown in Exhibit "A" of the Southern Pacific and Exhibit "C" of the Santa Fe, attached to and made a part of the application. The application will be granted.

O R D E R

This application having been duly heard and submitted, full investigation of the matters and things involved having been had, and basing this order on the findings of fact and the conclusions contained in the opinion which precedes this order and

which said opinion is hereby referred to and made a part hereof,

IT IS HEREBY ORDERED that the applicants, Southern Pacific Company, and Atchison, Topeka & Santa Fe Railway Company, be and they hereby are authorized to establish the intrayard switching rates and zones shown in Exhibit "A" of Southern Pacific Company and Exhibit "C" of Atchison, Topeka & Santa Fe Railway Company attached to and made a part of the application.

Dated at San Francisco, California, this 7th day of February, 1927.

Edmunds
H. B. ...
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Leon ...
...
 Commissioners.