

Decision No. 22393.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Suspension by)
the Commission on its own Motion)
of a reduced proportional rate on)
crushed rock, sand and gravel from)
Adelaide to Oroville via The West-)
ern Pacific Railroad Company.)

Case No. 2816.

L. N. Bradshaw, for The Western Pacific Railroad Company.

E. W. Hollingsworth, for Pacific Coast Aggregates, Incorporated.

Clark & Heafey, by Leon Clark, for Bechtel-Kaiser Rock Company.

BY THE COMMISSION:

O P I N I O N

By schedule filed to become effective February 1, 1930, respondent proposes to publish a proportional rate of \$3.00 per car on crushed rock, sand and gravel from Adelaide to Oroville as shown in Item 4627-F, page 273, Western Pacific Railroad Company Local, Joint and Proportional Freight Tariff No. 36-F, C.R. C. 257. The proposed rate is restricted to apply only on shipments destined to points in California on the Southern Pacific Company when routed Western Pacific Railroad Company to Oroville, Sacramento Northern Railway to Chico, thence Southern Pacific Company. The railroads will hereinafter be referred to as the Western Pacific, the Sacramento Northern, and the Southern Pacific. Upon protest of the Pacific Coast Aggregates, Incorporated, that

the adjustment would be preferential to shippers at Adelaide and prejudicial to those located at Oroville and other California rock shipping points, the Commission suspended the schedule until June 19, 1930.

A public hearing was held before Examiner Geary at San Francisco March 18, 1930, and the case having been duly submitted is now ready for an opinion and order.

Adelaide is on the Western Pacific 2.3 miles west of Oroville, the point of interchange with the Sacramento Northern, and it is within the operating yard but not within the switching limits of Oroville. The rock crushing plant at Adelaide was established in the spring of 1928 primarily to supply the Western Pacific with ballast, and after this special work was completed it was enlarged by the building of an additional commercial plant intended to serve consumers in the counties of Butte, Sutter, Yuba and Tehama, as well as those on the Western Pacific. The record shows that the rate here involved was published primarily for the purpose of permitting the commercial rock produced at Adelaide to move in competition with the rock from Oroville and Butte Creek. Little or no business, under the rates in effect, has been secured in territory routing via Oroville, thence Sacramento Northern to Chico, destined to points on the Southern Pacific.

Under the rate as proposed, the charges from Adelaide when routed via Oroville and Chico will be \$3.00 per car plus the mileage scale from Oroville. Thus in all such cases the total charges to points beyond Chico would be \$3.00 per car higher than from Oroville. To other territory the charges would be the same from Adelaide as from Oroville, except to points where because of the locations of the plants the rates fall within different blocks in the mileage scale. In such cases the charges from Adelaide would be 10 cents per ton higher or lower, depending

upon whether the distance was greater or less than from Oroville.

Respondent by extending the switching limits of Oroville to include Adelaide, could put the shipper at Adelaide on a complete parity with its competitor at Oroville, inasmuch as by virtue of Item 75-A in Sacramento Northern Tariff C.R.C. 24 the Sacramento Northern would absorb the Western Pacific switching charge. This however it has not elected to do.

Protestant's main contention is that in certain instances the proposed rate would result in charges lower by approximately 4 cents per ton than would accrue by use of the so-called Northern California rock mileage scale. They have not shown however that they would be actually prejudiced by this small difference in rate at the few points in which it occurs.

Upon consideration of all the facts of record we are of the opinion and find that the proposed schedule is not unduly preferential to Adelaide, prejudicial to Oroville, or otherwise unlawful. An order will be entered vacating our suspension order of January 29, 1930.

O R D E R

It appearing that by order dated January 29, 1930, the Commission entered upon a hearing concerning the lawfulness of a \$3.00 per car proportional rate for the transportation of crushed rock, sand and gravel from Adelaide to Oroville when shipments are destined to points on the Southern Pacific and are routed Western Pacific to Oroville, thence Sacramento Northern to Chico, as published on 19th revised page 273, Item 4627-F, Local, Joint and Proportional Tariff 36-F, C.R.C. 257; it further appearing that full investigation of the matters and things involved having been had, and the Commission having on the date hereof made and filed

its opinion containing the findings of fact and the conclusions therein, which said opinion is hereby referred to and made a part hereof,

IT IS HEREBY ORDERED that the order entered in this proceeding January 29, 1930, suspending the operations of the schedule referred to in the opinion which precedes this order, be and the same is hereby vacated and set aside, and that this proceeding be and the same is hereby discontinued.

Dated at San Francisco, California, this 1st day of May, 1930.

C. J. [Signature]

[Signature]

[Signature]
Commissioners.