

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

Decision No. 1473

In the matter of the application of the Atchison, Topeka & Santa Fe Railway Co. - Coast Lines, for relief from the provisions of Section 21, Article XII of the Constitution of California, relating to long and short hauls and through rates exceeding the aggregate of intermediate rates.

ORIGINAL

Case No. 214.
(Application No. 5)

APPEARANCES

E. W. Camp and E. S. Pillsbury, for applicant,
F. M. Hill, for Fresno Traffic Association,
G. J. Bradley, for Merchants and Manufacturers' Association of Sacramento,
Seth Mann, for Traffic Bureau of the Chamber of Commerce of San Francisco.

LOVELAND, Commissioner.

OPINION.

On December 28, 1911, the Atchison, Topeka & Santa Fe Railway Company - Coast Lines, filed its Application No. 5 for authority to continue generally "the principles, bases and adjustments upon which were constructed passenger fares and excess baggage charges now lawfully on file with the Railroad Commission of the State of California", and in support of said petition alleged "that such principles, bases and adjustments are fair and reasonable in and of themselves and do not result in charges that are excessive or discriminatory" and that no formal complaints were pending against same.

The application is of an omnibus nature and its purpose is apparently to secure to the applicant exemption from compliance with Section 21, Article XII of the Constitution, in the future, when making charges in fares or adjustments which bring about violations of said provisions until it is practicable or convenient to the applicant to adjust other fares and thereby eliminate such violations.

A regular hearing was held but no additional evidence was submitted as to the necessity for such a general authorization and the reasons alleged in the application being considered insufficient to warrant the Commission granting such a general authority, if it has the power to do so, and being of the opinion that such conditions as set out in the application can be fully met when they arise, I am of the Opinion that the application should be denied.

I submit the following form of order.

O R D E R

The Atchison, Topeka & Santa Fe Railway Company - Coast Lines, having applied to this Commission for authority to continue "the principles, bases and adjustments upon which were constructed passenger fares and excess baggage charges now lawfully on file with the Railroad Commission of the State of California"; and a hearing having been held, and being fully apprised in the premises,

THE COMMISSION HEREBY FINDS AS A FACT that the Atchison, Topeka & Santa Fe Railway Company - Coast Lines, has not justified the granting of said application;

And basing its order on the foregoing finding of fact,

IT IS HEREBY ORDERED that the application be and the same is hereby denied.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 6th day of May, 1914.

John W. Ellis
A. L. Orland
W. G. ...
Mar. Thelen

Commissioners.