

JBW

DECISION NO. _____

ORIGINAL

Decision No. 2468

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

ROSSI & ANDERSON COMPANY,
a corporation,

Complainant,

vs

SAN FRANCISCO, NAPA & CALISTOGA
RAILWAY, a corporation,

and

NAPA TRANSPORTATION COMPANY,
a corporation,

Defendants.

CASE NO. 758

F. T. MOONEY,

Complainant,

vs

SAN FRANCISCO, NAPA & CALISTOGA
RAILWAY, a corporation,

and

NAPA TRANSPORTATION COMPANY,
a corporation,

Defendants.

CASE NO. 759

A. GOODMAN & COMPANY,

Complainant,

vs

SAN FRANCISCO, NAPA & CALISTOGA
RAILWAY, a corporation,

and

NAPA TRANSPORTATION COMPANY,
a corporation,

Defendants.

CASE NO. 760

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Percy S. King, for Complainants,
John T. York, for San Francisco, Napa &
Calistoga Railway,
Milton T. U'Ren, for Napa Transportation Company.

DEVLIN, Commissioner.

O P I N I O N

These cases involve substantially the same issue, were heard together and will be disposed of in one report. Hearings were held at Napa, on April 16, 1915, and at St. Helena on April 27, 1915.

Complainants are merchants doing business in the town of St. Helena, and in substance, allege that the defendants decline to accept freight for transportation at through joint rates from stations on the one line to stations on the other, and that public convenience and necessity demand the establishment of a through route and joint rates between such points.

Defendant, San Francisco, Napa & Calistoga Railway, a common carrier, hereinafter referred to as the Railway Company, operating an electric line between Calistoga and Vallejo and connecting with the Monticello Steamship Company plying between Vallejo and San Francisco, admits that it does not accept freight for transportation at through joint rates in connection with the Napa Transportation Company and, in justification thereof, recites that under existing traffic arrangement with the Monticello Steamship Company it has a through route and joint rates and satisfactorily serves the public; therefore denies that public convenience and necessity demand the establishment of another through route.

Defendant, Napa Transportation Company, a common carrier, hereinafter styled the Boat Line, operating a steam boat between Napa and San Francisco, admits that it does not accept freight at joint rates between points on its line and points on the San Francisco, Napa & Calistoga Railway due to the Railway Company's refusal to join with it in establishing a through route and joint rates.

During the hearings it developed that the only point in issue is whether or not public convenience and necessity require

the establishment of a through route and joint rates between points located on the line of the Railway Company north of Napa and points served by the Boat Line south of Napa, to and including San Francisco.

At present there are two routes available for the transportation of freight between points north of Napa and San Francisco,-- an all-rail route via the Southern Pacific and a rail-and-water route via the Railway Company in connection with the Monticello Steamship Company. Neither route directly serves landings on the Napa River south of Napa.

A representative of the Monticello Steamship Company testified that the boats of his Company draw from 8 to 13 feet of water, that it is necessary to work the tides in order to dock at Winehaven, also that the freight service at landings between Vallejo and San Francisco in connection with the Railway Company was practically abandoned about a year ago, the passenger traffic now furnishing the principal business of the Company. It would thus appear that the Monticello Steamship Company is not particularly anxious to handle freight traffic to or from bay landings between Vallejo and San Francisco.

The Boat Line not only makes all landings between Napa and San Francisco but affords its patrons an additional service at the latter point, due to the fact that its Local Freight Tariff No. 1-A, CRC No. 2, Rule 1, provides:

"Rates provided in this tariff apply in both directions between points indicated, to this Company's steamer wharf at San Francisco, Cal., except that delivery will be made at other wharves, when a safe and suitable berth is provided, when tendered in lots of ten tons or over, or if delivery is made in lots of less than 10 tons, consignees or consignors will be required to pay for a minimum of 10 tons".

A further advantage is its Rule No. 5, which reads:

"The charge for a special landing at any point will be \$2.50 when the freight involved amounts to less than \$10.00."

These rules, in many instances, not only operate to

relieve consignees or consignors of the charges incident to cartage and transfer between the Boat Line's wharf and other wharves at San Francisco, when the traffic is for transshipment by water craft, but tend to lessen the cartage charges on shipments destined to or from San Francisco proper when tonnage can be more conveniently handled at wharves other than the regular boat landings, subject to the tariff provisions quoted. Similar provisions are not carried in the San Francisco, Napa & Calistoga Railway's Local and Joint Class and Commodity Tariff No. 3, CRC No. 3, concurred in by the Monticello Steamship Company; consequently the foregoing service is not afforded the public under the existing joint arrangement.

A witness for the Boat Line introduced as an exhibit a petition circulated several years ago which was signed by shippers in the upper Napa Valley, appealing to the Commission to order a physical connection between the lines of defendant companies and the establishment of joint rates. The purpose of the exhibit was to show that public convenience and necessity demanded a through route and joint rates over defendants' lines. This exhibit, however, can be given but little consideration for the reason that but few of the 65 signers appeared at the hearings in support thereof.

A witness for complainants testified that consignments destined to Winehaven, a point located on the Bay between Vallejo and San Francisco, when forwarded via the Railway Company and the Monticello Steamship Company, are carried to San Francisco and reshipped to Winehaven via another line, necessitating a back haul at an additional expense. This indirect service is attributable to the difficulty of the Monticello Steamship Company's boats in making landings at Winehaven wharf when the tides are unfavorable.

One of the complainants testified that freight shipments between Napa Riverlandings and stations on the line of the Rail-

way Company north of Napa to Calistoga, inclusive, are subject to two locals, plus a transfer charge at Napa, owing to absence of a through route and joint rates.

After carefully reviewing all the evidence presented in these cases I am convinced that a decided showing has been made that public convenience and necessity demand a through route and joint rates between points on the Railway Company, north of Napa, to and including Calistoga, and points served by the Boat Line south of Napa, to and including San Francisco. Further, that such through route and joint rates will afford patrons a much more direct and expeditious service at lower rates than are to be had under existing arrangement, particularly if the defendants incorporate in their schedule of joint rates the following rules and regulations which the Commission recommends and upon which the order hereto appended is predicated:

APPLICATION OF RATES AND MINIMUM CHARGE

The rates shown herein apply:

(1) To and from the Napa Transportation Company's wharf at San Francisco. See Note "A".

(2) To and from other wharves at San Francisco, when a safe and suitable berth is provided. See Note "B".

(3) To and from Special Landings, at points other than those shown above. See Note "B".

NOTE "A": The minimum charge for any shipment, whether composed of one or more articles will be 25 cents.

NOTE "B": The minimum charge will be \$2.50 unless the aggregate of the freight charges amounts to \$10.00 or over.

I do not anticipate that the defendants will have difficulty in agreeing upon the divisions of the joint rates for they have, as disclosed by the records, tacitly come to a mutual understanding; however, if such agreement cannot be reached they shall apply to the Commission for a supplemental order establishing said divisions.

I submit herewith the following form of order:

O R D E R

Rossi & Anderson Company, F. T. Mooney and A. Goodman & Company, having filed with this Commission complaints against the San Francisco, Napa & Calistoga Railway and the Napa Transportation Company, requesting an order of this Commission for the establishment of a through route and joint rates between points on the San Francisco, Napa & Calistoga Railway, north of Napa, to and including Calistoga, on the one hand, and between all points served by the Napa Transportation Company, south of Napa, to and including San Francisco, on the other, and the San Francisco, Napa & Calistoga Railway and the Napa Transportation Company having filed with this Commission their answers and a public hearing having been held and this Commission being fully apprised in the premises;

IT IS HEREBY ORDERED that a through route and joint rates be established between points on the San Francisco, Napa & Calistoga Railway, north of Napa, to and including Calistoga, on the one hand, and points served by the Napa Transportation Company, south of Napa, to and including San Francisco, on the other; and

IT IS FURTHER ORDERED that the joint through rates shall not exceed the joint rates shown in San Francisco, Napa & Calistoga Railway's Local and Joint Class and Commodity Tariff No. 3, CRC No. 3, and the schedule or schedules containing same shall be published and filed with the Commission within thirty (30) days from the date of this order; and

IT IS FURTHER ORDERED that in case the carriers involved cannot agree upon divisions of the joint rates herein established,

that they make application to this Commission on or before thirty (30) days from the date of this order, at which time the Commission will proceed to establish said divisions as prescribed by law.

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 14th day of June, 1915.

Max Thelen

H. D. Townsend

Edwin O. Edgerton

Wm. R. Dixon

Commissioners.