

Decision No. 47

BEFORE THE RAILROAD COMMISSION
OF THE STATE OF CALIFORNIA.

Decision No. 47

L. C. SHELDON,

Complainant,

vs.

No. 229

SOUTHERN PACIFIC COMPANY,

Defendant.

DECISION

Loveland, Commissioner.

Same counsel appeared in this case as did in Case No. 228, and by stipulation they were to be combined, but in taking testimony it developed that there were some points of difference. The cases were therefore heard separately, hence the decisions will be rendered separately.

This case involves a movement of Hay from Hayward to Burlingame. The shipment moved October 24th, 1910, and the rate charged was \$1.50 per ton. Complainant asks that this rate be reduced to 80¢ per ton, for the following reason:

The rate from Hayward to San Francisco is 80¢ per ton. With the completion of the Dumbarton Cut-off another route became possible for this movement. Complainant claims that the Dumbarton Cut-off was completed September 12th, 1910. As a matter of fact, the carriers published no tariff via that route until March 1st, 1911, or six months after this movement took place.

The tariff circular giving rates via the Dumbarton Cut-off provided that rates from Fruitvale and South to San Jose on one hand, and San Francisco on the other would apply, but defendant claims that this was an error, which has been corrected by providing that on shipments from and to Niles and points South, the Dumbarton rate would apply.

The rate from Haywards to San Francisco has been in effect for many years, and was based on a mileage of twenty miles. The

mileage via Dumbarton Cut-off would be fifty two miles.

While the Commission will not lay down any general rule as to the application of tariffs where two or more routes are open to the shipper, but will consider each case upon the facts presented, we see no justice in the claim that the 60¢ rate should apply on the shipment in question. The complaint is therefore dismissed.

The foregoing decision is hereby approved and ordered filed as the decision of the Commission.



San Francisco, California,
February 27, 1912

John W. Fashlman
H. D. Lawrence
W. Gordon
Commissioners.