

BEFORE THE RAILROAD COMMISSION
OF THE STATE OF CALIFORNIA.

EDWARD SALZ and MILTON E. SALZ
doing business under the name and
style of E. Salz and Son,

Complainants,

vs.

SOUTHERN PACIFIC COMPANY,

No. 241.

Defendant.

J. O. Bracken for complainants.
C. W. Durbrow and George D. Squires
for defendant.

DECISION

Eshleman, Commissioner.

Complainant urges that rate of 85 cents per ton of 2,000 pounds from Decoto, California, to Millbrae, California, should apply on shipments of Barley, made on October 19 and 28 and December 6, 1910, and January 5, 1911, instead of the rate of \$1.55 which is the sum of the local rate from Decoto to San Francisco plus the local rate from San Francisco to Millbrae.

This presents the same question which was raised in Case No. 229 and, as decided in that case, we do not believe that for the purposes of the movement here under consideration, Millbrae is intermediate to Decoto and San Francisco. The Commission will determine the question as to whether or not one point is intermediate to two others on the facts presented in each particular case and will not attempt to lay down a general rule to be followed. It is perfectly evident, however, that if the complainants' contention be correct then wherever there are alternate routes between the same points, whether these lines belong to the same or different

carriers, the intermediate rate will not be greater than the through rate. In fact, a more ridiculous condition even than this will result. The line from Oakland to Miles, thence by way of the Dumbarton cut-off to San Francisco, is practically circular. The rate from the nearest point to San Francisco to that point would, if complainants' contention be correct, fix the maximum rate which could be charged from any point on this circular route to San Francisco. It is just as logical to say that because the rate from Decoto to San Francisco is 85 cents per ton and that it ^{is} possible for a shipment to move by way of the Coast Line to Burbank, and thence, by way of the Valley Line through Bakersfield and Tracy, to San Francisco, that the rate of 85 cents should prevail from all points between Decoto and San Francisco by this circuitous route as to say the points on the Dumbarton cut-off route should all be affected by the Decoto-to-San Francisco rate.

We find absolutely no merit in the contention and the complaint is ordered dismissed.

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

John M. Feshleman
W. D. Hayward
W. D. Gordon
Commissioners.

San Francisco, California.
February 27, 1912.