

Decision No. 6743

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

ORIGINAL

SOUTH SAN FRANCISCO CHAMBER OF COMMERCE, )  
Complainant, )  
vs. )  
SOUTHERN PACIFIC COMPANY )  
Defendant. )

CASE NO. 1149.

BY THE COMMISSION:

ORDER OF DISMISSAL

Alleging unreasonableness and discrimination, this complaint assails the switching limits of San Francisco and the rates on freight, carloads, between San Francisco and South San Francisco and prays for the establishment of just, reasonable and non-discriminatory rates between such points.

The essential items of the complaint are that rate of 50 cents per ton is maintained on freight, carloads, between San Francisco and South San Francisco, a distance of 9.3 miles, vs. rate of 25 cents per ton, minimum \$5.00 per car, between Oakland Wharf and Elmhurst, 10.8 miles; that rate between South San Francisco and transfer tracks with connecting lines at San Francisco on traffic incidental to a line haul beyond San Francisco via those roads is 50 cents per ton, while at Oakland the rate is \$2.50 per car between transfer track with connecting carriers and industry-tracks and private sidings within Southern Pacific Company's switching limits where similar transportation conditions exist; and that by comparison with Oakland the switching limits of San Francisco are unduly, unreasonably and prejudicially restricted. The essence of the complaint is that South San Francisco be placed within San Francisco switching limits.

This case was heard and submitted February 28, 1918, subsequent to which defendant filed a supplemental answer questioning

the jurisdiction of the Commission, whereupon the Commission set aside the submission of the case and held a further hearing May 27, 1918, upon the question of jurisdiction.

Defendant argued that owing to the presidential proclamation effective December 28, 1917, under which the U.S. Government took control of defendant's properties for war purposes, and by virtue of the Federal Control Act, passed by Congress March 21, 1918, jurisdiction over the rates of federal controlled carriers is vested solely in the federal government and that the various States are without authority over such subjects. The U.S. Supreme Court on June 2, 1919, in the case of Northern Pacific Railway Company, et al. vs the State of North Dakota, et al. sustained the power of the federal government over such rates, in view of which nothing will be gained by a discussion of the issues involved in this proceeding.

The Commission being without jurisdiction, it follows that this case must be dismissed.

O R D E R

The Commission being without jurisdiction in the above entitled proceeding,

IT IS HEREBY ORDERED that the same be and it is hereby dismissed.

Dated at San Francisco, California, this 29 day of October, 1919.

Edwin C. Egan  
H. D. Howard  
Frank R. Brown

Commissioners.