

Decision No. 28227

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of  
THE ATCHISON, TOPEKA AND SANTA FE RAILWAY  
COMPANY, GREAT NORTHERN RAILWAY COMPANY,  
LOS ANGELES & SALT LAKE RAILROAD COMPANY,  
NORTHWESTERN PACIFIC RAILROAD COMPANY, SAN  
DIEGO & ARIZONA EASTERN RAILWAY COMPANY,  
SOUTHERN PACIFIC COMPANY, and THE WESTERN  
PACIFIC RAILROAD COMPANY, on behalf of them-  
selves and all other carriers similarly sit-  
uated, for an order authorizing an increase  
in certain freight rates and charges.

Supplemental  
Application  
No. 19610.

ORIGINAL

List No. 1.

ALAMEDA BELT LINE  
THE ARCATIA AND MAD RIVER RAILROAD COMPANY  
THE ATCHISON, TOPEKA & SANTA FE RAILWAY COMPANY  
BAY POINT AND CLAYTON RAILROAD COMPANY  
CAMINO, PLACERVILLE & LAKE TAHOE RAILROAD COMPANY  
CALIFORNIA WESTERN RAILWAY & NAVIGATION COMPANY  
CENTRAL CALIFORNIA TRACTION COMPANY  
DELTA FINANCE COMPANY, LTD.  
GREAT NORTHERN RAILWAY COMPANY  
HOBART SOUTHERN RAILROAD COMPANY  
HOLTON INTER-URBAN RAILWAY COMPANY  
HOWARD TERMINAL  
INDIAN VALLEY RAILROAD COMPANY  
LOS ANGELES & SALT LAKE RAILROAD COMPANY  
LOS ANGELES JUNCTION RAILWAY COMPANY  
MCCLOUD RIVER RAILROAD COMPANY  
MODESTO AND EMPIRE TRACTION COMPANY  
NORTHWESTERN PACIFIC RAILROAD COMPANY  
OAKLAND TERMINAL RAILROAD CO.  
OUTER HARBOR TERMINAL RAILWAY COMPANY  
PACIFIC COAST RAILWAY COMPANY  
PACIFIC ELECTRIC RAILWAY COMPANY  
PETALUMA AND SANTA ROSA RAILROAD COMPANY  
QUINCY RAILROAD COMPANY  
SACRAMENTO NORTHERN RAILWAY  
SAN DIEGO & ARIZONA EASTERN RAILWAY COMPANY  
SAN FRANCISCO, NAPA AND CALISTOGA RAILWAY  
SANTA MARIA VALLEY RAILROAD COMPANY  
SIERRA RAILWAY COMPANY OF CALIFORNIA  
(CHAS. E. SEGERSTROM, RECEIVER)  
SOUTHERN PACIFIC COMPANY (Pacific Lines)  
STOCKTON TERMINAL AND EASTERN RAILROAD  
SOUTH SAN FRANCISCO BELT RAILWAY

SUNSET RAILWAY COMPANY  
TIDEWATER SOUTHERN RAILWAY COMPANY  
TONOPAH & TIDEWATER COMPANY, LIMITED  
TRONA RAILWAY COMPANY  
VISALIA ELECTRIC RAILROAD COMPANY  
THE WESTERN PACIFIC RAILROAD COMPANY  
YOSEMITE VALLEY RAILROAD COMPANY  
YREKA RAILROAD COMPANY

List No. 2.

AMADOR CENTRAL RAILROAD COMPANY  
BAY TRANSPORT COMPANY  
BUCKPORT & ELK RIVER RAILROAD  
THE CALIFORNIA TRANSPORTATION COMPANY  
DIAMOND & CALDER RAILWAY  
EAST BAY STREET RAILWAYS, LTD.  
MARINE SERVICE CORPORATION  
NAPA TRANSPORTATION AND NAVIGATION CO.  
NEVADA COUNTY NARROW GAUGE RAILROAD COMPANY  
SACRAMENTO NAVIGATION COMPANY  
TAHOE TRANSPORTATION COMPANY  
(MATT GREEN, LESSEE)  
VENTURA COUNTY RAILWAY COMPANY

BY THE COMMISSION:

SIXTH SUPPLEMENTAL ORDER

By supplemental application in the above entitled proceeding filed August 23, 1935, applicants seek an order authorizing them to publish certain changes in Tariff of the Emergency Charges, F.W. Gomph's No. 237, C.R.C. No. 567, and as amended, issued pursuant to authority granted by our original and supplemental orders in this application. Applicants also seek authority under Sections 15, 24(a) and 63 of the Public Utilities Act of the State of California to publish on one day's notice, Tariff of Emergency Charges No. 237-A, F.W. Gomph's C.R.C. No. 576, being a reissue of F.W. Gomph's No. 237, as amended, and supplemented.

Applicants allege that the proposed changes will result in reductions in many instances and in increases in the volume of the

emergency charge applicable in connection with the transportation of oatmeal and rolled oats, prepared for human consumption. It is further alleged that the purpose of these changes is to effect substantial uniformity as between interstate traffic on the one hand and intrastate traffic between points in the State of California on the other hand. The changes herein sought were published on interstate traffic effective August 12, 1935, under and pursuant to special permission of the Interstate Commerce Commission No. 145693 of July 9, 1935.

Applicants also seek authority to depart from Rules 2(d), 4(i), 10(a), 10(e), 10(g) and 12(a) of Tariff Circular No. 2 in order to avoid an unreasonable printing expense that would be incurred if applicants were compelled to comply with each of those rules.

Upon further consideration of record and of the Supplemental Application filed August 23, 1935, and in view of the decision of the Interstate Commerce Commission by its Special Permission No. 145693, of July 9, 1935, we are of the opinion that the relief sought should be granted, subject to the conditions and exceptions set forth in the original order in the above numbered application as modified herein or by prior supplemental orders; and good cause appearing therefor,

IT IS HEREBY ORDERED that the above supplemental application filed August 23, 1935, be and it is hereby granted subject to the conditions in the original order and that the applicants above named in List No. 1, set forth in the heading of this decision, for local and joint freight rates of such lines and by carriers named in List No. 2 for joint through rates with one or more of the carriers named in List No. 2, be authorized to establish changes as set forth in the supplemental application in harmony with those authorized by the

Interstate Commerce Commission in its Special Permission No. 145693 of July 9, 1935, subject to the exceptions set forth in the original order in the above named application, as modified herein or by prior supplemental orders, said changes to be established within thirty (30) days from the date of this order, and only for the period ending June 30, 1936.

IT IS HEREBY FURTHER ORDERED that the carriers affected by this order are hereby authorized to establish the proposed changes in accordance with this order which may result in departures from the long and short haul provision of Section 21, Article XII of the California Constitution and of Section 24(a) of the Public Utilities Act.

IT IS HEREBY FURTHER ORDERED that the changes herein authorized may be published on one day's notice in the Tariff of Emergency Charges, F.W. Gomph's No. 237, C.R.C. No. 567, and F.W. Gomph's No. 237-A, C.R.C. No. 576, said tariffs to be similar in character or the same as published for application on interstate traffic, and that said carriers, or their duly authorized agents, are further authorized to make such publication without regard to the terms of Rules 2(d), 4(1), 10(a), 10(e), 10(g) and 12(a) of Tariff Circular No. 2 of this Commission and as expiring June 30, 1936.

Dated at San Francisco, California, this 16<sup>th</sup> day of September, 1935.

Leon Whitely

M. B. Lewis

M. B. Lewis

Frank C. Sullivan  
Commissioners