

Decision No. 29469.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
THE ATCHISON, TOPEKA & SANTA FE RAIL-
WAY COMPANY, NORTHWESTERN PACIFIC
RAILROAD COMPANY and SOUTHERN PACIFIC
COMPANY, for relief from the long-and-
short-haul provisions of Section 24(a)
of the Public Utilities Act; for re-
lief from the provisions of Section 15
of said Act; and for exemption from
the minimum rate provisions of Deci-
sion No. 29267 in Case 4079, in connec-
tion with rail rates on gasoline, in
tank carloads, from points on San Fran-
cisco Bay to South Bay and Eureka, Calif.

ORIGINAL

Application No. 20957.

BY THE COMMISSION:

O P I N I O N

By application filed January 13, 1937, the above named ap-
plicants seek relief from the long-and-short-haul provisions of Sec-
tion 24(a) of the Public Utilities Act and exemption from the minimum
rate provisions of Decision No. 29267 of November 9, 1936, in Case No.
4079¹ in connection with local and joint rail rates on gasoline in
tank carloads from San Francisco Bay points to South Bay and Eureka.

Applicants allege that there is now in effect from the San
Francisco Bay points involved² to South Bay and Eureka a rate of 19
cents per 100 pounds. This rate is non-intermediate in application

¹ In re Investigation * * into the rates * * of carriers engaged in
the transportation of petroleum and petroleum products within this
state.

² They are: San Francisco, Richmond, Oakland (Emeryville), Oakland
(Alice St.), Alameda, Muir, Vine Hill, Maltby and Port Chicago, on
The Atchison, Topeka & Santa Fe Railway Company; San Francisco on
Northwestern Pacific Railroad Company; San Francisco, Oakland, Ala-
meda, Richmond, Rodeo, Oleum, Port Costa, Nevada Dock, Ozol, Martinez,
Mococo, Avon and Port Chicago on Southern Pacific Company.

under authority of the Commission's orders in 24(a)-1717 and 24(a)-1718 of November 12, 1926. However the order in Decision No. 29267, Case No. 4079, prohibits applicants from applying, demanding, collecting or receiving a rate of less than 37 cents from the San Francisco Bay points named herein to South Bay and Eureka, on and after January 24, 1937.

Applicants allege that the present rate of 19 cents was and is necessary to meet and forestall the competition of common carrier tank ships and other vessels as well as plant facility steamers which have been and are operating from San Francisco Bay ports to Eureka.³ They further allege that there is no tank trucking of gasoline by highway carriers from and to the points named herein and that establishment of the rate of 37 cents will deprive applicants of any share of this business.

In respect to relief from the long and short haul provisions of the Public Utilities Act, the Commission stated in Decision No. 29267, Case No. 4079, supra:

"To the extent relief from the long and short haul provisions of the Public Utilities Act and Constitution may be desirable or necessary to maintain an equality of transportation rates as between competing carriers or other forms of transportation, applications for such relief should be filed with the Commission forthwith."

Upon consideration of all the facts of record it appears that this is a matter in which a public hearing is not necessary and that the application should be granted.

O R D E R

An application having been filed with the Commission, and it being fully advised,

³ With respect to common carrier competition it is more particularly alleged that there are now in effect rates of 15 cents from San Francisco, Oakland and Alameda and 17½ cents from Martinez to Eureka, on gasoline in bulk and in packages subject to a minimum weight of 20,000 pounds applicable in connection with steamship lines participating in Pacific Coastwise Freight Tariff Bureau Local, Joint and Proportional Freight Tariff No. 20, C.R.C. No. 21 of John Byrne, Agent.

IT IS HEREBY ORDERED that The Atchison, Topeka & Santa Fe Railway Company, Northwestern Pacific Railroad Company and Southern Pacific Company be and they are and each of them is hereby authorized to continue in effect a rate of 19 cents per 100 pounds, non-intermediate in application, on gasoline in tank carloads to South Bay and Eureka from the following named points: San Francisco, Richmond, Oakland (Emeryville), Oakland (Alice St.), Alameda, Muir, Vine Hill, Maltby and Port Chicago on The Atchison, Topeka & Santa Fe Railway Company; San Francisco on Northwestern Pacific Railroad Company; San Francisco, Oakland, Alameda, Richmond, Rodeo, Oleum, Port Costa, Nevada Dock, Ozol, Martinez, Mococo, Avon and Port Chicago on Southern Pacific Company.

IT IS HEREBY FURTHER ORDERED that this order shall become effective on January 20, 1937.

Dated at San Francisco, California, this 18th day of January, 1937.

William H. Hall
Leon A. Whitely

Karl W. H. H. H.
Ray C. H. H.
Commissioners.