

**ORIGINAL**

Decision No. 52289

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )	
J. P. HAYNES, AGENT, on behalf of )	
certain common carriers by railroad )	
for authority to charge less for a )	Application No. 37433
longer than for a shorter haul over )	
the same line or route. )	

OPINION AND ORDER

By this application, J. P. Haynes, Agent, on behalf of specified railroads, seeks relief from the operation and requirements of Section 460 of the Public Utilities Code and of Section 21, Article XII, of the California Constitution to the extent necessary to permit maintenance of certain existing rates.<sup>1</sup>

The rates in question are those applicable to or from points on the line of Sacramento Northern Railway between Montezuma and Sacramento, including points on branch lines connecting therewith, from, to or via points on the line of Sacramento Northern Railway between Pittsburg and Oakland. They are contained in tariffs hereinafter identified.

Applicant points out that the Sacramento Northern Railway has recently been authorized to abandon a portion of its line over the Sacramento River (Suisun Bay), as a result of which the direction of movement of shipments between certain points will be reversed. If the sought authority is not granted, the maintenance of long existing rate relationships will be disturbed. Applicant asserts that in the absence of such authority it will be necessary either that rates to points between Montezuma and Sacramento be raised to the level of

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<sup>1</sup> Section 460 of the Code reads in part "No common carrier subject to the provisions of this part shall charge or receive any greater compensation in the aggregate for the transportation of persons or of a like kind of property for a shorter than for a longer distance over the same line or route in the same direction, within this State, the shorter being included within the longer distance or charge any greater compensation as a through rate than the aggregate of the intermediate rates." Section 21, Article XII of the Constitution reads similarly.

the Sacramento rates, to the detriment of shippers and receivers at such points, or that the rates to Sacramento and points between Sacramento and Montezuma be lowered to the level of the Montezuma or other more distant rates, at an unjustified sacrifice of the revenues of the carriers involved.

No objection has been received to the granting of this application. This is a matter in which a public hearing is not necessary. In consideration of all of the facts and circumstances the Commission concludes and finds as a fact that the relief sought to enable the continued maintenance of the rates and charges in question is justified. The application will be granted.

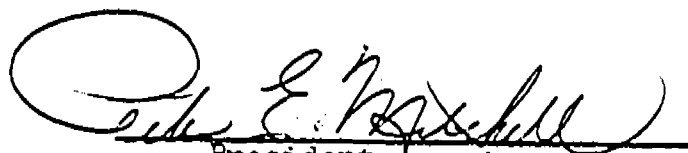
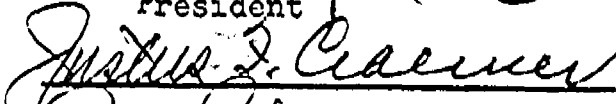
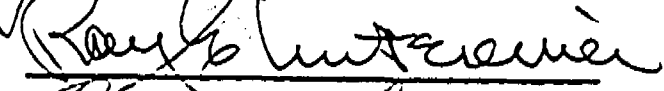
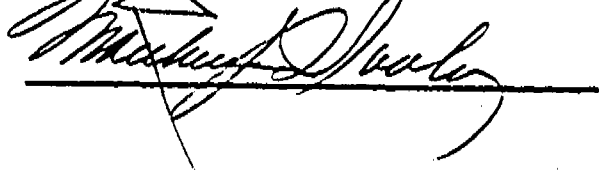
Therefore, good cause appearing,

IT IS HEREBY ORDERED that J. P. Haynes, Agent, on behalf of common carriers parties to the following listed tariffs involved in this proceeding, be and he is hereby authorized to depart from the provisions of Section 460 of the Public Utilities Code and of Section 21, Article XII of the Constitution of the State of California to the extent necessary to maintain in such tariffs the existing rates to or from points on the line of Sacramento Northern Railway between Montezuma and Sacramento, including points on branch lines connecting therewith, from, to or via points on the line of Sacramento Northern Railway between Pittsburg and Oakland.

<u>P.S.F.B. No.</u>	<u>C.P.U.C. No.</u>	<u>P.S.F.B. No.</u>	<u>C.P.U.C. No.</u>
48-U	189	271	34
65-M	196	272	80
88-T	161	273-A	107
166-G	105	274	86
196-E	168	276	73
230-E	167	278	100
244-D	175	281-A	172
250	10	286-A	184
252-D	-	300	102
257	88		

This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this 29<sup>th</sup> day of November, 1955.

  
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President  
  
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Commissioners.