

Mr. F. L. McCaffery, General Auditor
Southern Pacific Golden Gate Ferries, Ltd.
65 Market Street
San Francisco, California

L-38-1261
FEB 16 1938

Dear Sir:

Reference is made to your letter of December 16, 1937, addressed to Mr. Latimer, in which you furnished information concerning the Southern Pacific Golden Gate Ferries, Ltd. Your cooperation in this matter is appreciated.

This information indicates that the ferry company is directly or indirectly controlled by the Southern Pacific Company (a carrier by railroad subject to Part I of the Interstate Commerce Act); that it is engaged solely in an independent ferry operation across San Francisco Bay primarily for the transportation of motor vehicles, deriving from this service 99 per cent of its revenue; that it does not connect with trains of any railroad company, and is not operated as a part of the Southern Pacific system; and that, "whatever service it might perform in connection with the transportation of passengers or property by railroad is casual and insignificant, e. g. a person might (but this would be most unusual) cross San Francisco Bay in an automobile aboard a boat of the Ferry Company and then board a railroad train instead of taking the regular passenger ferry of Southern Pacific Company".

On the basis of this information, it is my opinion that the Southern Pacific Golden Gate Ferries, Ltd. is not an "employer" within the meaning of the Railroad Retirement Act of 1937, because, although controlled by the Southern Pacific Company, it is not performing a service or operating equipment (except possibly casually) "in connection with transportation of passengers or property by railroad, or the receipt, delivery, elevation, transfer in transit, refrigeration or icing, storage, or handling of property transported by railroad," within the meaning of Section 1 (a) of the Act.

Very truly yours,

S/P
Lester P. Schoene
General Counsel

LPS:DBS:BSS:PMJ:M Smart
January 28, 1938