

Decision No. 26457

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Suspension
by the Commission on its own motion
of reduced minima named on original
page 40 of Local Freight Tariff
No. 4, C.R.C. No. 4 of WESTERN TRUCK
LINES, LTD.

Case No. 3646.

Robert V. Hardie for respondent, Western Truck
Lines, Ltd.
W. E. McMillen, for The Atchison, Topeka and
Santa Fe Railway Co., interested party.
R. C. Bliss, for interested parties, Southern
Pacific Company and Pacific Motor Transport
Company.

BY THE COMMISSION:

ORIGINAL

OPINION

The tariff item under consideration is No. 1000
contained in original Page No. 40 of Western Truck Lines, Ltd.,
Local Freight Tariff No. 4, C.R.C. No. 4, issued July 8, 1933,
effective August 10, 1933, which was suspended by our order
dated July 31, 1933, upon receipt of a protesting petition
signed by 16 certificated truck lines operating in the vicinity
of Los Angeles.

A public hearing was held before Examiner Geary at
Los Angeles September 12, 1933, and the proceeding was then
submitted.

The item provides that for package shipments moving
between Glendale and Los Angeles the minimum charge shall be:

16 pounds or less	25¢
21 pounds and over 16 pounds	30¢
25 pounds and over 21 pounds	35¢
31 pounds and over 25 pounds	40¢
Over 31 pounds	50¢

At the hearing respondent voluntarily proposed in lieu

of the suspended item the following minimum charges:

16 pounds or less	25¢
25 pounds and over 16 pounds	35¢
Over 25 pounds	50¢

At the present time the tariff provides that the minimum charge shall be for 25 pounds or less 35¢; over 25 pounds 50¢; therefore this proposed change results only in a reduction where the package weighs 16 pounds or less.

The uniform minimum charge now in effect was published by authority of our Decision No. 24863 in Application No. 18127, under date of June 13, 1932, (37 C.R.C. 650) and was responsive to a petition filed by Lewis A. Monroe, Agent on behalf of some 27 common carrier truck freight lines operating in the Los Angeles interurban district. The justification for establishing a uniform charge in this part of Southern California was based upon the contention and proof that minimums of different volume assessed by the competing carriers between the same points, especially between the City of Los Angeles and the Harbor, resulted in much confusion and many complaints from the shipping public. The Western Truck Lines, Ltd. was a participant in Application No. 18127 and published the 35 and 50 cent minimum charge rule along with the other carriers, effective August 26, 1932.

Respondent testified, however, in this proceeding that at the time the standard minimum charges were agreed upon, he was not in entire accord with the other operators as to the results which would obtain in connection with the shipments between Los Angeles and Glendale. Although, having made his objections to the association members, many of whom operate heavy trucks and do not desire minimum charge shipments, he nevertheless agreed to the tariff changes with the reservation that future adjustments would probably be necessary. This respondent is in competition with the United Parcel Service, which company provides in its tariff for a minimum

charge of 9 cents per shipment plus 1 cent per pound, thus making the cost for 16 pounds 25 cents, with greater charges as the weight of the shipment increases, and this company as well as other express companies and contract carriers, because of their more favorable charges, have attracted the package shipments. Immediately upon the publication of the now effective minimum charge of 35 and 50 cents, this respondent testified that the shipper of small packages deserted his company and transferred their business to the competing lines.

The record shows that a different situation exists as between Los Angeles and Glendale than prevails in other parts of the local territory. Only one of the 16 protestants actually operates a package service to Glendale and therefore the major group is not damaged by reason of this proposed variation in the standard minimum charges to Glendale. Notices were sent to all interested parties, including the 16 certificated truck operators who signed the petition requesting the suspension, but not a single witness appeared to justify their prayer or to show that the proposed minimum charges would be improper under the transportation and competitive conditions existing between Los Angeles and Glendale.

The Commission in reaching its conclusions must be governed by the record made in the individual proceeding and protestants having failed to prove their contentions as set forth in the petition, and respondent having justified the charges, we are of the opinion that the suspension order should be vacated and this proceeding discontinued.

Respondent if it elects may publish the offer of minimum charges of 25, 35 and 50 cents.

ORDER

Upon consideration of all the facts of record, and good cause appearing therefor,

IT IS HEREBY ORDERED that our order of July 31, 1933, in the above entitled proceeding and as extended, suspending Item No. 1000 Original Page No. 40 Local Freight Tariff No. 4, C.R.C. No. 4 of Western Truck Lines, Ltd., be and it is hereby vacated and set aside as of October 27, 1933.

IT IS HEREBY FURTHER ORDERED that this proceeding be and it is hereby discontinued.

Dated at San Francisco, California, this 23rd day of October, 1933.

C. H. [Signature]
Leon [Signature]
[Signature]
M. B. [Signature]
[Signature]
Commissioners.