

Decision No. 28180

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
CERTIFICATED HIGHWAY CARRIERS, INC.,
for an order of the Railroad Commission
of the State of California instituting
an investigation of the rates of charges
for the transportation of freight by
transportation companies transporting
property by truck over the public highways
between Los Angeles and Los Angeles Harbor
points and between Los Angeles and Long
Beach Harbor points.

Application
No. 19053

In the Matter of the Investigation on the
Commission's own motion into the rates,
rules, regulations and practices of common
carriers of freight by motor truck operating
between Los Angeles Harbor and the City of
Los Angeles and adjacent points where such
operations are those of transportation com-
panies as said term is used in the Auto
Truck Act (Stats. 1917, Ch. 213, as amended),
and in the California Constitution, Article
III, Section 22 thereof.

Case No. 3685

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BY THE COMMISSION -

O P I N I O N

By Decision No. 27377, rendered in the above entitled pro -
ceedings, on September 17, 1934, it was held that in the absence
of federal regulation, jurisdiction rested with the Commission
to regulate the rates, rules and regulations of transportation
companies operating as common carriers in the transportation of
intrastate, interstate and foreign commerce between Los Angeles
on the one hand and Los Angeles Harbor and Long Beach on the
other hand. All transportation companies engaged in trans-
porting the aforesaid traffic were ordered to file their tariffs
with this Commission.

Certain of these respondents then petitioned for a rehearing
upon the ground that the Commission had exceeded its jurisdiction,
and particularly requested an opportunity to introduce further

evidence to show that the National Congress had assumed control over such carriers through the Code of Fair Competition for the Trucking Industry, promulgated under the authority of the National Industrial Recovery Act. Their petition for re-hearing was denied. Subsequently, however, the Commission gave further consideration to this matter and reached the conclusion that evidence and argument should properly be received upon this point. By our order of February 26, 1935, Decision No.27377 was set aside and these proceedings reopened for further hearing. The further hearing was had on April 4, 1935, before Examiner Brown.

Following the further hearing, the United States Supreme Court, by its decision in Schechter v. U. S., 294 U.S. , 79 L. ed. (Adv. Op.) 888, held that the National Industrial Recovery Act was unconstitutional, thus making the question raised on further hearing moot. Therefore, Decision No.27377 should be readopted and affirmed and our order of February 26, 1935, setting aside said Decision No.27377 should be rescinded. All common carriers engaged in the transportation of intrastate, interstate and foreign commerce between Los Angeles and Los Angeles and Long Beach Harbors will be required to submit on or before sixty (60) days from the effective date of this order, for the approval of the Commission, schedules containing the rates, rules and regulations for the transportation of property between Los Angeles and Los Angeles and Long Beach Harbors.

ORDER

IT IS HEREBY ORDERED that Decision No.27377, rendered in the above entitled proceeding on September 17, 1934, be and it is hereby readopted and affirmed.

IT IS HEREBY FURTHER ORDERED that the Commission's Order of February 26, 1935, setting aside Decision No.27377, be and it is hereby rescinded.

IT IS HEREBY FURTHER ORDERED that all transportation companies operating as common carriers in the transportation of intrastate, interstate and foreign commerce by auto truck between Los Angeles on the one hand and Long Beach and Los Angeles Harbors on the other hand, shall on or before sixty (60) days from the effective date of this order submit schedules for the approval of the Commission containing the rates, rules and regulations to be charged for the transportation of such commerce.

IT IS HEREBY FURTHER ORDERED that the effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 6th day of

August, 1935.

Leon Whitley

M. B. Harris

Arthur W. W. W.

Frank P. ...

COMMISSIONERS.