

Decision No. 28685.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation on the Commission's own motion into the rates, rules, regulations, charges, classifications, contracts, practices and operations, or any of them, of common carriers engaged in transportation service between San Francisco on the one hand and Alameda, Albany, Berkeley, El Cerrito, Emeryville, Oakland, Piedmont, Richmond and San Leandro on the other.

Case No. 4029

ORIGINAL

Reginald L. Vaughan, for Interurban Express Company, United Transfer Company, A. Pasteris operating under the fictitious name and style of East Bay Drayage and Warehouse Company; Canton Express Company; West Berkeley Express and Draying Company.

Reginald L. Vaughan and A.J. Scampini for Merchants Express Corporation.

Gwyn H. Baker, for Richmond Navigation and Improvement Company and Berkeley Transportation Company.

McCutchen, Olney, Mannon & Greene, by Allan P. Matthew; and J.W. Howell, for The Haslett Warehouse Company and Peoples Express Company.

J.E. Lyons and A.L. Whittle, for Southern Pacific Company, Pacific Motor Transport Company and Pacific Motor Trucking Company.

L.N. Bradshaw, for The Western Pacific Railroad Company.

S.M. Heck and Edward Stern, for Railway Express Agency.

Berne Levy and Gerald E. Duffy, for The Atchison, Topeka and Santa Fe Railway Company.

Sanborn & Roehl and Clair McLeod, for Kellogg Express and Draying Company.

R.S. Myers and E.J. Foulds, for Southern Pacific Golden Gate Ferries, Ltd.

D. Meyers, for Motor Truck Association of Southern California.

BY THE COMMISSION:

OPINION ON FURTHER HEARING

By Decision No. 28519 of January 20, 1936, in the above

entitled proceeding the Commission found among other things (1) that to the extent respondents ¹ maintained rates for pick-up and delivery service between San Francisco on the one hand and the East Bay points involved ² on the other less than the class rates set forth in said decision for shipments weighing less than 4,000 pounds they were unduly low and should be increased; (2) that where special service such as that to so-called electric and auto row was performed an additional charge should be made; (3) that an additional charge should be made for service to or from outlying points; and (4) that the record did not justify the prescribing of rates for The Haslett Warehouse Company lower than those of other carriers. The decision stated that on the record then before the Commission specific rates could not be prescribed for each movement involved. It directed those respondents around which the evidence largely centered to submit to the Commission and to the other respondents tariffs constructed in accordance with the findings contained in the opinion.

A proposed tariff was accordingly submitted by the Pacific Motor Tariff Bureau, E.H. Hart, Agent, on behalf of Canton Express Company, East Bay Drayage and Warehouse Company, Interurban Express Corporation, Kellogg Express and Draying Company, Merchants Express Corporation, United Transfer Company and West Berkeley Express and Draying Company. Tariffs were also submitted by The Haslett Warehouse

¹ Canton Express Company, A. Pasteris doing business under the fictitious name and style of East Bay Drayage and Warehouse Company, Interurban Express Corporation, Kellogg Express and Draying Company, Merchants Express and Draying Company (now Merchants Express Corporation), Peoples Express Company, United Transfer Company, Louis Erickson doing business under the fictitious name and style of West Berkeley Express and Draying Company, The Haslett Warehouse Company, The Atchison, Top-eka and Santa Fe Railway Company, Bay Cities Transportation Company, Berkeley Transportation Company, Pacific Motor Transport Company, Railway Express Agency Inc., Richmond Navigation and Improvement Company, Southern Pacific Company and The Western Pacific Railroad Company.

² Alameda, Albany, Berkeley, El Cerrito, Emeryville, Oakland, Piedmont, Richmond and San Leandro.

Company and the Peoples Express Company, In volume and effect these two latter tariffs are identical; they are different however from the tariff submitted by Pacific Motor Tariff Bureau.³

Following the submission of these tariffs, the proceeding was reopened for further hearing for the purpose of determining whether or not the rates, minimum charges, rules, regulations and classifications proposed by the Pacific Motor Tariff Bureau or those proposed by The Haslett Warehouse Company and the Peoples Express Company were proper and should be approved and prescribed for all respondents engaged in the transportation of property between the points involved, and if not, then for the purpose of prescribing proper charges, rules, regulations and classifications to be observed by such carriers. This further hearing was had before Examiner Freas at San Francisco March 20, 1936.

The tariffs proposed by The Haslett Warehouse Company and Peoples Express Company contained class rates and certain commodity rates on shipments moving in lots of 4,000 pounds or over which were lower than those proposed by the Pacific Motor Tariff Bureau; otherwise the proposals were substantially similar. At the further hearing the Pacific Motor Tariff Bureau amended its proposed tariff by revising the class and commodity rates for terminal to store-door or store-door to terminal service and by including a rule providing an allowance of 5 cents per 100 pounds in the store-door pick-up and delivery rates provided for shipments weighing less than 4,000 pounds when picked up or delivered at the carrier's terminal at San Francisco or East Bay points by shipper or its agent.⁴ Upon the making of these

³ A proposed tariff was also submitted by Merchants Express Corporation containing rates and rules similar to those of the Pacific Motor Tariff Bureau applying between San Francisco and Richmond, El Cerrito and San Leandro, which latter points are not embraced in the tariff of the Pacific Motor Tariff Bureau.

⁴ Other changes were the addition of certain commodity rates on shipments of 20,000 pounds or over, the elimination of minimum charges for terminal to store-door or store-door to terminal service between Zone two and Zone four set forth in Item 195 and the inclusion in Item 280 of a rate on Living Room Suites, 2 piece, 35 or more suites per week.

changes The Haslett Warehouse Company and Peoples Express Company withdrew their proposed tariffs and agreed to the publication of rates and rules identical to those set forth in the Pacific Motor Tariff Bureau Tariff. The Merchants Express Company publishes rates between San Francisco and Richmond, El Cerrito and San Leandro, which latter points are not embraced in the tariff of the Pacific Motor Tariff Bureau. For this service it proposes rates similar to those of The Haslett Warehouse Company and the Pacific Motor Tariff Bureau. The Berkeley Transportation Company and Richmond Navigation and Improvement Company presented no evidence but stated through counsel that their rates were unduly depressed and that they were agreeable to the publication of rates and rules similar to those found proper for the Pacific Motor Tariff Bureau and The Haslett Warehouse Company. With certain exceptions The Atchison, Topeka and Santa Fe Railway Company, Pacific Motor Transport Company and Western Pacific Railroad Company likewise concur in the proposal as it now stands. ⁵ Railway Express Agency offered no objections to the publication of rates not lower than those proposed except that it desires to maintain its present zoning limits and also seeks to retain its present minimum charges which apply generally within California. Bay Cities Transportation Company entered no appearance. No shippers appeared in opposition to the proposed adjustment.

Although it is not contended by anyone that the proposed rates are excessive for the service involved, several of the respondents are

⁵ These carriers propose to continue in effect (1) exceptions to the Western Classification now published in Pacific Freight Tariff Bureau Exception Sheet No. 1-G, C.R.C. No. 503 of L.F. Potter, Alternate Agent, in lieu of the exceptions named in the proposed Pacific Motor Tariff Bureau tariff; (2) their present minimum charges which apply generally between points within California; (3) their present descriptions of zones; (4) their present lists of commodities included under the heads of Groceries and Hardware; and (5) their present rules relating to the payment of allowances when freight is picked up or delivered at carrier's depot by shipper or its agent. They do not however propose to establish rates on unpacked furniture, office equipment and appliances set forth on pages 24, 25, 26 and 27 of the proposed Pacific Motor Tariff Bureau Tariff.

apprehensive that unless the dock to dock rates of the barge lines are increased certain traffic may be diverted from their lines because of the lower combination of local drayage and dock to dock rates. The evidence was directed primarily to the rates for the through movement. Moreover, the local drayage rates for the East Bay have not been established by the Commission. If after they are established it appears that a revision of the dock to dock rates is necessary, the matter should then be brought to the attention of the Commission. With the amendments offered at the hearing, the rates, minimum charges, rules, regulations and classifications contained in the tariff proposed by the Pacific Motor Tariff Bureau appear* to be in substantial compliance with the findings in Decision No. 28519 and should be approved.

O R D E R

Further hearing having been had and the Commission being now fully advised,

IT IS HEREBY ORDERED that insofar as they perform service between the points involved, respondents Canton Express Company, A. Pasteris doing business under the fictitious name and style of East Bay Drayage and Warehouse Company, Interurban Express Corporation, Kellogg Express and Draying Company, Merchants Express and Draying Company (now Merchants Express Corporation), Peoples Express Company, United Transfer Company, Louis Erickson doing business under the fictitious name and style of West Berkeley Express and Draying Company, and The Haslett Warehouse Company, The Atchison Topeka & Santa Fe Railway Company, Bay Cities Transportation Company, Berkeley Transportation Company, Pacific Motor Transport Company, the Railway Express Agency Inc., Richmond Navigation and Improvement Company and The Western Pacific Railroad Company, file with the Commission and make effective on or before 20 days from the date hereof on not less than five days notice a tariff or tariffs

constructed in accordance with the Commission's rules containing rates, minimum charges, rules, regulations and classifications which in volume and effect shall be identical with the rates, minimum charges, rules, regulations and classifications shown in the proposed tariff submitted by the Pacific Motor Tariff Bureau, E.H. Hart, Agent bearing C.R.C. No. 11 and that of the Merchants Express Corporation bearing C.R.C. No. 4 as amended at the hearing subject to the exceptions specifically set forth in the opinion which precedes this order and to the condition that where the rates now in effect are higher than those herein prescribed, this order shall not be construed as requiring any change in such rates.

IT IS HEREBY FURTHER ORDERED that the Commission retain jurisdiction in this proceeding for the purpose of making such further orders as may be necessary.

IT IS HEREBY FURTHER ORDERED that in all other respects Decision No. 28519 of January 20, 1936, shall remain in full force and effect.

The effective date of this order shall be ten (10) days from the date hereof.

Dated at San Francisco, California, this 30th day of March, 1936.

M. Blain
Leon C. Kelley
M. A. Green
W. H. ...
Frederic R. ...
Commissioners.