

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

Decision No. **28831**

In the Matter of the Establishment of maximum or minimum, or maximum and minimum rates, rules and regulations of all Radial Highway Common Carriers, and Highway Contract Carriers, operating motor vehicles over the public highways of the State of California, pursuant to Chapter 223, Statutes of 1935, for the transportation for compensation or hire of any and all commodities, and accessorial services incident to such transportation.

Case No. 4088
(Part "A")

ORIGINAL

BY THE COMMISSION:

FIRST SUPPLEMENTAL ORDER
and
ORDER DENYING REHEARING

On April 27, 1936, by its Decision No. 28761 in Part "A" of the above entitled proceeding, the Commission established just, reasonable and non-discriminatory minimum rates, together with rules, regulations and classifications governing such rates to be charged and collected for the transportation of shipments of property weighing less than 18,000 pounds by all radial highway common carriers and all highway contract carriers as defined in Chapter 223, Statutes of 1935, between any points in California served by any common carrier, except from or to points in the Coachella and Imperial Valleys south of Indio on the one hand and other points in California on the other. The order in said decision was to become effective June 1, 1936.

On May 20 and 21, 1936, petitions for rehearing, modification, postponement of effective date and for further rehearing were filed alleging that said Decision No. 28761 was ambiguous, uncertain, erroneous, unlawful, unwarranted, not supported by the evidence and defective. Other petitions were filed subsequent to May 21, 1936.

1. Petitions were filed by Certificated Highway Carriers, Inc., Pacific Motor Trucking Company, Rosenberg Brothers and Co., The River Lines, The Atchison Topeka & Santa Fe Railway Co., The Western Pacific Railroad Co., Southern Pacific Co., Northwestern Pacific Railroad Co., Petaluma & Santa Rosa Railroad Co., San Diego & Arizona Eastern Railway Co., Pacific Motor Transport Co., Pacific Motor Trucking Co., Sunset Railway, Modesto & Empire Traction Co., Central California Traction Co., Sacramento Northern Railway, Tidewater Southern Railway Co., Colletti Transportation System, Inc., John Doudell and R.G.Knoll Inc. Ltd.

Because of the numerous petitions for rehearing and the short period of time before the effective date of the order, manifestly the Commission cannot give due consideration to all of the allegations contained therein. However, the Commission has carefully considered said petitions and each and every allegation therein contained, with respect to shipments weighing less than 4000 pounds, and is of the opinion that said petitions in so far as they relate to shipments of less than 4000 pounds should be denied. The Commission is of the further opinion that with respect to such shipments the order should be modified and certain ambiguities clarified.

O R D E R

Good cause appearing,

IT IS HEREBY ORDERED that the aforesaid petitions, in so far as they relate to shipments of less than 4000 pounds, be and they are hereby denied.

IT IS HEREBY FURTHER ORDERED that on and after June 1, 1936, no radial highway common carrier or highway contract carrier shall transport any shipment weighing 4000 pounds or over at a lesser total charge than the highest charge prescribed in Decision No. 28761 for a shipment weighing less than 4000 pounds.

IT IS HEREBY FURTHER ORDERED that in so far as said Decision No. 28761 relates to the transportation of property in lots of less than 4000 pounds, it is hereby amended as follows:

Add to the first ordering paragraph the following:

- 4(f) The term "point" as used herein when applied to the place at which shipments originate shall be deemed to mean the precise location at which property is picked up or to be picked up and loaded in or on equipment of the carrier for transportation; when applied to the place to which shipments are destined, it shall be deemed to mean the precise location at which property is discharged or to be discharged from the equipment of the carrier.

4(g) The term "the same transportation" as used in Decision No. 28761 shall be deemed to mean transportation via any type of carrier for compensation of like kind and quantity of property between the same points.

IT IS HEREBY FURTHER ORDERED that the Commission shall and it does hereby retain jurisdiction of this proceeding to alter or amend the minimum rates, charges, classifications, rules and regulations hereby established, and also to establish or approve such other just, reasonable and non-discriminatory maximum or minimum, or maximum and minimum, rates, charges, classifications, rules and regulations to be charged, collected and observed by Radial Highway Common Carriers and Highway Contract Carriers, both for the transportation services hereinabove described and for other transportation and accessorial services as may from time to time appear proper in the light of other or further evidence received herein.

This order shall become effective June 1, 1936.

Dated at San Francisco, California, this 29th day of May, 1936.

M. B. Harris

W. J. Carr

A. H. [Signature]

Commissioners.