

Decision No. 23363 .

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of R-K MOTORS, INC. for relief, under Section 11 of the Highway Carriers' Act (Chapter 223, Statutes 1935) from the minimum rates on packing house products and other commodities transported for Swift & Co., heretofore established by the Commission in Case No. 4088, Part "A".

Application No. 20679.

ORIGINAL

- E. W. Hollingsworth, for applicant.
- H. M. Wade, for Wade Transfer Company.
- L. L. Foley, for Swift & Co.
- Berne Levy, for The Atchison, Topeka and Santa Fe Railway Company.

BY THE COMMISSION:

O P I N I O N

Applicant, a corporation engaged in business as a highway contract carrier, seeks authority under Section 11 of the Highway Carriers' Act "to maintain" the rates it now assesses and collects for the transportation of property for the account of Swift & Co. between San Francisco and South San Francisco on the one hand and Los Angeles, San Diego and intermediate points on the other hand.¹

The matter was submitted at a public hearing had before

¹ Just, reasonable and non-discriminatory minimum rates for the transportation of property in lots of less than 4,000 pounds between points in California served by common carriers, 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, were established in Decision No. 28761 in Part "A" of Case 4088 (39 C.R.C. 732) and are now in effect.

Examiner Johnson in San Francisco.

It is not clear from the application or the record in what instance, if any, authority to assess and collect rates and charges lower than the minimum rates heretofore established for the transportation of property in lots of less than 4,000 pounds is desirable or necessary. Counsel for applicant quite frankly stated at the hearing that relief under Section 11 of the Highway Carriers' Act was not sought specifically, and that it was controversial as to whether any relief is necessary.

The record shows that applicant usually operates one truck unit northbound from Los Angeles and one truck unit southbound from San Francisco daily, transporting property for Swift & Co. Practically all shipments are moved in truckload lots. Approximately 75 per cent. of the traffic handled moves between San Francisco and Los Angeles, but split deliveries are made en route at intermediate points.² Shipments of less than full truckloads moving from South San Francisco to points beyond Los Angeles are transported to Los Angeles by applicant, and there forwarded by other carriers, while full truckload shipments are transported through to San Diego on applicant's equipment. In addition, it is said that split pick-ups are made for Swift & Co. at San Francisco, South San Francisco and Los Angeles. In each instance however split pick-up shipments are moved under one bill of lading. Whether both split pick-up and split delivery service are rendered in connection with the same shipment, the record does not show.

² It is alleged that deliveries of less than 4,000 pounds are occasionally made at points not directly intermediate between South San Francisco and Los Angeles, but the record fails to show that such shipments have actually been transported by applicant.

For the transportation service it renders, applicant assesses and collects charges on the basis of rates ranging from \$4.50 to \$10.00 per ton, depending upon the length of haul. Whether or not these rates are intended for application on truckload shipments only, the record does not show, although the testimony indicates that this is the case.

It has not been shown that relief from the minimum rates heretofore established for the transportation of property in lots of less than 4,000 pounds is necessary. The application will therefore be denied. However, the denial of this application must not be construed as a finding that the rates now assessed and collected by applicant are in conformity with those heretofore established in Decision No. 26761 in Part "A" of Case No. 4088, supra.

O R D E R

This matter having been duly heard and submitted,
IT IS HEREBY ORDERED that the above entitled application be and it is hereby denied.

Dated at San Francisco, California, this 15th day of December, 1936.

W. B. Davis

Walter H. ...

Frank R. ...

Commissioners.