

Decision No. 29554

## BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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 "S"

ORIGINAL

APPEARANCES

A complete list of appearances in Case No. 4088, is contained in Decision No. 28751, dated April 27, 1936, in Part "A", Decision No. 29252, dated November 9, 1936, in Part "P" and Decision No. 29480, dated January 25, 1937, in Part "M" of this proceeding.

BY THE COMMISSION:

O P I N I O N

By Decision No. 29342 of December 7, 1936, in Part "J" of the above entitled proceeding and in Case No. 4133,<sup>1</sup> the Commission established just, reasonable and non-discriminatory minimum rates for radial highway common carriers and highway contract carriers as defined in the Highway Carriers' Act (Chapter 223, Statutes of 1935) and reasonable and sufficient rates for common carriers as defined in the Public Utilities Act for the transportation of property in lots of less than 4,000 pounds from, to and beyond San Francisco, Oakland, Alameda and Emeryville on the one hand and Santa Clara, San Jose and points beyond on the other hand. No rates were

<sup>1</sup> In re Investigation into lawfulness of rates, etc., of common carriers engaged in the transportation of property between San Francisco and Oakland and other points in the state on the one hand and San Jose and other points in the state on the other hand.

prescribed from, to or between intermediate points, which points were not within the issues of Case No. 4133. However, by Decision No. 28761, dated April 27, 1936, in Part "A" of this proceeding, the Commission established the lowest common carrier rates between the same points for the same transportation as the minimum rates for radial highway common and highway contract carriers.

Following the issuance of Decision No. 29342, supra, common carrier respondents in Case No. 4133 represented to the Commission that the failure to prescribe rates from, to or between the intermediate points in said decision resulted in a maladjustment. They filed informal applications for the purpose of securing authority to establish rates for transportation from, to and between such intermediate points which rates are said to be fairly related to those established in Decision No. 29342, supra. The authority sought was granted by the Commission and the rates have been established. As a result, however, the relationship between rates of common carriers on the one hand and radial highway common and highway contract carriers on the other hand, has become disrupted. It was for the purpose of considering an adjustment of transportation rates between these points by radial highway common and highway contract carriers that a hearing in Part "S" of this proceeding was announced.

The matter was publicly heard before Examiner Freas at San Francisco February 11, 1937.

California Packing Corporation moved that fresh fruits and fresh vegetables be excluded from any order that might issue from this phase of this proceeding. Such exclusion was made in Part "J" and should be made here. Likewise, counsel for Southern Pacific Company, Pacific Motor Trucking Company and Pacific Motor Transport Company moved that no rates be prescribed.

for the transportation of automobiles. Automobiles have been excluded in previous phases of this proceeding and will for like reasons be excluded here.

This proceeding does not include the transportation of property wholly within a single incorporated city. There is a substantial movement of traffic between industrial plants located in San Francisco and South San Francisco which appears to be handled in substantially the same manner as that moving wholly within the corporate limits of San Francisco. Furthermore, San Francisco and South San Francisco were excluded from the territory between which rates were established in Decision No. 28761, supra. Traffic moving between these cities will also be excluded here.

According to a witness for the Truck Owners' Association of California, radial highway common and highway contract carriers transport comparatively few shipments between the points here involved, and have little available accurate information on the shipments they do move. However, from the information developed, the witness believes the cost of performing the service by radial highway common and highway contract carriers justifies rates generally higher than those proposed by certain of the respondents in Part "J" of this proceeding, which rates were in turn somewhat higher than those established by the Commission in Decision No. 29342, supra. In corroboration of his testimony the witness introduced an exhibit showing class rates sufficient in volume to return the transportation costs developed by members of the Commission's staff in connection with other phases of this proceeding (Exhibit S-1). These rates are substantially higher than those now in effect via common carriers.

A witness for the Highway Transport, Inc., Holmes Express Company and Intercity Transport Lines, Inc., called particular

attention to costs and rates developed by members of the Commission's staff in connection with Part "A" of this proceeding, and to rates recently prescribed by the Commission in Part "M" (Decision No. 29480), all of which are said to indicate that the common carrier rates between the points here involved at least are not unduly high.

The witnesses who testified have made a prima facie showing which was not challenged or even questioned by anyone.

Upon consideration of all the facts of record, we are of the opinion and find that the rates set forth in Appendix "A" attached hereto and by this reference made a part hereof should be established as the just, reasonable and non-discriminatory minimum rates for the transportation of property of the kind and between the points set forth in Appendix "A", in lots of less than 4,000 pounds.

#### O R D E R

Public hearing having been held in the above entitled proceeding, full investigation of the matters and things involved having been had and basing this order on the finding of fact and the conclusions contained in the preceding opinion,

IT IS HEREBY ORDERED that the rates, rules and regulations set forth in Appendix "A" attached hereto and by this reference made a part hereof be and they are hereby established as the just, reasonable and non-discriminatory minimum rates, rules and regulations to be observed by all radial highway common carriers and highway contract carriers (as those terms are defined in the Highway Carriers' Act, Chapter 223, Statutes of 1935) for the transportation of property in lots of less than 4,000 pounds moving from store-door to store-door between points directly intermediate to San Francisco and Oakland on the one hand and San Jose and Santa Clara on the other and between such intermediate points and San Francisco, Oakland, San Jose, Santa Clara and related points on the other hand. To the extent the rates, rules and re-

regulations herein established are higher in volume and effect than the minimum rates, rules and regulations heretofore established for the same transportation, the rates, rules and regulations herein established shall apply.

IT IS HEREBY FURTHER ORDERED that all radial highway common carriers and highway contract carriers be and they are hereby ordered to cease and desist on or before March 10, 1937, and thereafter abstain from charging or collecting for the transportation of property between the points set forth in Exhibit "A" attached hereto, rates lower in volume and effect than those established and approved in this order.

IT IS HEREBY FURTHER ORDERED that the Commission shall have 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 transportation service hereinabove described and for such other transportation and accessory service as may from time to time appear proper in the light of other or further evidence received herein.

Dated at San Francisco, California, this 19<sup>th</sup> day of February, 1937.

*William H. ...*  
*Leon ...*  
*Frank ...*  
*Ray ...*  
Commissioners

## APPENDIX "A"

Naming Just, Reasonable and Non-discriminatory Minimum Rates for  
Radial Highway Common Carriers and Highway Contract Carriers  
as Defined in the Highway Carriers' Act  
(Chapter 223, Statutes of 1935)

for the

Transportation of Property in Lots of less than 4,000 Pounds, Be-  
tween Points Directly Intermediate to San Francisco and Oakland  
on the one hand, and San Jose and Santa Clara on the other;  
and between such intermediate points and San Francisco, Oak-  
land, San Jose and Santa Clara and related points on the  
other hand.

\* \* \* \* \*

### EXPLANATION OF TECHNICAL TERMS

POINT OF ORIGIN means the precise location at which property  
is picked up or to be picked up and loaded in or on the equipment of  
the carrier for transportation.

POINT OF DESTINATION means the precise location at which  
property is discharged or to be discharged from the equipment of the  
carrier.

SHIPMENT means a lot received from one shipper on one ship-  
ping order or one bill of lading at one point of origin at one time  
for one consignee at one destination.

### RULES AND REGULATIONS

#### APPLICATION OF RATES:

1. Class and commodity rates herein set forth include  
pick-up and delivery service.

2. Commodity rates herein set forth for the transportation  
of groceries and hardware apply respectively to those articles specifically  
described under "Groceries and Grocers' Supplies" and "Hardware, Paint and  
Paint Materials, Roofing and Building Materials and Miscellaneous Arti-  
cles," Items Nos. 10 and 15, Appendix "A", Decision No. 29342 (Cases Nos.  
4088 Part "J" and 4133).

3. Rates named in this Appendix will not apply on:

- (a) Milk, Cream, Buttermilk, Cottage Cheese, Pot  
Cheese and Unflavored Ice Cream Mix, when  
transported in milk shipping cans, in bottles  
in cases or crates, or in bulk in tanks.
- (b) Fresh Fruits.
- (c) Fresh Vegetables.
- (d) Automobiles.
- (e) Property transported between points in San  
Francisco and points in South San Francisco.

APPLICATION OF RATES: (Concluded)

4. From, to or between points not named in this Appendix, which are on a direct route between San Francisco, Oakland or Alameda on the one hand and San Jose or Santa Clara on the other hand, rates shall be no lower than the rate from, to or between the next more distant point or points named in this appendix.

APPLICATION OF CURRENT CLASSIFICATION: Class rates named in this Appendix are subject to ratings no lower than the less than car-load ratings contained in the Western Classification No. 66, C.R.C. No. 611 of M. A. Cummings, Agent, supplements thereto and reissues thereof; and Pacific Freight Tariff Bureau Exception Sheet No. 1-P, C.R.C. No. 597 of M. A. Cummings, Agent, supplements thereto and reissues thereof.

ASSESSMENT OF CHARGES: Charges will be assessed upon the gross weight of the shipment. No allowance or deduction will be made for the weight of containers.

MINIMUM RATES versus COMMON CARRIER RATES: In the event the application of the common carrier intrastate rates, rules and regulations for the same transportation of the same shipment of property from and to the same points results in a lower aggregate charge than the charge resulting from the application of the minimum rates provided herein, such lower charge shall apply.

CLASS AND COMMODITY RATES

Between		Rates are shown in cents per 100 Pounds								Minimum Charge in Cents per Shipment
San Francisco So. San Francisco		Class Rates				Commodity Rates		35		
Oakland Alameda Emeryville Berkeley Richmond		1	2	3	4	Groceries Rate	Hardware Rate			
And										
Decoto										
Niles										
Mt. Eden		30	27	25	22	20	22	35		
Alvarado					*20					
Midway										
Centerville										
Newark										
Irvington )		*32	*28	*25	*22	*22	*22	35		
Warm Springs )		39	35	31½	29	29	29			
Alviso										
Agnew										
Milpitas		39	35	31½	29	29	29	25 pounds or less...35		
Wayne										
Colma										
San Bruno										
Millbrae										
Burlingame		37	34	31½	29	27	29	Over 25 pounds...50		
San Mateo										
Belmont										
San Carlos										
Redwood City										
Menlo Park										
Palo Alto										
Mayfield		39	35	31½	29	29	29			
Mountain View										
Sunnyvale										
Between Oakland Alameda Emeryville Berkeley										
And										
San Leandro										
Hayward		30	27	25	20	20	20	35		
San Lorenzo										

\* Does not apply from or to San Francisco and South San Francisco.



CLASS AND COMMODITY RATES - Concluded

Between	Rates are shown in cents per 100 Pounds						Minimum Charge in Cents per Shipment
	Class Rates				Commodity Rates		
San Jose Santa Clara					Groceries	Hardware	
And	1	2	3	4	Rate	Rate	
Mt. Eden							
Newark							
Centerville							
Alviso	31	26	24	21	20	20	35
Agnew							
San Lorenzo							
Decoto							
Niles							
Irvington	30	26	24	21	20	20	35
Milpitas							
Wayne							
Daly City							
Colma							
South San Francisco							:25 pounds :or less..35
San Bruno							
Millbrae							
Burlingame							
San Mateo							
Belmont	39	35	31	29	29	29	
San Carlos							
Redwood City							:Over 25 :pounds..50
Menlo Park							
Palo Alto							
Mayfield							
Mountain View							
Sunnyvale							