

Decision No. 29593

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation)
 by the Commission on its own motion)
 into the rates, rules, regulations)
 and practices of carriers engaged)
 in the transportation of petroleum)
 products within this State.)

ORIGINAL

Case No. 4079.

BY THE COMMISSION:

SECOND SUPPLEMENTAL OPINION AND ORDER

By Decision No. 29267 dated November 9, 1936, in the above entitled proceeding, the Commission established reasonable and sufficient rates for common carriers by railroad, and just, reasonable and non-discriminatory minimum rates for highway carriers (as defined in the Highway Carriers' Act, Chapter 223, Statutes of 1935), for the transportation of refined liquid petroleum products, when moving in tank cars, tank trucks, tank trailers or tank semi-trailers or a combination of such highway vehicles, between points in this state. The rates therein established were amended by Decision No. 29563 of February 26, 1937, by the addition of an exception to Item No. 2 of Appendix "A" to provide a rate of 18 cents per 100 pounds from San Diego to El Centro.

By petitions filed March 3 and March 4, 1937, the Tank Truck Operators Association of California alleges that whereas the minimum rates prescribed in said Decision No. 29267 for the transportation of such petroleum products by highway contract carriers from San Diego to points in the Imperial Valley from Niland on the north to Calexico on the south range from 22 cents to 24 cents per 100

pounds, the San Diego & Arizona Eastern Railroad (a line of railway operating through the Republic of Mexico and not subject to the jurisdiction of this Commission in transportation between San Diego and El Centro), and Southern Pacific Company have published and filed with the Interstate Commerce Commission a joint rate of the same volume as the local rate of the San Diego & Arizona Eastern Railroad from San Diego to El Centro, viz., 18 cents per 100 pounds for the transportation of refined petroleum products in tank cars from San Diego to Imperial Valley points;¹ and that whereas the minimum rates prescribed in said Decision No. 29267 for the transportation of such petroleum products by highway contract carriers from Group 2 points² to Westwood is 36 cents per 100 pounds, Agent M. A. Cummings has published and filed for The Atchison, Topeka and Santa Fe Railway Company and The Western Pacific Railroad Company rates of 35 cents per 100 pounds for the transportation of refined petroleum products in tank cars from said Group 2 points to Westwood and the Southern Pacific Company, operating over an interstate route, maintains rates of like volume.³ The rate via the intrastate route is published to expire March 31, 1937. Petitioner further alleges that in order to participate in the transportation of petroleum products it will be necessary for its members to charge rates no higher than the rates of the rail lines hereinbefore referred to, from and to the points in issue. Petitioner asks that the Commission make its order authorizing its members and other tank truck

¹

The rates are published in Southern Pacific Company Joint, Export, Import, Proportional and Trans-shipment Freight Tariff No. 976-D, C.R.C. No. 3215, I.C.C. No. 4605, 20th Revised Page 36 thereof, filed to become effective March 1, 1937. The destinations in Imperial Valley are: Niland, Calipatria, Westmorland, Sandia, Fuller, Rockwood, Brawley, Grape, Imperial, Meloland, Holtville, Heber and Calexico.

²

They are Oakland, Richmond, Rodeo, Oleum, Port Costa, Martinez, Avon.

³

The Western Pacific rates are published in Item 2115-A of Pacific Freight Tariff Bureau Tariff No. 239, C.R.C. No. 612 of M. A. Cummings Agent; those of the Southern Pacific Company in its Tariff No. 102-E, I. C.C. No. 4430.

operators to charge a minimum rate of 18 cents per 100 pounds for said transportation from San Diego to said Imperial Valley points and 35 cents per 100 pounds from said Group 2 points to Westwood.

It appears that this is a matter in which a public hearing is not necessary and that the petitions should be granted; therefore, good cause appearing,

IT IS HEREBY ORDERED that said Decision No. 29267 dated November 9, 1936, as amended by Decision No. 29563 dated February 26, 1937, be and it is hereby further amended by substituting the following exception to Item No. 2 of Appendix "A" of said Decision No. 29267 for the exception contained in Decision No. 29563:

"EXCEPTION - (1) For transportation from San Diego to El Centro, Niland, Calipatria, Westmorland, Sandia, Fuller, Rockwood, Brawley, Grape, Imperial, Meloland, Holtville, Heber and Calexico, the rate shall be 18 cents per 100 pounds.

"(2) For transportation from Group 2 points to Westwood the rate shall be 35 cents per 100 pounds until April 1, 1937, at which time the rate prescribed in the original order herein shall again become effective."

IT IS HEREBY FURTHER ORDERED that in all other respects said Decision No. 29267 as amended shall remain in full force and effect.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 4th day of March, 1937.

W. H. ...

Leon ...

Robert ...

Ray ...

Ray ...
Commissioners.