

30147

Decision No. 30147

ORIGINAL

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 "R"

In the Matter of the Investigation and Establishment of rates, charges, classifications, rules, regulations, contracts and practices, or any thereof, of Common Carriers of property.

Case No. 4145

Part "E"

BY THE COMMISSION:

FIRST SUPPLEMENTAL OPINION AND ORDER

By Decision No. 30025, dated August 9, 1937, in the above entitled proceedings, the Commission established minimum rates for the transportation of hay, straw and related commodities, within specified territory in southern California. Rule No. 80 of Appendix "A" of said order contains the following provision:

- (b) When, upon order of the consignee or consignor, a truck is stopped and held in transit prior to the start of the physical discharge of its load, for purposes of display or sale of such load, or other cause, a charge of \$1.50 per hour, but not to exceed \$15.00 per period of 24 hours, shall be assessed for the time so consumed in excess of 4 hours.

Hay Truckers' Association, representing a large number of operators engaged in this transportation, have now requested by petition filed September 17, 1937, that the free time of 4 hours specified in said rule be changed to 30 hours, or in the alterna-

tive, that the effective date of the order be extended to October 8, 1937.

The Association alleges that the 4-hour limitation will have a detrimental effect on dealers who do not maintain warehouse or storage facilities, in that such time is not sufficient for advertising and displaying loads and that it precludes ordering shipments ahead of sales. It suggests that the proposed modification be made effective for an experimental period of not less than 120 days.

The evidence upon which the 4-hour free time was based shows quite clearly that the established demurrage charges properly represent the extra cost to the operator of providing use of his truck for display purposes in excess of the 4-hour period. However, petitioners' allegations indicate that the establishment of such charges in full, proper though they may be, should not be accomplished without first allowing a period of adjustment during which the effect of the establishment of the basic minimum rates may be observed and the need for more stringent demurrage requirements determined. The proposed modification will be made. Therefore, good cause appearing,

IT IS HEREBY ORDERED that Rule No. 80 of Appendix "A" of Decision No. 30025, dated August 9, 1937, be and it is hereby amended by substituting the figure and word "30 hours" for the figure and word "4 hours" appearing in paragraph (b) hereof, such amendment to be effective during a period of 120 days from the effective date hereof.

IT IS HEREBY FURTHER ORDERED that upon the expiration of the period of 120 days from the effective date hereof, the word-

ing of said paragraph (b) prior to amendment shall again become effective.

In all other respects said Decision No. 30025 shall remain in full force and effect.

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

Dated at San Francisco, California, this 20th day of Sept, 1937.

Walter H. Hays
James A. Hays
Frank R. Hays
Raymond Hays
Ray & Hays
Commissioners.