

Decision No. 33355

ORIGINAL

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 prac- )  
tices of carriers engaged in the trans- )  
portation of petroleum and petroleum )  
products within the State of California.)

Case No. 4079

In the Matter of the Investigation by )  
the Commission on its own motion into )  
the rates, rules, regulations and prac- )  
tices of carriers engaged in the trans- )  
portation of refined petroleum products )  
in tank cars, tank trucks, tank trail- )  
ers or tank semi-trailers, or any com- )  
bination thereof, in lots of less than )  
5800 gallons, within this state. )

Case No. 4191

BY THE COMMISSION:

EIGHTE SUPPLEMENTAL OPINION AND ORDER

Tank Truck Operators Association of California, certain rail lines<sup>1</sup> and George Harm, doing business as George Harm Tank Line, a highway contract carrier, have filed petitions in these proceedings for modification of rates heretofore established and prescribed for the transportation of refined liquid petroleum products.

Tank Truck Operators Association and the rail lines allege in their petitions that whereas the established minimum rates from Group 6 points<sup>2</sup> to points in the Imperial Valley from Niland on the north

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<sup>1</sup> The Atchison, Topeka and Santa Fe Railway Company, Pacific Electric Railway Company, Southern Pacific Company (Pacific Lines) and Union Pacific Railroad Company.

<sup>2</sup> Group 6 points include: Compton, Signal Hill, Watson, Wilmington, El Segundo, East Long Beach, Los Angeles, Machado, Huntington Beach, Naples, Rioco, Eynes, Bixby, St. Helena Spur, Thenard, Los Nietos, Santa Fe Springs, Vinvale, Vernon, Burnett, Lawn, Wingfoot, Alamitos Heights, Alla, Torrance, Downey, Dominguez Junction, Inglewood, Sherman Junction, Playa del Rey, Hyde Park, Long Beach, San Pedro, Wildasin, Venice, Crutcher, Montebello, Pico and Whittier.

to Calexico on the south range from 29 cents<sup>3</sup> to 52 cents, a rate of 28 cents is available for interstate transportation by railroad between the same points.<sup>4</sup>

George Harm alleges that whereas the established minimum rate from Martinez to Susanville is 37 cents, Southern Pacific Company operating in interstate transportation between these points maintains a rate of 35 cents.<sup>5</sup>

Tank Truck Operators Association and Harm respectively request that the Commission make its order authorizing a minimum rate of 28 cents from Group 6 points to Imperial Valley destinations now enjoying the 28-cent interstate rail rate and 35 cents from Martinez to Susanville. The rail lines request that if a rate of 28 cents from Group 6 points to Imperial Valley destinations is authorized for highway carriers, common carriers by railroad be permitted to establish the same rate via intrastate route, to become effective concurrently with the truck rate. They point out that they are in direct competition between points in this territory with highway carriers and with the interstate rail route.

It appears that these are matters in which a public hearing is not necessary. Due to the adoption of the new basis for computing

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<sup>3</sup> Rates are stated in cents per 100 pounds.

<sup>4</sup> Pacific Freight Tariff Bureau Tariff No. 167-L, C.R.C. No. 586, I.C.C. No. 1226, and A.T. & S.F. Tariff No. 9777-Q, C.R.C. No. 680, I.C.C. No. 12283, naming a rate of 10 cents from Group 6 points to San Diego applicable on interstate traffic, only.

S.P. Tariff No. 976-D, C.R.C. No. 3215, I.C.C. No. 4605 and S.D. and A.E. Tariff No. 21-A, C.R.C. No. 68, I.C.C. 72, naming a rate of 18 cents from Group 8 to Imperial Valley points applicable for transportation through Mexico not subject to the jurisdiction of this Commission.

The through interstate rate of 28 cents is composed of a combination of the above rates.

<sup>6</sup> Southern Pacific Company Tariff No. 102-E, I.C.C. No. 4430.

distances, however, the Commission's order in Decision No. 30085, dated August 28, 1937, establishes minimum highway carrier rates as low as or lower than the interstate rail rates from Group 6 points to Calipatria, Westmoreland, Rockwood, Brawley and Grape. It therefore appears that with respect to this transportation no further order is required to permit highway carriers to meet the competition of interstate railroad transportation. In all other respects these petitions will be granted. Therefore, good cause appearing,

IT IS HEREBY ORDERED that Decision No. 30085, dated August 28, 1937, as amended, be and it is hereby further amended as follows:

(A) Add the following exception to Item No. 1 of Appendix "A-1" of said Decision No. 30085:

"EXCEPTION - For transportation from Group 6 points to Niland, Imperial, Sandia, Fuller, Meloland, Holtville, Heber, Calexico and El Centro the rate shall be 28 cents per 100 pounds.

(B) Substitute the following exception for the exception contained in Item No. 2 of Appendix "A-1" of said Decision No. 30085:

"EXCEPTION - (1) For transportation from San Diego to El Centro, Niland, Calipatria, Westmoreland, 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 6 points to Niland, Imperial, Sandia, Fuller, Meloland, Holtville, Heber, Calexico and El Centro, the rate shall be 28 cents per 100 pounds.

(3) For transportation from Martinez to Susanville the rate shall be 35 cents per 100 pounds."

IT IS HEREBY FURTHER ORDERED that common carriers by railroad be and they are hereby authorized to establish effective on or after December 7, 1937, on not less than one (1) day's notice to the Commission and to the public, the rate prescribed in paragraph "A" of the first ordering paragraph of this order.

IT IS HEREBY FURTHER ORDERED that in all other respects

said Decision No. 30085 as amended shall remain in full force and effect.

The effective date of this order shall be fifteen (15) days from the date hereof.

Dated at San Francisco, California, this 22<sup>d</sup> day of November, 1937.

Malcolm MacFarlane  
Iron Oubilly

Rafaelo Buisson

Commissioners