

Decision No. 28632

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Establishment  
of rates, rules, classifications and  
regulations for the transportation  
of property, exclusive of property  
transported in dump trucks, for  
compensation or hire over the pub-  
lic highways of the City and County  
of San Francisco.

Case No. 4084

Additional Appearances

J. E. Hesslet for Northern California Plumbing & Heating  
Wholesalers Association.  
A. J. Couture, for National Carloading Corporation.

DEVLIN, Commissioner:

NINTH SUPPLEMENTAL OPINION

At a further hearing held at San Francisco on October 28, 1937, numerous modifications of the minimum rates, rules and regulations heretofore established in the above entitled proceeding were proposed by the Draymen's Association of San Francisco. A complete list of these proposals is contained in Appendix "A" hereof. Only those that were supported by evidence of probative value will be discussed.

It was proposed that Rule No. 50 of Exhibit "A" of Decision No. 28632, be eliminated. This rule provides a charge to be made when an extra man is required in handling heavy or bulky shipments. It was contended that the extra cost of handling articles requiring more than one man should be compensated for by increasing the classification ratings rather than by the addition of an hourly charge. The difficulty of applying the rule was said to offset the small benefit to be derived from it. The present Rule No. 50 is susceptible of some abuse, in that it is not always clear whether or not more

than one man is "required", even though more than one man might actually have been employed. The rule does not appear to be essential and should be eliminated.

It was also proposed that mixed shipments of property transported from wholesale plumbing supply houses to job sites should take a 3rd class rating. It was urged that (a) the separate listing of each article in such shipments is a nuisance to carriers and shippers, and (b) that plumbing supplies now rated higher than 3rd class are generally heavier and of less value than the articles covered by a commodity item applicable to shipments transported to hardware houses. The proposed change would admittedly increase from 4th class to 3rd class the rating of the larger part of the shipment which, the evidence shows, consists "both by weight and by bulk of wrought iron and cast iron pipe." The advantage which might result from a simplified rating does not appear sufficient to justify the proposed increase in charges for pipe and other 4th class articles, or the elimination of differences in ratings which the differences in transportation characteristics seem to demand.

A reduction from 2nd to 3rd class in the rating on brass, bronze or copper tubing was sought. It was testified that these are heavy loading commodities not particularly subject to damage, similar from a transportation standpoint to brass, bronze or copper sheet which now enjoy a 3rd class rating, and that both tubing and sheet are rated 3rd class in the Western Classification. A reduction from 3rd to 4th class on kalsomine and from 2nd to 3rd class on spices shipped in bulk in boxes or barrels was requested also. In support of each of these reductions it was shown that these articles are of relatively high density and low value when compared with other articles already subject to the lower ratings. The lower ratings proposed appear to be in keeping with the comparative value and transportation characteristics of the several items and should be adopted.

It was suggested that a classification rating of  $\frac{1}{2}$  of 3rd class be established for wine barrels returning. At the present time the only rating for wine barrels is  $1\frac{1}{2}$  times 1st class. It was pointed out that in other classifications "returning carriers" receive a lower rating than when not returning. In orders previously made in this case returning carriers of ale, beer, porter and stout have been accorded a rating of 3rd class. While no evidence was introduced showing why the ratings on returning wine barrels should take a lower rating than the other returning carriers mentioned, the evidence is sufficient to indicate that the ratings on wine barrels returning should not exceed those ratings. The rating should be changed accordingly.

The establishment of a rate of \$1.00 per ton covering 100 ton minimum shipments of newsprint paper, in rolls, on inhaul movements between points in Zone 1, the same not to be subject to Rule 5(b) of Decision No. 28632, was proposed. This rate was established by Decision No. 30236 in Application No. 21150 to be applied on shipments of newsprint paper handled by the J. A. Clark Draying Company. It was asserted that other carriers having similar equipment to the Clark Company are in the same position as that company for hauling newsprint paper in rolls. Because of this represented similarity of hauling facilities the rate heretofore established for the Clark Company should be made available for all carriers.

The final matter to be considered at this time is a proposed reduction in the rate from  $38\frac{1}{2}$  cents to 35 cents per 100 pounds and in the minimum charge from 85 cents to 75 cents on furniture distributed from pool cars. It was testified that a rate of 35 cents per 100 pounds with a minimum of 75 cents per shipment was applicable on shipments distributed from pool cars in Oakland to many parts of San Francisco. It was stated that the disparity in the rates applicable in these adjoining cities has resulted in a distinct loss of

business to the San Francisco draymen in that, because of the higher San Francisco rate, furniture destined to San Francisco is frequently distributed from Oakland.

Subsequent to the further hearing in this proceeding, minimum rates were established for transportation from Oakland to San Francisco. (Decision No. 30370 of November 29, 1937, in Case No. 4088, Parts "U" and "V", and Case No. 4145, Parts "F" and "G"). The rate theretofore in effect for the transportation of furniture in "any quantity" lots was increased somewhat and a sliding scale of minimum charges was established, the highest minimum charge being 75 cents. In view of the readjustment of rates from Oakland it does not appear that the reduction of the 38½ cent rate as here proposed is now required. However, the minimum charge should be reduced to 75 cents to conform more closely with those established from Oakland.

Upon careful consideration of all of the facts of record, I am of the opinion and find that the changes and modifications sought are justified to the extent shown in Appendix "B" of the order herein. The following form of order is recommended.

#### O R D E R

A public hearing having been held in the above entitled proceeding,

IT IS HEREBY ORDERED that Exhibit "A" of Decision No. 28632, dated March 16, 1936, in the above entitled proceeding, and as amended, be and it is hereby further amended to the extent shown in Appendix "B", attached hereto and hereby made a part hereof.

IT IS HEREBY FURTHER ORDERED that in all other respects said Decision No. 28632, as amended, shall remain in full force and effect.

The effective date of this order shall be twenty (20) days from the date hereof.

The foregoing opinion and order are hereby approved and

ordered filed as the opinion and order of the Railroad Commission  
of the State of California.

Dated at San Francisco, California, this 3<sup>rd</sup> day of  
Jan., 1938.

Mattie M. M.  
Leon Whittell  
James W. M.  
Bartholomew P.  
A. L. Kelly  
Commissioners

#### APPENDIX "A"

The following are the modifications proposed at the further hearing on October 28, 1937.

##### 1. RULES AND REGULATIONS:

- (a) Establishment of two-zone charges for shipments moving between points in the same zone when it is necessary to move the shipment through another zone.
- (b) Provision for a minimum charge of \$1.25 per shipment plus tolls for movement from and to Yerba Buena Island zone.
- (c) Establishment of a requirement that minimum rates for shipments in excess of 6,000 pounds may not be less than the charge for 6,000 pounds.
- (d) Elimination of Rule 50, providing additional charges for heavy or bulky shipments.

##### 2. CLASSIFICATION RATINGS:

- (a) Wrought iron and cast iron pipe and fittings in mixed shipments with plumbing supplies and other articles used in the complete installation of the plumbing of buildings, from separate ratings now provided to third class.
- (b) Tubing, brass, bronze or copper, from second class to third class.
- (c) Kalsomine from third class to fourth class.
- (d) Spices N.O.S. in bulk in boxes or barrels, from second class to third class.
- (e) Wine barrels returning, from 1-1/2 X 1st class to 1/2 of third class when returned on truck delivering loaded barrels.
- (f) Amendment of the ratings applicable on liquors, now restricted in application to shipping and inhaul, so as to include city delivery.

##### 3. COMMODITY RATES:

- (a) Reduction of minimum tonnage requirement in connection with 3rd class rating applicable to commodities transported for drug and chemical houses from 400 tons per calendar month to 3,000 tons per calendar year.
- (b) Addition of a rate of 5 cents per 100 pounds for newsprint paper, in rolls, minimum weight of 100 tons per shipment.
- (c) Reduction in rate and minimum charge applicable to distribution of furniture from pool cars.

APPENDIX "B"

Ratings, rules and regulations provided in Exhibit "A" of Decision No. 28632 and as amended, are hereby further amended as follows:

Original Page 8 of Decision No. 28632:

Eliminate Rule 50.

Original Page 19 of Decision No. 28731:

Substitute for paragraph (1) under the heading "Handling and Distribution of Pool Cars" the following:

"(1) When the property is transported to sub-consignees by the carrier performing the sorting and other accessorial services, the following charges shall be assessed:

(a) For the transportation of new furniture \$ .38½ per 100 pounds, minimum charge \$ .75.

(b) For the transportation of property, other than new furniture, one class higher than the ratings otherwise applicable."

Original Page 12 of Decision No. 28632, as amended on Page 8 of Decision No. 29595:

Substitute for "Carriers (Ale, Beer, Porter, Stout,)--3" the following:

"Carriers (Ale, Beer, Porter, Stout, Wine)--3".

Original Page 13 of Decision No. 28632:

Change rating of "Kalsomine class 2" to "Kalsomine class 3".

Original Page 16 of Decision No. 28632:

Substitute for "spices, N.O.S. --- class 2" the following:

"Spices N.O.S. in bulk in boxes, or barrels --- class 3  
Other than in bulk in boxes or barrels ---- class 2".

Change rating on "tubing, brass, bronze or copper class 2" to "class 3".

Original Page 23 of Decision No. 28632:

Add a new item

Paper, newsprint, in rolls (see note) \$1.00 per ton, minimum weight per shipment, 100 tons.

Note (a) Applies only on inhaul movements between points in Zone 1.

(b) Not subject to Rule 5(b) of Decision No. 28632 and as amended.