

Decision No. 31065

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 regu-  
lations of all Radial Highway Common  
Carriers and Highway Contract Car-  
riers operating motor vehicles over  
the public highways of the State of  
California, pursuant to Chapter 223,  
Statutes of 1935, for the transpor-  
tation for compensation or hire of any  
and all commodities and accessorial  
services incident to such transporta-  
tion.

Case No. 4088

ORIGINAL

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

Case No. 4145

BY THE COMMISSION:

FIFTH SUPPLEMENTAL ORDER (Case No. 4088, Part "M"  
(Case No. 4145, Part "B")

ELEVENTH SUPPLEMENTAL ORDER (Case No. 4088, Parts "U"- "V"  
(Case No. 4145, Parts "F"- "G")

SECOND SUPPLEMENTAL ORDER (Case No. 4088, Part "Y"  
(Case No. 4145, Part "K")

Various interested parties have filed petitions or have submitted written requests for certain modifications of outstanding orders in the above entitled proceedings.

The Atchison, Topeka and Santa Fe Railway Company and Santa Fe Transportation Company request that Decision No. 29480, as amended, in Part "M" of Case No. 4088, and Part "B" of Case No. 4145, be amended by extending the pick-up and delivery zone of Del Rosa to include all points within a radius of two miles of the commercial center of that community.

In support of their petition, The Atchison, Topeka and Santa Fe Railway Company and Santa Fe Transportation Company allege that considerable freight is transported through the rail-

road depot at Del Rosa to the storage warehouse of the United States Forest Service Ranger station and the government CCC Camp, located 1.7 miles from said depot. It appears that the points sought to be included may properly be accorded rates similar to those in effect at Del Rosa and that the proposed extension of the pick-up and delivery zone of that station should be authorized.

William C. Colberg and Henry J. Colberg, copartners operating a common carrier passenger and freight service by vessel as Colberg Motor Boats, seek exemption from the rates, rules and regulations established by Decision No. 30370, as amended, in the above entitled proceedings, as more specifically set forth in Exhibit "E" attached to their application.<sup>1</sup>

This transportation consists of a daily scheduled vessel service between Stockton and numerous points in the so-called Stockton delta region for the transportation of shipments weighing 250 pounds or less. Petitioners allege that theirs is the only scheduled operation serving the territory involved, and that only during seasons when crop movements are heavy are residents afforded truck or other vessel transportation. They further allege that the relief sought is essential (a) to compete with delivery services rendered by retail merchants; (b) to encourage the use of vessel transportation afforded by them in the territory, and (c) to permit commodities which are essential to the religious and racial requirements of the community but which are of low intrinsic value to move freely.

The service rendered by this carrier, in addition to being confined to shipments weighing 250 pounds or less, appears

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<sup>1</sup> Exhibit "E" contains a detailed list of commodities which petitioners propose to transport at less than the rates provided by Decision No. 30370, as amended, as well as the rates proposed to be charged.

to be peculiarly adapted to local conditions under which it is required to operate. In view of these circumstances full exemption of the commodities upon which relief is sought and as set forth in Exhibit "E" will be accorded. Other carriers will be permitted to meet the rates of this carrier for the same transportation.

Numerous common carriers have requested that their operations be exempted from the application of Decision No. 30370, as amended, in Case No. 4088, Parts "U" and "V" and Case No. 4145, Parts "F" and "G". Motor Transit Company, a common carrier engaged in the transportation of passengers, express and baggage within southern California, likewise seeks exemption from the minimum rates established by Decision No. 30746, as amended, in Case No. 4088, Part "Y" and Case No. 4145, Part "K". In general, all of the carriers allege that their respective operations are peculiar in nature, being conducted in connection with passenger stage services, or with the distribution of mail for the United States Government. It appears that the operations involved consist largely of the handling of small shipments on frequent schedules as an accommodation service and that they are not competitive to any serious extent with other carriers as to which the minimum rates are applicable. Although certain of these carriers have requested that their operations be wholly exempted from the rates established, the Commission is of the opinion that no good cause has been made to appear why any or all of such carriers should be exempted as to shipments weighing more than 100 pounds.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that The Atchison, Topeka and Santa Fe Railway and Santa Fe Transportation Company be and they are hereby authorized to establish a pick-up and delivery zone at Del Rosa extending to all points within a radius of two (2) miles from the commercial center of said community.

IT IS HEREBY FURTHER ORDERED that William C. Colberg and Henry J. Colberg, copartners, doing business as Colberg Motor Boats, be and they are hereby exempted from the provisions of Decision No. 30370, as amended, in Cases Nos. 4088, Part "U" and 4145, Part "F", on shipments of commodities upon which exemption was requested, as listed in Exhibit "E" of its petition, dated June 1, 1938.

IT IS HEREBY FURTHER ORDERED that Paragraph (c), Rule 20, Appendix "A" of Decision No. 30370, as amended, in Case No. 4088, Parts "U" and "V" and Case No. 4145, Parts "F" and "G", be and it is hereby further amended by adding the following:

Shipments weighing 100 pounds or less transported by Aetna and Pope Stage; Alturas-Ft. Bidwell Stage Line; Anchor Stages; Auburn and Foresthill Stage Line; Bakersfield-Wasco Stage Line; Blairsdon Stage Company; California Nevada Stages, Inc.; Cloverdale-Geysers Stage Line; Downieville Stage Company; Etna, Fort Jones, Yreka Stage Line; Beverly Gibson, dba River Auto Stage; Home Stage Line; Inland Stages; Charles A. Lindsey (Randsburg Searles Stage); Lone Pine-Darwin Freight Line; N. B. Mackey; Martinez-Diablo Stage; Marysville-LaPorte Stage Company; Mt. Hamilton Stage Line; Orange Belt Stages; Oroville-Lumpkin Auto Stage; Oroville-Woodleaf Auto Service; Paso Robles-Annette Auto Stage Line; Peerless Stages, Inc.; W. H. Pimentel, doing business as Pierce Arrow Stages and Sacramento-Fair Oaks Stage Line; Pioneer Auto Stage Lines; The Richmond & San Rafael Ferry & Transportation Company; San Benito & Tres Pinos Stage Line (Joseph Tirado); San Jose-Agnew-Alviso Stages; Smith's Auto Stage Line (Bernard C. Tucker and Donald A. Parker); Tres Pinos and New Idria Stage Line.

IT IS HEREBY FURTHER ORDERED that Decision No. 30746, as amended, in Cases Nos. 4088, Part "Y" and 4145, Part "K", be and it is hereby further amended by exempting from the provisions thereof, shipments weighing 100 pounds or less transported by Motor Transit Company.

IT IS HEREBY FURTHER ORDERED that in all other respects said petitions be and each of them is hereby denied.

In all other respects said Decisions Nos. 29480, as amended, 30370, as amended and 30746, as amended, shall remain in full force and effect.

This order shall become effective ten (10) days from the date hereof.

Dated at San Francisco, California, this 27<sup>th</sup> day of June, 1938.

Walter Moore  
Leon S. Kelly  
Grant Nelson  
Robert Smith  
W. L. Riley  
Commissioners