

Decision No. 31310

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 "F"

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

In the Matter of the Establishment of maximum and minimum, or maximum or minimum rates, rules and regulations of all common carriers, as defined in the Public Utilities Act of the State of California, as amended, and all highway carriers as defined in Statutes 1935, Chapter 223, as amended, for the transportation, for compensation or hire, of any and all agricultural products.

Case No. 4293

Additional Appearances

Gwyn H. Baker, for United Boat Lines, Nickols Transportation Company and Rio Vista Lighterage Company, Inc.

Thos. O'Hara, for W. H. Riske.

F. A. Somers, for San Francisco Grain Exchange.

Marvin Handler, for Truck Owners Association of California.

WHITSELL, Commissioner:

SUPPLEMENTAL OPINION

By Decision No. 30640 of February 14, 1938, as amended, in Case No. 4088, Part "F", and Case No. 4118, the Commission

established minimum rates for radial highway common carriers and highway contract carriers, and prescribed reasonable and sufficient rates for highway common carriers, for the transportation of grain, grain products and related articles throughout California. Thereafter, public hearings in the above entitled proceedings were held at San Francisco for the purpose of affording interested parties an opportunity to present evidence as to what changes, if any, should be made in the rates so established and prescribed, or in the rates of common carriers not affected by said decision.

At the hearings, representatives of various common carriers by vessel asserted that minimum rates prescribed in other proceedings for vessel transportation of whole grain from points in the Sacramento and San Joaquin Delta territories to San Francisco, Port Costa, South Vallejo and Petaluma were in some instances higher than the minimum rates established for similar transportation by highway carriers and that to the extent vessel carriers were required to maintain higher rates, they were unable to compete with highway carriers for the grain traffic.¹ The vessel carriers' representatives requested that minimum truck rates be increased to the level of the prescribed vessel rates, or, in the alternative, that vessel carriers be permitted to reduce their rates to the level of the rates established as minimum for highway carriers. They claimed, however, that the latter

¹ By Decision No. 26406 of October 9, 1933, in Cases Nos. 3617, 3621, 3622, 3623, 3633 and 3458, minimum rates for the transportation of whole grain by vessel were prescribed from various points on the Sacramento and San Joaquin rivers and adjacent deltas to San Francisco, Port Costa, South Vallejo and Petaluma. The respondent carriers were ordered to maintain rates no lower than those prescribed, unless permission of the Commission to effect reductions was first obtained.

alternative was objectionable in that it was extremely difficult to compute highway mileages in the delta areas in order to determine the applicable truck rates.

In addition to the proposals made on behalf of the vessel carriers, representatives of certain grain interests advocated the vacation or suspension of Decision No. 30640 in toto on the ground that the rates herein provided were excessive and because of certain claimed inequalities and discriminations which, they said, resulted from the application of the decision in its present form.

No cost data or other evidence was introduced which would support an increase of minimum truck rates to the level of the vessel rates prescribed in Decision No. 26406, supra. However, no reason appears why the vessel carriers should not be allowed to reduce their rates to the extent necessary to give them a parity of rates with highway carriers. Accordingly, an order should be made granting the request of the vessel carriers to depart from the provisions of the latter decision to the extent necessary to publish rates no lower in volume or effect than those established as minimum for highway carriers for the same transportation.

The objections raised by the representatives of the grain interests were the same in all essential respects as those previously raised in exceptions to the Examiners' Proposed Report distributed prior to the issuance of Decision No. 30640, or raised in petitions for rehearing of said decision. They were carefully considered by the Commission in acting upon said exceptions and petitions and no reason appears why different conclusions should be reached here or why the order should be set aside in its entirety.

The following form of order is recommended:

O R D E R

Public hearings having been held in the above entitled proceedings, and based upon the evidence received at the hearings and upon the conclusions set forth in the preceding opinion,

IT IS HEREBY ORDERED that common carriers by vessel be and they are hereby authorized to establish on not less than five (5) days' notice to the Commission and to the public, rates lower than those heretofore prescribed by Decision No. 26406 of October 9, 1933, in Cases Nos. 3617, 3621, 3622, 3623, 3633 and 3458, but no lower in volume or effect than rates established by Decision No. 30640, as amended, in Case No. 4088, Part "F" and Case No. 4118, for the same transportation by highway carriers.

IT IS HEREBY FURTHER ORDERED that Decision No. 30640, as amended, shall remain in full force and effect.

This order shall become effective on 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 26th day
of September, 1938.

Robert A. Hubert
Leon A. Hubert
Frank R. Hubert
Ray L. Hubert
Commissioners