

Decision No. 31782

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

ORIGINAL

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

BY THE COMMISSION:

TWENTY-SECOND SUPPLEMENTAL ORDER - Case No. 4088, Part "U"  
Case No. 4145, Part "F"

THIRD SUPPLEMENTAL ORDER - Case No. 4088, Part "L"  
Case No. 4145, Part "A"

Morse Trucks, Inc., a highway contract carrier, seeks an order permitting it to observe interstate rail rates for the transportation of petroleum products in packages from Oleum and Richmond to Susanville, beverages from San Francisco, Oakland and San Jose to Susanville, and forest products from Susanville to San Francisco, Oakland, San Jose and Santa Rosa, when such rates produce lower charges than would accrue under the minimum rates established in these proceedings for the same transportation by highway carriers

operating over intrastate routes.<sup>1</sup>

In support of its request, petitioner points out that under the applicable provisions of outstanding rate orders in these proceedings, rates of radial highway common carriers and highway contract carriers alternate with intrastate rates of common carriers and claims that the minimum rates should also alternate with rates of common carriers performing the same transportation over interstate routes.

It is apparent that the petitioner will be at a disadvantage unless it is permitted to assess rates no higher than those of competing carriers for the same transportation, even though such competing carriers may operate between the same points over interstate routes. The petition will be granted.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that all common carriers, radial highway common carriers and highway contract carriers, be and they are hereby authorized to charge less than the minimum rates provided by Decision No. 30370, as amended, in Cases Nos. 4088, Part "U", and 4145, Part "F", and Decision No. 30404, as amended, in Cases Nos. 4088, Part "L", and 4145, Part "A", for the transportation of the commodities and between the points specified in Appendix "A" attached hereto and by this reference made a part hereof, but not less than the rates provided in said Appendix "A".

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The minimum rates now in effect for intrastate transportation by highway carriers of the commodities and between the points specified in the petition are those established by Decision No. 30370, as amended, in Part "U" of Case No. 4088, and Part "F" of Case No. 4145, and Decision No. 30404, as amended, in Part "L" of Case No. 4088 and Part "A" of Case No. 4145.

In all other respects said Decisions Nos. 30370 and 30404, as amended, shall remain in full force and effect.

This order shall become effective five (5) days from the date hereof.

Dated at San Francisco, California, this 20<sup>th</sup> day of February, 1939.

Robert W. ...  
Paul D. ...  
Ray H. ...  
...  
Justin J. Cooney  
Commissioners.

Item No.	APPENDIX "A"				
	Commodity	From Railhead points at:	To Railhead points at:	Rates (In cents per 100 pounds)	Minimum Weight (in pounds)
10	Petroleum or Petroleum Products, including Compounded Oil or Greases having a Petroleum Base, in packages, as described under that heading in Western Classification No. 67, C.R.C. No. 6 of J. P. Haynes, Agent, supplements thereto or reissues thereof, in straight or mixed shipments, or in mixed shipments with one or more of the commodities named in Item No. 40 hereof.	Oleum Richmond	Susanville	39	20,000
20	Beverages, as described in Item No. 50 hereof.	San Francisco Oakland San Jose	Susanville	33	30,000
30	Lumber and Forest Products, as described in Item No. 15, Appendix "A" of Decision No. 30404, as amended, in Cases Nos. 4088, Part "L", and 4145, Part "A"	Susanville	San Francisco Oakland San Jose	23	30,000
			Santa Rosa	26	
DESCRIPTION OF COMMODITIES AUTHORIZED TO BE TRANSPORTED IN MIXED SHIPMENTS WITH PETROLEUM PRODUCTS					
Rates named in Item No. 10 hereof will also apply on one or more of the commodities described in that item, in mixed shipments with one or more of the following commodities:					
40	Asphalt, solid Compound, anti-freeze, liquid Compound, liquid, cleaning (See Note 1) Compound, radiator cleaning, dry Insecticides Liquid, cigar or cigarette lighter Oil (other than medicinal) Polish, vehicle Solvent Wax, automobile, boat, floor or furniture (See Note 2)				
NOTE 1.- One hand sprayer may be included in the shipping container for each inner container packed therein.					
NOTE 2.- Cleaning or polishing cloth may be included in the same shipping container for each inner container packed therein.					

Item No.	APPENDIX "A" (Concluded)
50	<p style="text-align: center;">DESCRIPTION OF BEVERAGES</p> <p>BEVERAGES (See Note 1), viz.:</p> <p style="padding-left: 40px;">Beverages, carbonated, flavored or phosphated (not including extracts or syrups)  Cereal Beverages, non-intoxicating  Water, concentrated or fortified  Fruit Juice (unfermented, not syrup) artificial or natural, sweetened or unsweetened</p> <p>LIQUORS, Malt, viz.:</p> <p style="padding-left: 40px;">Ale, Beer, Beer Tonic, Porter and Stout</p> <p>LIQUORS, vinous, containing not more than 3.2% alcohol by weight</p> <p style="padding-left: 40px;">NOTE 1.- With each shipment there may be included bottle or can openers, in boxes; the total weight of the openers not to exceed 5% of the minimum weight, or actual weight of the shipment if greater.</p>
60	<p style="text-align: center;">COMBINATIONS OF RATES FOR MOVEMENTS BEYOND RAILHEADS</p> <p>Rates specified in Items Nos. 10, 20 or 30 hereof may be used in combination with rates contained in Decision No. 30404, as amended, in Cases Nos. 4088, Part "L", and 4145, Part "A", and Decision No. 30370, as amended, in Cases Nos. 4088, Part "U", and 4145, Part "F", for the purpose of computing rates for shipments originating at or destined to points of origin or destination not served by rail track facilities, in the manner provided by and subject to the terms and conditions of Rule No. 40(f) of Appendix "A" of said Decision No. 30370, as amended, and Item No. 75 of Appendix "A" of said Decision No. 30404, as amended.</p>