

Decision No. 31882

ORIGINAL

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 "L"

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

Part "A"

BY THE COMMISSION:

FOURTH SUPPLEMENTAL OPINION AND ORDER

By prior decisions issued by the Commission in the above entitled proceedings just, reasonable and non-discriminatory minimum rates have been established for highway carriers for the transportation of lumber and forest products between points in California. The minimum rates established for such transportation between San Diego on the one hand and Imperial Valley points on the other hand range in general from 16½ cents<sup>1</sup> to 18 cents, depending upon the length of haul, subject to a minimum weight of 30,000 pounds.

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<sup>1</sup> Rates are stated in cents per 100 pounds.

By petition filed March 20, 1939, Chester McNutt, a highway contract carrier, represents that the Southern Pacific Company maintains a rate of 15 cents, which is published to expire April 25, 1939, for the transportation of forest products from San Diego on the one hand to points in the Imperial Valley from Calipatria on the north to Calexico on the south, such rate being applicable via the San Diego and Arizona Eastern Railway Company through the Republic of Mexico.<sup>2</sup> Petitioner requests that the minimum rates heretofore established for the transportation of lumber and forest products be amended to permit him to assess a rate of 15 cents from San Diego to points in the Imperial Valley now being accorded the benefit of a like rate via the interstate railroad route.

It appears that this is a matter in which a public hearing is not necessary and that the amendment requested should be authorized. Highway carriers also should be permitted to equalize the interstate rail rate on lumber and forest products from San Diego to Imperial Valley points. Inasmuch as this rate is published to Expire April 25, 1939, the authorization herein granted to petitioner and to other highway carriers will be limited accordingly. To this extent the petition will be granted.

Therefore, good cause appearing,

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The 15 cent rate is published in Southern Pacific Company Tariff No. 634-C, C.R.C. No. 2848. It applies from San Diego to Calipatria, Shamrock, Fonda, Casaba, Westmorland, Turn, Munyon, Moss, Orita, Curlew, Sandia, Fuller, Bernice, Rockwood, Brawley, Grape, Imperial, El Centro, Meloland, Holtville, Heber and Calexico.

IT IS HEREBY ORDERED that Decision No. 30404 dated December 13, 1937, as amended, be and it is hereby further amended as follows:

Add the following exception to Item No. 85 of Appendix "A" of said Decision No. 30404:

"Exception: (1) For transportation from railhead points in San Diego to railhead points in Calipatria, Shamrock, Fonda, Casaba, Westmorland, Turn, Munyon, Moss, Orita, Curlew, Sandia, Fuller, Bernice, Rockwood, Brawley, Grape, Imperial, El Centro, Meloland, Holtville, Heber and Calexico, the rate shall be 15 cents per 100 pounds. This exception shall expire April 25, 1939."

In all other respects, said Decision No. 30404, as amended, shall remain in full force and effect.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 24<sup>th</sup> day of March, 1939.

*Ray B. Wadsworth*  
*Frederic D. Sullivan*  
*Ray H. Rice*  
*W. H. Allen*  
*Justus D. Cameron*  
Commissioners.