

Decision No. 31970

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 "B"
Part "W"

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 "H"

BY THE COMMISSION:

O R D E R

Minimum rates to be observed by all radial highway common carriers and highway contract carriers were established by the Commission for the transportation of beverages and tonics in Decisions Nos. 29723 and 30409, as amended; and for the transportation of canned goods and soap, by Decision No. 30410. In the same decisions the Commission denied respondent Southern Pacific Company leave to establish certain reduced rates for the transportation of said commodities. In two proceedings to review these orders (Southern Pacific Company v. Railroad Commission, S.F. Nos. 15980 and 16007), the Supreme Court of the State of California held the action of the Commission denying

Southern Pacific Company leave to establish such reduced rates was without support in the evidence, and annulled the orders of the Commission.

Subsequent to the Court's decision, the Southern Pacific Company and other common carriers by railroad filed with the Commission, to become effective April 27, 1939, reduced rates on all of said commodities lower than the minimum rates established in and by said decisions for the same transportation of the same commodities by radial highway common carriers and highway contract carriers. As such minimum highway carrier rates are closely related to the previously existing common carrier rail rates and were predicated, in part, upon such rail rates being continued in effect, and in order to set at rest any question which may exist as to the effect of the Court's decision upon the orders of the Commission in so far as concerns the minimum highway carrier rates established thereby, it is proper that said minimum rates be cancelled and set aside, pending further action re-establishing such rates upon a proper relationship with the reduced rail rates.

Good cause appearing therefor,

IT IS HEREBY ORDERED that the minimum rates and rules and regulations established in and by Decision No. 29723, as amended by Decision No. 30409 in Case No. 4088, Part "B", and Decision No. 30410 in Cases Nos. 4088, Part "W" and 4145, Part "E", to be charged, collected and observed by all radial highway common carriers and highway contract carriers, be and they are hereby cancelled.

This order shall become effective on the date
hereof.

Dated at San Francisco, California, this 29th
day of April, 1939.

Raymond J.
Franklin
Ray L. Carey

Commissioners.