

ORIGINAL

Decision No. 31986

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 "U"
Part "V"

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 "F"
Part "G"

BY THE COMMISSION:

TWENTY-THIRD SUPPLEMENTAL OPINION AND ORDER

By Decision No. 30370, as amended, in the above entitled proceedings, minimum rates, rules and regulations were established for the transportation of property in quantities of 20,000 pounds or less (the charge for shipments in excess of 20,000 pounds to be no less than the charge established as minimum for a shipment weighing 20,000 pounds) within defined territory in northern California and between defined territories in northern and southern California. The following petitions have since been filed by interested parties, seeking certain modifications of the minimum rates, rules and regulations so provided. It appears that these petitions involve matters as to which a public hearing is not necessary.

Establishment of Estimated Weight on Crabs

Railway Express Agency, Inc., requests permission to publish and maintain an estimated weight for crabs, in the shell, of

22 pounds per dozen, for use in assessing charges under the minimum rates established by Decision No. 30370, supra, as amended. In support of this request it is alleged that the net weight of crabs in the shell averages 22 pounds per dozen; that the proposed estimated net weight basis has been applied by Railway Express Agency, Inc., for many years on shipments moving within Washington and Oregon and on interstate shipments moving from Washington and Oregon to California; that this interstate basis enables Oregon and Washington shippers to reach California markets at lower transportation costs than California shippers are presently required to pay; and that, hence, California fishermen are unable to market their crabs in competition with interstate shippers.¹ It is alleged, further, that the usual practice of the fish industry is to forward this commodity by express service and that, hence, other carriers do not engage in this transportation to any large extent.

Decision No. 31606 of December 27, 1938, as amended, in Case No. 4246, in re Rates of All Common and Highway Carriers,² authorizes Railway Express Agency, Inc. to depart from the gross weight basis in computing charges on fish and shell fish. In view of this fact, and of the fact that the estimated weight of 22 pounds per dozen crabs is in effect on interstate shipments into California, the petition appears justified and will be granted.

1

It is stated in the petition that there had been in effect for some years in Humboldt County an embargo against shipping crabs outside of the county; that crabs caught at other California points were consumed in the local markets; and that, hence, the sought basis was not necessary heretofore.

2

In this decision a statewide basis of minimum rates was established for common and highway carriers. When effective, these rates will cancel and supersede those established by Decision No. 30370, supra, as amended.

Carrier Exemptions

Max H. Green, doing business as Mountain Auto Line, a passenger stage corporation serving the general territory between Redlands, San Bernardino, Big Bear Lake and Lake Arrowhead, and Nevada County Narrow Gauge Railroad Company, a passenger stage corporation operating between Auburn and Nevada City, seek exemption from the provisions of Decision No. 30370, as amended, as to shipments weighing 100 pounds or less.³ Generally, it is alleged that the express services petitioners conduct consist of the transportation of small shipments on passenger stage equipment as an accommodation service; that the minimum rate requirements of Decision No. 30370, supra, are not adapted to that type of operation; and that petitioners' operations are not essentially different from those of other stage corporations already exempted as to shipments weighing 100 pounds or less.

Under the circumstances and conditions shown, the exemptions sought appear justified and will be granted.

Enlargement of Rail Lines Pickup and Delivery Zone at Madera

The Atchison, Topeka and Santa Fe Railway Company and Southern Pacific Company seek authority to enlarge their common pickup and delivery zone at Madera to include the Madera County Hospital.⁴ A

³ Petitioners also seek a similar exemption from the minimum rate requirements of Decision No. 31606 in Case No. 4246, supra. This matter will be considered separately in that proceeding.

⁴ Decision No. 30370, supra, as amended, provided that common carriers might maintain their respective established pickup and delivery zones, but did not permit subsequent enlargements of those zones without authority from the Commission. The present zone boundary of Madera is its city limits' line.

description of the proposed zone is contained in the petition. In support of the petition it is alleged that the area in which the Madera County Hospital is located is adjacent to the city, and that the Hospital should be accorded rates comparable to those applying from and to points within Madera.

Under the foregoing circumstances it appears that the proposed enlargement of the Madera pickup and delivery limits is justified. The petition will be granted.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that Railway Express Agency, Inc., be and it is hereby authorized to base charges for the transportation of crabs, in shell, in containers with or without refrigerant, on an estimated weight of 22 pounds per dozen crabs.

IT IS HEREBY FURTHER ORDERED that the following be and it is hereby added to paragraph (c) of Rule No. 20 of Appendix "A" to Decision No. 30370, as amended, in the above entitled proceedings:

"Shipments weighing 100 pounds or less, transported by Max H. Green, doing business as Mountain Auto Line, or by Nevada County Narrow Gauge Railroad Company."

IT IS HEREBY FURTHER ORDERED that The Atchison, Topeka and Santa Fe Railway Company and Southern Pacific Company be and they are hereby authorized to maintain the following enlarged pickup and delivery zone at Madera:

"City limits, also area outside of city limits as follows: East on Olive Street to Highway No. 28, thence northerly on Highway No. 28 to Madera County Hospital, thence return to city limits via Highway No. 28 and Olive Street."

In all other respects said Decision No. 30370, as amended, shall remain in full force and effect.

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

Dated at Los Angeles, California, this 2nd day of February, 1939.

Raymond A. Baker
Frank R. DeWitt
W. H. Hickey
W. H. Baker
Justus P. Cravens
Commissioners