

Decision No. 32319

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.

ORIGINAL

Case No. 4088

Part "Z"

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 "L"

BY THE COMMISSION:

O P I N I O N

These proceedings involve rates for the transportation of property by radial highway common carriers, highway contract carriers and common carriers. The phases with which we are here concerned relate to rates for the transportation of rice.¹ This decision is based upon evidence received in public hearings held at San Francisco before Examiner E. S. Williams.

Representatives of shippers and shippers' organizations testified as to the extent of the production of rice in California and described in a general way the nature of the movement of this

1

The term "rice" as used herein includes paddy rice (whole rice in the hull as it is sold by the grower to the miller); clean rice (the principal milled product of paddy rice); brewers' rice (a broken form of clean rice); and clean rice screenings.

commodity by for-hire carriers. They stated that the principal rice producing sections of the state for the year 1937 were in Butte, Yuba, Sutter, Colusa, Yolo and Sacramento counties, but that substantial quantities of this commodity were also raised in Stanislaus and Merced counties and the northern portion of Fresno county. The total annual yield of paddy rice in that year was said to have been approximately 3,750,000 bags, weighing on the average 98 pounds per bag.

These witnesses stated, further, that of the total yield, approximately 40 per cent was transported directly from the fields in which it was grown to warehouses or to mills,² and that the balance was first moved from the fields to adjacent roadside stockpiles and was then transported to warehouses or mills. Of the total amount transported directly from the field and from roadside stockpiles, approximately 25 per cent was destined to mills and 75 per cent to warehouses, the transportation ordinarily having been performed by motor truck. The paddy rice in the warehouses was later shipped to the mills, after storage for various periods of time, by rail, water and highway carriers, in carload, bargeload and truckload quantities. The bulk of the clean rice produced at the mills from the 1937 crop was shipped in carload quantities, principally by rail and water carriers, to docks in San Francisco for transshipment by vessel beyond. However, a considerable quantity of clean rice was transported to

2

Rice mills in operation at the time of hearing are located at Biggs, Woodland, West Sacramento and San Francisco; inactive mills are also located at other points. At the mills paddy rice undergoes a process from which clean rice and a number of by-products are produced. 100 pounds of paddy rice produce approximately 70 pounds of clean rice including whole and broken clean rice, clean rice screenings and brewers' rice. The balance of the weight is made up of paddy rice screenings, rice hulls, rice bran and rice polish.

various consuming points in northern and southern California.³

Two schedules of rates are now in effect for the transportation of paddy and clean rice in carload quantities by rail and vessel carriers - the so-called "permanent" rates and the temporary rates. The temporary rates are maintained on a basis lower than the "permanent" rates for the asserted purpose of meeting truck competition and, as now published, will expire January 5, 1940. In general, both the permanent and temporary rates are subject to a minimum weight of 40,000 pounds.

Various proposals concerning the volume of the rates to be established for the transportation of rice between points in California were made at the hearings. The River Lines urged that minimum rates for the transportation of rice by highway carriers be fixed on the level of the Column A rates provided in Decision No. 30640 of February 14, 1938, in Part "F" of Case No. 4088 and in Case No. 4118 for the transportation of grain, grain products and related articles; that rates on this commodity by rail and vessel carriers be prescribed on a basis 25 per cent higher than the rates of these carriers for the transportation of whole grain in effect on June 1, 1938; and that all of these types of carriers be authorized to charge whichever basis produces the lower charge. It pointed out that the relationship of 100-125 per cent between whole grain and rice rates was adopted by the Commission in Pacific Rice Growers' Association vs. A. T. & S. F. Ry., 19 C.R.C. 248, for

³ The growth of the rice industry in California, harvesting and marketing seasons, nature of the movement, methods of sale, and value and production of rice and rice products have all been discussed at considerable length in prior decisions of this Commission involving rates on said commodities when moving by rail and inland water carriers. (See California Rice Mills vs. Southern Pacific Company, 8 C.R.C. 156; Pacific Rice Growers' Association vs. A.T.&S.F. Ry., 19 C.R.C. 248; and Pacific Rice Growers' Association vs. A.T.&S.F. Ry. 20 C.R.C. 418).

application to the transportation of paddy rice in carload lots⁴ between points in California by rail and vessel carriers.

The traffic manager of The River Lines, submitted exhibits containing an historical comparison of rail and vessel rates on whole grain with those on paddy rice from points north of Sacramento to Sacramento and San Francisco. These exhibits show that prior to 1930 rail and vessel rates on paddy rice to Sacramento were at least 25 per cent higher than those on whole grain; that as a result of reductions in the rates on paddy rice effective early in 1930 such paddy rice rates were generally equalized with rates on whole grain; that changes in the paddy rice rates subsequent to 1930 and continuing in effect until 1933 placed the rice rates on a generally lower basis than those on whole grain; that in 1933 temporary rates were published on both paddy rice and whole grain on a somewhat lower basis than the permanent rates; and that these reduced temporary rates on paddy rice were in some instances the same as, in others higher than, and in still others lower than, those on whole grain. He testified that the Southern Pacific Company published on a permanent basis certain reduced rates for transportation of paddy rice from rice producing territory served by that carrier's main lines, with the understanding with The River Lines that such rates would be advanced to the former basis when the emergency created by unregulated motor truck competition ceased to exist. He pointed out that should the temporary rates via The River Lines be permitted to expire and the Southern Pacific Company fail to restore its former rates, it would disrupt the relationship between river

4

It was found in that proceeding that rates then in effect on paddy rice in carloads between points in the State of California were excessive, unjust and unreasonable, and that just, reasonable, nondiscriminatory and nonprejudicial rates on paddy rice in carload quantities were 125 per cent of the rates on whole grain established August 26, 1920. The use of this relationship was reaffirmed in Pacific Rice Growers' Association vs. A. T. & S. F. Ry. 20 C.R.C. 418.

points and cross-country competitive rail points. The witness stated that with the establishment of minimum rates for highway carriers there was no longer any justification for the continuation of rail and vessel rates on paddy rice below the basis found reasonable in Pacific Rice Growers' Association Cases, supra.

Rosenberg Bros. & Company, having rice mills located at Biggs and San Francisco; and C. E. Grosjean Rice Mill Company, having a rice mill at San Francisco agreed with The River Lines with respect to the proposal of that company that the Column A grain and grain products rates established in Decision No. 30640, supra, be adopted as the basic rates for the transportation of rice by highway carriers but urged that this basis be modified to provide rates by such carriers to West Sacramento and San Francisco which would result in rate differentials to these points equal to those existing in connection with the rail rates and that it be further modified to provide for the use of the average distance to San Francisco and Oakland in constructing rates to these points. They asked that existing rail and vessel rates on rice be continued in effect and that minimum rates for highway carriers be allowed to alternate with rail rates when the rail rates produce lower charges. The assistant traffic manager of Rosenberg Bros. & Company, testified that it was vitally necessary to the San Francisco millers that the rate differentials on movements to West Sacramento and San Francisco be not greater in connection with rates by highway carriers than those under the existing rail rates if they were to preserve their competitive position with the West Sacramento millers. He stated that a large proportion of the clean rice produced in California was sold F.O.B. San Francisco docks and that paddy rice could be moved to West Sacramento mills and the milled rice moved to the San Francisco docks at a lower average cost than that of moving paddy rice to the San Francisco mills and the

clean rice from the mills to the docks, and that the San Francisco mills were required to absorb this difference in cost. He claimed that any increase in the existing differentials between the West Sacramento mills and the San Francisco mills would require San Francisco millers to absorb "that much more" in competing with said West Sacramento millers.

Capitol Rice Mills and Rice Growers' Association of California, having rice mills at West Sacramento; Woodland Rice Company and Woodland Feed & Milling Company, operating rice mills and warehouses at Woodland; and the Sacramento Chamber of Commerce agreed with The River Lines, Rosenberg Bros. & Company and C. E. Grosjean Rice Mill Company with respect to the proposals of those companies dealing with the adoption of the Column A grain and grain products rates established in Decision No. 30640, supra, as the basic rate scale for the transportation of rice by highway carriers but did not advocate the modifications suggested by Rosenberg Bros. & Company and C. E. Grosjean Rice Mill Company. They requested that the rates of rail and vessel carriers for the transportation of whole grain in effect on June 1, 1938, be prescribed for the transportation of rice by such carriers and that such rates be authorized for application by highway carriers where they were lower than those resulting under the basic scale recommended to apply for the transportation of rice by such highway carriers. The traffic manager of the Sacramento Chamber of Commerce contended that there was no justification from a transportation standpoint for maintaining different rates on rice from those on whole grain and on the grain products ordinarily taking the whole grain rates. He stated that the transportation conditions and characteristics of rice were substantially the same as on grain and grain products; that these commodities could be loaded in rail cars and trucks to approximately the same weight;

that the values were comparable and that there was no essential difference in commercial and market competition as between those commodities.⁵ The witness contended that inasmuch as the movement of paddy rice was largely confined to northern California, and the movement of clean rice from northern California mills to points in southern California was under rates which he believed were proper for such transportation and necessary to meet competitive conditions in the industry, the order should be confined to points in northern California, leaving the present rates on clean rice to points in southern California undisturbed. He stated further that the present carload rail rates on clean rice to points in southern California had been adjusted to permit northern California rice millers to compete with Louisiana and Texas rice millers and that any increase over these rates would seriously affect the ability of the California millers to compete in those markets.

The representative of the California Farm Bureau Federation concurred in the proposals of the Sacramento rice millers and the Sacramento Chamber of Commerce. Truck Owners Association of California supported the proposal of the Sacramento rice millers generally, but joined in the proposal of the San Francisco millers relating to the use of the average distance between San Francisco and Oakland. The rail carriers presented no evidence.

The Column A rates set forth in Decision No. 30640, supra, for the transportation of whole grain and certain grain products were established following extensive hearings and were based, among other things, upon a comprehensive showing of the cost of performing the transportation involved by highway carriers. It has been adequately demonstrated on this record that the transportation

⁵ Exhibits submitted by this witness set forth a comparison of the weights per standard grain bag and the values of paddy rice, rice screenings, brewers' rice and clean rice with those of whole grain and numerous grain products to which the Column A grain and grain products rates hereinbefore referred to, apply.

characteristics, such as the form of shipment and type of package, volume of the commodity, weight, density, method of handling and general character of movement are essentially the same on rice and on grain and grain products taking Column A rates. The circumstances and conditions attending the transportation of rice by highway carriers do not appear to differ appreciably from those which the Commission considered in establishing minimum rates on grain and grain products. On this record the Column A rates prescribed for grain and grain products in Decision No. 30640, supra, should be adopted for application to the transportation of rice by highway carriers between all points in the state, these rates to alternate with existing rates of common carriers by rail and vessel. While it was suggested that the minimum rates established in these proceedings be confined to points in northern California covered by Decision No. 30370, supra, in which section of the state the principal movement of rice occurs, it seems desirable in the interest of providing a uniform rate level for all movements of rice that this scale be established for state-wide application.

In general, the rules and regulations established in connection with the Column A grain and grain products rates appear to be satisfactory for application on rice. With but minor modifications they will be adopted here. San Francisco and East Bay cities will be grouped as a single origin and destination territory in connection with shipments originating at or destined to points more than 70 miles distant therefrom. This conforms to the proposal of carrier and shipper organizations and to the basis employed by the Commission in connection with the establishment of general merchandise rates in Decision No. 31606, as amended, in Case No. 4246.

FINDINGS

Upon consideration of all the evidence of record, the Commission is of the opinion and finds:

1. That the rates, charges, accessorial charges, ratings, rules and regulations set forth or referred to in Appendix "A" of the order herein are and will be for the future the just, reasonable and nondiscriminatory minimum rates, charges and accessorial charges to be assessed, charged and collected, and the just, reasonable and nondiscriminatory minimum ratings, rules and regulations to be observed in applying such rates, charges and accessorial charges, by all radial highway common carriers and highway contract carriers.

2. That all radial highway common carriers and highway contract carriers should be required to assess, charge and collect, for the transportation or accessorial services to which said Appendix "A" of the order herein is applicable, rates, charges and accessorial charges no lower in volume or effect than those set forth or referred to in said Appendix, and to observe rules and regulations no lower in volume or effect than those set forth or referred to therein.

3. That the existing rates, charges, rules, regulations and accessorial charges maintained by highway common carriers for intrastate transportation within California, and for accessorial services incidental thereto, are and will for the future be unreasonable, insufficient and not justified by the actual competitive rates of competing carriers or by the cost of other means of transportation, insofar as they are lower in volume or effect than those set forth or referred to in Appendix "A" of the order herein for the

performance of the same transportation and the same accessorial services by radial highway common carriers and highway contract carriers.

4. That rates, charges, rules, regulations and accessorial charges no lower in volume or effect than those set forth or referred to in said Appendix "A" of the order herein will be "just, reasonable and sufficient" for highway common carriers, as this term is employed in the Public Utilities Act.

5. That all highway common carriers should be required to cancel all ratings, rates, charges, rules, regulations or accessorial charges lower in volume or effect than those set forth or referred to in said Appendix "A" of the order herein, and to establish in their stead ratings, rates, charges, rules, regulations and accessorial charges no lower in volume or effect than those therein set forth.

6. That this record does not show to what extent, if at all, existing ratings, rates, charges, rules, regulations or accessorial charges of common carriers, other than highway common carriers, are unreasonable, discriminatory, unjustified by transportation conditions or otherwise unlawful and that, therefore, none of such ratings, rates, charges, rules, regulations or accessorial charges should be required to be changed by the order herein.

7. That to the extent carriers affected by this order, other than those subject to the Public Utilities Act, may be deemed to be "transportation companies" within the meaning of Article XIII, Section 21 of the Constitution of California, they should be authorized to charge less for longer than for shorter distances, to the extent necessary to meet the rates of competitive forms of for-hire transport for the same transportation, under the terms and conditions and in the manner provided in said Appendix "A" of the order herein.

O R D E R

Public hearings having been held in the above entitled proceeding and based on the evidence received at the hearings and upon the conclusions and findings set forth in the preceding opinion, IT IS HEREBY ORDERED:

1. That the rates, charges, accessorial charges, rules and regulations set forth or referred to in Appendix "A", which by this reference is incorporated in and made a part of this order, be and they are hereby established and approved effective ten (10) days after the effective date hereof as the just, reasonable and nondiscriminatory minimum rates, charges and accessorial charges to be assessed, charged and collected and the rules and regulations to be observed by any and all radial highway common carriers and highway contract carriers, as defined in the Highway Carriers' Act, for the transportation of the commodities and between the points for which rates and charges are provided in said Appendix "A" hereto, and for accessorial services rendered incident thereto.

2. That all radial highway common carriers and highway contract carriers, as defined in the Highway Carriers' Act, be and they are hereby ordered and directed to cease and desist ten (10) days after the effective date of this order, and thereafter abstain from assessing, charging or collecting rates, charges or accessorial charges lower in volume or effect than those set forth or referred to in said Appendix "A" hereto, and from observing ratings, rules or regulations lower in volume or effect than those set forth or referred to therein.

3. That all highway common carriers maintaining ratings, rates,

charges, rules or regulations found by Finding No. 3 in the preceding opinion to be unreasonable, insufficient and not justified by the actual competitive rates of competing carriers or by the cost of other means of transportation, be and they are hereby ordered and directed to cancel said ratings, rates, charges, rules and regulations on or before ten (10) days after the effective date of this order on not less than three (3) days' notice to the Commission and to the public, and to establish in their stead ratings, rates, charges, rules and regulations no lower in volume or effect than those found reasonable or sufficient or justified in the opinion preceding this order.

4. That all highway common carriers, as defined in the Public Utilities Act, be and they are hereby ordered and directed to cease and desist ten (10) days after the effective date of this order and thereafter abstain from publishing or maintaining in their tariffs rates, charges, accessorial charges, rules or regulations lower in volume or effect than those found reasonable and sufficient or justified in the opinion preceding this order.

5. That all carriers who may be deemed to be transportation companies, as that term is employed in Article XII, Section 21 of the Constitution of California, other than carriers subject to the Public Utilities Act, be and they are hereby authorized to charge less for longer than for shorter distances, to the extent necessary to meet the rates of competitive forms of for-hire transport for the same transportation, under the terms and conditions and in the manner provided in said Appendix "A" of the order herein.

6. That all highway common carriers, radial highway common carriers and highway contract carriers be and they are and each of

them is hereby ordered and directed to issue a shipping document (either in individual or manifest form) for each shipment received for transportation, showing thereon the names of the shipper and consignee, the point of origin and point of destination of the shipment, a description of the commodity shipped, a statement of the weight of the shipment (or other factor or measurement upon which charges are based), a statement of the rate assessed and the charges collected, and a statement of such other information as may be necessary to an accurate determination of the minimum rate and charge applicable under the order herein; and shall retain and preserve a copy of said shipping document, subject to the Commission's inspection, for a period of not less than three (3) years from the date of its issuance; and that the form of shipping document set forth in Appendix "B" hereto will be suitable and proper.

7. That the Commission shall have and it does hereby retain jurisdiction of this proceeding for the purpose of altering or amending the rates, charges, rules and regulations hereby established or prescribed, and for the purpose of establishing or approving such other just, reasonable and nondiscriminatory maximum or minimum or maximum and minimum rates, charges, classifications, rules and regulations to be charged, collected and observed by radial highway common carriers, highway contract carriers and common carriers, both for transportation service hereinabove described and for such other transportation and accessorial service as may from time to time appear proper in the light of other or further evidence received herein and for the purpose of establishing and prescribing such rates as will provide an equality of transportation rates for the

transportation of the articles and commodities here involved
between all competing agencies of transportation.

The effective date of this order shall be twenty-five
(25) days from the date hereof.

Dated at San Francisco, California, this 19th day
of September, 1939.

Robert W. Brown
Ernest R. Brown
Ray A. Rice
H. H. Hall
Justin J. Casner
Commissioners.

ITEM NO. 5 - EXPLANATION OF TECHNICAL TERMS

1. POINT OF ORIGIN means the precise location at which property is physically delivered by the consignor or his agent into the custody of the carrier for transportation.

2. POINT OF DESTINATION means the precise location at which property is tendered for physical delivery into the custody of the consignee or his agent.

3. SHIPMENT means a quantity of freight tendered by one shipper on one shipping document at one point of origin at one time for one consignee at one point of destination. (See Items Nos. 65 and 70 for exception.)

4. ESTABLISHED DEPOT means a freight terminal owned or leased and maintained by a carrier for the receipt and delivery of shipments.

4. RAILHEAD means a point at which facilities are maintained for the loading of property into or upon, or the unloading of property from, rail cars or vessels. It also includes truck loading facilities of plants or industries located at such rail or vessel loading or unloading point.

6. COMMON CARRIER RATE means any intrastate rate or rates of any common carrier or common carriers as defined in the Public Utilities Act, lawfully on file with the Commission and in effect at time of shipment.

7. RATE includes charge and, also, the ratings, minimum weight, rules, regulations governing and the accessorial charges applying in connection therewith.

8. SAME TRANSPORTATION means transportation of the same kind and quantity of property, subject to the same limitations, conditions and privileges, although not necessarily in an identical type of equipment.

9. CARRIER'S EQUIPMENT means any motor truck or other self-propelled highway vehicle, trailer, semi-trailer, or any combination of such highway vehicles operated by the carrier.

10. TAILGATE LOADING means loading of the shipment into or upon carrier's equipment from a point not more than 25 feet distant from said equipment.

11. TAILGATE UNLOADING means unloading of the shipment from carrier's equipment and placing it at a point not more than 25 feet distant from said equipment.

12. TANK TRACK means a point at which property may be loaded into, or upon, or unloaded from rail cars by the public generally. It also includes wharves, docks and landings at which the public generally may receive and tender shipments of property from and to common carriers by vessel.

ITEM NO. 10 - APPLICATION OF RATES - CARRIERS

Rates provided in this Appendix are minimum rates, established pursuant to the Highway Carriers' Act and apply for transportation of commodities described in Item No. 20, by radial highway common carriers and highway contract carriers, as defined in said Act.

When property in continuous through movement is transported by two or more radial highway common carriers or highway contract carriers, the rates provided herein shall be the minimum rates for the combined transportation.

ITEM NO. 15 - APPLICATION OF RATES - TERRITORIAL

Rates provided in this Appendix apply between any and all points within the State of California, subject to Note 1.

NOTE 1.-Rates provided in this Appendix do not apply for the transportation of

- (1) Shipments having point of origin in Alameda, Albany, Berkeley, Emeryville, Oakland or Piedmont, and point of destination in another of those cities;
- (2) Shipments between San Francisco and South San Francisco;
- (3) Shipments having point of origin in San Diego, Chula Vista, Coronado or National City, and point of destination in another of those cities;
- (4) Shipments having both point of origin and point of destination within that portion of Los Angeles County within which rates are provided in Decision No. 31473, as amended, in Case No. 4121.

ITEM NO. 20 - APPLICATION OF RATES - COMMODITIES

Rates provided in this Appendix apply for transportation of the following commodities:

Rice, viz.:

Brewers'

Cleaned, whole or broken (including rice screenings)

Paddy (Rough)

ITEM NO. 25 - SHIPMENTS TO BE RATED SEPARATELY

Each shipment shall be rated separately. Shipments shall not be consolidated or combined, except as authorized in Item No. 65 or Item No. 70.

ITEM NO. 30 - GROSS WEIGHT

Charges shall be assessed on the gross weight of the shipment. No allowance shall be made for the weight of containers.

ITEM NO. 35 - RATES BASED ON VARYING MINIMUM WEIGHTS

When the charges accruing on a shipment based upon actual weight exceed the charges computed upon a rate based upon a greater minimum weight, the latter will apply.

ITEM NO. 40 - COMPUTATION OF DISTANCES

Distances shall be computed in accordance with Decision No. 31605 dated December 27, 1938, as amended, in Case No. 4088, Part "N", Case No. 4145 and Case No. 4246, subject to the following exceptions:

- (a) For transportation between points lying within the Imperial Valley Irrigation District on the one hand and points lying without such district on the other hand, distances shall be those computed in accordance with said Decision No. 31605 from or to the city of Imperial.

(Continued)

APPENDIX "A"
NAMING MINIMUM RATES FOR RADIAL
HIGHWAY COMMON CARRIERS AND
HIGHWAY CONTRACT CARRIERS
FOR THE TRANSPORTATION OF
RICE
AS DESCRIBED HEREIN
BETWEEN POINTS IN CALIFORNIA

ITEM NO. 40 - COMPUTATION OF DISTANCES (Concluded)

(b) From points of origin or to points of destination more than 70 miles distant from both the San Francisco and the Oakland pick-up and delivery zones (computed in accordance with the method hereinabove provided), distances from or to points located within the San Francisco pick-up and delivery zone or located within the Oakland pick-up and delivery zone shall be the average of the distances from or to the San Francisco pick-up and delivery zone and the Oakland pick-up and delivery zone (computed in accordance with the method hereinabove provided). In the event such average distance is less than the distance computed from or to an intermediate point via the shortest constructive route, such lesser mileage shall apply from or to such intermediate point.

ITEM NO. 45 - DEMORRAGE

When the time consumed at point of origin or point of destination in performing loading, unloading or accessorial services exceeds 20 minutes per ton or fraction thereof, a charge of \$2.00 per hour shall be assessed for the time consumed in excess of 20 minutes per ton.

When carriers furnish helpers in addition to the driver and one helper to perform loading, unloading or other accessorial services, such helpers shall be charged for on the basis of \$1.00 per hour for each helper furnished, minimum additional charge \$.50 per helper in excess of one.

ITEM NO. 50 - MIXED SHIPMENTS

When one or more commodities not described in Item No. 20 are included in a shipment with commodities described in said item, the weight of such contraband articles may be used to make up the minimum weight established for commodities in said item, provided that rates no lower than the minimum rates established by the Commission for the transportation of such contraband articles in a separate shipment, or, if no minimum rates have been established, then no lower than the minimum rates provided by this Appendix for the transportation of the commodities in the shipment described in Item No. 20 be assessed on such contraband articles.

ITEM NO. 55 - PREMIUMS AND ADVERTISING MATTER

(a) The rates on articles in packages containing premiums shall be 110% of the rates applicable to the same articles without premiums.

(b) Advertising matter, not to exceed 5 per cent of the gross weight of the shipment, may be included at the rate applicable to the lowest rated article in the shipment.

ITEM NO. 60 - MINIMUM CHARGE

The minimum charge in connection with rates in this Appendix shall be the charge for 100 pounds at the rate applicable, but not less than the following:

<u>Weight of Shipment</u>	<u>Charge</u> <u>(In cents)</u>
25 pounds or less	40
Over 25 pounds but not over 50 pounds	50
Over 50 pounds but not over 75 pounds	60
Over 75 pounds but not over 100 pounds	70
Over 100 pounds	75

ITEM NO. 65 - SPLIT PICK-UP

A shipment may consist of several component parts picked up during one day and transported under one bill of lading or shipping document from (a) one consignor at more than one point of origin, or (b) more than one consignor at one or more points of origin, subject to the following conditions:

- (1) The composite shipment shall be shipped to one consignee at one time to one point of destination.
- (2) Charges shall be paid by the consignee.
- (3) The composite shipment shall weigh (or transportation charges shall be computed on) not less than 4,000 pounds.
- (4) The charge for the composite shipment shall be the charge applicable for transportation of a single shipment of the same kind and quantity of property for the distance from the first point of origin to point of destination, using the shortest constructive highway route via the several points of origin plus the additional charges provided in paragraph (5). If all component parts are picked up at points taking the same rates within the corporate limits of a single incorporated city, the charges provided in paragraph (5) shall be in addition to the rate applicable from points within such city.
- (5) An additional charge of 1 cent per 100 pounds, minimum 25 cents per pick-up in excess of one, shall be assessed.
- (6) Prior to the first pick-up the carrier shall be furnished with manifest or written shipping instructions showing the name of each consignor, the point of origin and the kind and quantity of property in each component part.
- (7) No shipment shall be accorded both split pick-up and split delivery.

ITEM NO. 70 - SPLIT DELIVERY

A shipment may consist of several component parts delivered to (a) one consignee at more than one point of destination, or (b) more than one consignee at one or more points of destination, subject to the following conditions:

- (1) The composite shipment shall be shipped by one consignor at one time from one point of origin.
- (2) Charges shall be paid by the shipper.
- (3) The composite shipment shall weigh (or transportation charges shall be computed on) not less than 4,000 pounds.
- (4) The charge for the composite shipment shall be the charge applicable for transportation of a single shipment of the same kind and quantity of property for the distance from point of origin to last point of destination, using the shortest constructive highway route via the several points of destination, plus the additional charges provided in paragraph (5). If all component parts are delivered to points taking the same rates within the corporate limits of a single incorporated city, the charges provided in paragraph (5) shall be in addition to the rate applicable to points within such city.
- (5) An additional charge of 1 cent per 100 pounds, minimum 25 cents per delivery in excess of one, shall be assessed.
- (6) At time of tender of shipment carrier shall issue a single bill of lading or shipping document for the composite shipment, and be furnished with manifest or written delivery instructions showing the name of each consignee, the point of destination, and the kind and quantity of property in each component part.
- (7) No shipment shall be accorded both split pick-up and split delivery.

ITEM NO. 75 - PICK-UPS FOLLOWING HARVESTERS

When commodities for which rates are provided in this appendix are picked up from several points in one field, at which points they have theretofore been deposited by the harvester, the point of origin will be deemed to be the point at which the load is completed. A charge of \$2.00 per hour shall be assessed for the aggregate time in excess of 20 minutes per ton consumed in performing such pick-ups.

ITEM NO. 80 - COLLECT ON DELIVERY SHIPMENTS

(a) In the handling of C.O.D. shipments carrier shall, immediately upon collection of any and all moneys, and in no event later than ten (10) days after delivery to the consignee, unless consignor, in writing, instructs otherwise, remit to consignor all moneys collected by it on such shipment.

(b) The charges for collecting and remitting the amount of C.O.D. bills collected on C.O.D. shipments shall be as follows:

When the amount collected is	Charge for Collecting and Remitting will be
Not over \$2.50	\$0.18
Over \$2.50 not over \$5.00 .....	.20
Over 5.00 not over 10.00 .....	.28
Over 10.00 not over 20.00 .....	.30
Over 20.00 not over 25.00 .....	.32
Over 25.00 not over 40.00 .....	.37
Over 40.00 not over 50.00 .....	.40
Over 50.00 not over 60.00 .....	.50
Over 60.00 not over 80.00 .....	.52
Over 80.00 not over 100.00 .....	.54
Over 100.00 not over 102.50 .....	.68
Over 102.50 not over 105.00 .....	.70
Over 105.00 not over 110.00 .....	.73
Over 110.00 not over 120.00 .....	.75
Over 120.00 not over 140.00 .....	.77
Over 140.00 not over 150.00 .....	.80
Over 150.00 not over 160.00 .....	.85
Over 160.00 not over 180.00 .....	.87
Over 180.00 not over 200.00 .....	.89
Over 200.00 not over 250.00	1.00
Over 250.00 not over 300.00	1.15
Over 300.00 not over 350.00	1.30
Over 350.00 not over 400.00	1.45
Over 400.00 not over 450.00	1.60
Over 450.00 not over 500.00	1.75
Over 500.00 not over 550.00	1.90
Over 550.00 not over 600.00	2.05
Over 600.00 not over 650.00	2.20
Over 650.00 not over 700.00	2.35
Over 700.00 not over 750.00	2.50
Over 750.00 not over 800.00	2.65
Over 800.00 not over 850.00	2.80
Over 850.00 not over 900.00	2.95
Over 900.00 not over 950.00	3.10
Over 950.00 not over 1000.00	3.25
Over 1000.00 at rate of \$3.25 per \$1,000.00	

ITEM NO. 85 - ALTERNATIVE APPLICATION OF COMMON CARRIER RATES

Rates in this appendix shall alternate with the lowest common carrier rates for the same transportation between the same points of origin and destination or between the same railheads. (See Note)

NOTE: Highway carriers maintaining established depots may apply, for transportation between such depots, or to or from such depots, as the case may be, the common carrier rates applying between common carrier depots or team tracks or to or from common carrier depots or team tracks in the same cities or towns.

ITEM NO. 90 - ALTERNATIVE APPLICATION OF COMBINATIONS WITH COMMON CARRIER RATES

Rates in this appendix may be used in combination with the lowest common carrier rates for the same transportation, as follows: (See Notes 1 and 2.)

- (1) When point of origin is located beyond railhead, team track or established depot of a common carrier, add to the common carrier rate used the rate provided in Item No. 105 for the distance from point of origin to the team track or established depot from which such common carrier rate applies.
- (2) When point of destination is located beyond railhead, team track or established depot of a common carrier, add to the common carrier rate used the rate provided in Item No. 105 for the distance from the team track or established depot to which such common carrier rate applies to point of destination.
- (3) When both point of origin and point of destination are located beyond railhead, team track or established depot of a common carrier, add to the common carrier rate used the rate provided in Item No. 105 for the distance from point of origin to the team track or established depot from which such common carrier rate applies, plus the rate provided in Item No. 105 for the distance from the team track or established depot to which such common carrier rate applies to point of destination.

NOTE 1.-If the route from point of origin to the team track or established depot or from the team track or established depot to point of destination is within the corporate limits of a single incorporated city, the distance to or from such team track or established depot will be considered as not to exceed 3 miles.

NOTE 2.-When rates have been established for transportation by Carriers (as defined in the City Carriers' Act, Chapter 312, Statutes of 1935, as amended) from point of origin to the team track or established depot or from the team track or established depot to point of destination, such rates may be added in lieu of the rates provided in this appendix.

ITEM NO. 95 - ACCESSORIAL SERVICES NOT INCLUDED IN COMMON CARRIER RATES

In the event under the provisions of Items Nos. 85 and 90, a rate of a common carrier is used in constructing a rate for highway transportation, and such rate does not include accessorial services performed by the highway carrier, the following charges for such accessorial services shall be added:

- (1) For tailgate loading or tailgate unloading - no additional charge.
- (2) For loading or unloading other than tailgate loading or tailgate unloading - 2 cents per 100 pounds.
- (3) For C.O.D. service - Basis provided in Item No. 80.
- (4) For other accessorial services - an additional charge of \$1.00 per man per hour shall be assessed.

ITEM NO. 100 - SPLIT DELIVERY UNDER RATES CONSTRUCTED BY USE OF COMBINATIONS WITH COMMON CARRIER RATES

Charges on shipments consisting of several component parts delivered to (a) one consignee at more than one point of destination, or (b) more than one consignee at one or more points of destination, may be computed by use of combinations with common carrier rates, as follows:

- (1) Compute the charge applicable under Item No. 85 or Item No. 90 for the weight of the composite shipment from point of origin to any team track.
- (2) Add to such charge the charges provided in Item No. 105 for a split delivery shipment (See Item No. 70) from the team track to which the common carrier rate used applies to the point of destination or points of destination of the several component parts (or for separate shipments of each component part, whichever is lower). (See Note.)

NOTE.-If the point of destination of any component part is within the limits of an incorporated city within which the team track is located, and no rate for transportation from the team track to such point of destination is provided in this tariff, the rates provided in Item No. 105 for transportation for distances of 3 miles or less, or rates established for transportation by carriers as defined in the City Carriers' Act (Chapter 312, Statutes of 1935, as amended), whichever are the lower, shall apply from such team track to such point of destination.

ITEM NO. 105 - RATES (In Cents per 100 Pounds)

<u>MILES</u>		Any Quantity	Minimum Weight 2,000 Pounds	Minimum Weight 4,000 Pounds	Minimum Weight 10,000 Pounds (1)	Minimum Weight 20,000 Pounds (1)	Minimum Weight 30,000 Pounds (1)
Over	But not Over						
0	3	22	17	14	4 $\frac{1}{2}$	3 $\frac{1}{2}$	3
3	5	22	17	14	5 $\frac{1}{2}$	4 $\frac{1}{2}$	4
5	10	23	18	14	6	5	4 $\frac{1}{2}$
10	15	24	19	15	6 $\frac{1}{2}$	5 $\frac{1}{2}$	4 $\frac{1}{2}$
15	20	26	20	16	7	5 $\frac{1}{2}$	4 $\frac{1}{2}$
20	25	26	22	16	8	5 $\frac{1}{2}$	5
25	30	27	22	17	8 $\frac{1}{2}$	5 $\frac{1}{2}$	5
30	35	27	23	18	9	6	5 $\frac{1}{2}$
35	40	29	25	18	10	6	5 $\frac{1}{2}$
40	45	30	26	18	10 $\frac{1}{2}$	6 $\frac{1}{2}$	5 $\frac{1}{2}$
45	50	31	27	19	11	6 $\frac{1}{2}$	5 $\frac{1}{2}$
50	60	32	29	20	12	7	6
60	70	33	31	22	13 $\frac{1}{2}$	8	7
70	80	34	34	22	15	9	8
80	90	35	--	23	16	10	8 $\frac{1}{2}$
90	100	37	--	25	17	11	9 $\frac{1}{2}$
100	110	38	--	26	18	12	11
110	120	38	--	27	19	13	11 $\frac{1}{2}$
120	130	40	--	28	20 $\frac{1}{2}$	14	12
130	140	41	--	29	21 $\frac{1}{2}$	15	12 $\frac{1}{2}$
140	150	42	--	30	22 $\frac{1}{2}$	16	13 $\frac{1}{2}$
150	160	43	--	31	23 $\frac{1}{2}$	17	14 $\frac{1}{2}$
160	170	44	--	33	24 $\frac{1}{2}$	17 $\frac{1}{2}$	15 $\frac{1}{2}$
170	180	46	--	34	25 $\frac{1}{2}$	18	16
180	190	46	--	34	26 $\frac{1}{2}$	19	17
190	200	48	--	36	28	19 $\frac{1}{2}$	17 $\frac{1}{2}$
200	220	50	--	38	29 $\frac{1}{2}$	21	19
220	240	52	--	40	31 $\frac{1}{2}$	23	20 $\frac{1}{2}$
240	260	54	--	42	33 $\frac{1}{2}$	24 $\frac{1}{2}$	22 $\frac{1}{2}$
260	280	57	--	45	36	26	24
280	300	59	--	47	38	28	25 $\frac{1}{2}$
300	325	61	--	50	40 $\frac{1}{2}$	30	27 $\frac{1}{2}$
325	350	63	--	52	43	32	29 $\frac{1}{2}$
350	375	66	--	54	45 $\frac{1}{2}$	34 $\frac{1}{2}$	31 $\frac{1}{2}$
375	400	68	--	56	48	36 $\frac{1}{2}$	33
400	425	70	--	58	51	38 $\frac{1}{2}$	34 $\frac{1}{2}$
425	450	72	--	61	53 $\frac{1}{2}$	40 $\frac{1}{2}$	36 $\frac{1}{2}$
450	475	74	--	62	56	42 $\frac{1}{2}$	38
475	500	77	--	65	58 $\frac{1}{2}$	45	39 $\frac{1}{2}$
500	525	79	--	67	63 $\frac{1}{2}$	47	42 $\frac{1}{2}$
525	550	82	--	70	66	49	43
550	575	83	--	72	68	51	44 $\frac{1}{2}$
575	600	86	--	74	70	53	46 $\frac{1}{2}$
600	625	88	--	76	72	55	48
625	650	90	--	78	74	57 $\frac{1}{2}$	49 $\frac{1}{2}$
650	675	93	--	81	77	59 $\frac{1}{2}$	51 $\frac{1}{2}$
675	700	94	--	83	79 $\frac{1}{2}$	61 $\frac{1}{2}$	53

(1) - EXCEPTION TO RATES: For transportation within the Imperial Valley Irrigation District for distances of 10 miles or less, or for distances of more than 10 miles when movement is to a team track or to an established depot, the rates shall be as follows:

<u>Rates in Cents per 100 Pounds</u>	<u>Minimum Weight</u>
5	10,000 Pounds
4	20,000 Pounds
3 $\frac{1}{2}$	30,000 Pounds

