

Decision No. 32469

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 common carriers as defined in)
the Public Utilities Act of the State)
of California, as amended, and all)
highway carriers as defined in Chapter)
223, Statutes of 1935, as amended, for)
the transportation, for compensation)
or hire, of any and all commodities.)

Case No. 4246

BY THE COMMISSION:

EIGHTH SUPPLEMENTAL OPINION AND ORDER

By Decision No. 31606, as amended, in the above entitled proceeding, minimum rates were established for transportation of property within California by common carriers, radial highway common carriers and highway contract carriers. The following petitions have since been filed by various respondents, seeking exemption from or modification of said decision. It appears that they involve matters which can be disposed of without a public hearing.

Carrier Exemptions

William C. Colberg and Henry J. Colberg, copartners, doing business as Central Transit Company; John J. Davison, an individual; Redding-Alturas And Lakeview Stages; and Frank Wood, an individual, doing business as Reno-Calpine-Loyalton Stage Line; passenger stage corporations operating in northern California, seek exemption from the provisions of Decision No. 31606, supra, as amended, as to shipments weighing 100 pounds or less. In general, these carriers allege that they transport property only in small shipments on passenger stage equipment as an accommodation service; that their operations

are not essentially different from those of other stage corporations already exempted as to shipments weighing 100 pounds or less; and that they are not competitive to any appreciable extent with those of other carriers. Under the circumstances and conditions shown, the exemptions sought appear justified and will be granted.

Exemption of Sea Shells and Shell Marl

Western Lime Products Co., and Taylor Milling Company request that crushed, ground, powdered or disintegrated sea shells and shell marl be exempted from the application of the minimum rates, rules and regulations established by Decision No. 31606, supra, as amended. It is alleged that these commodities are used principally as fertilizer and are sold in competition with fertilizers already exempt from the established minimum rates;¹ that their value is approximately the same as the values of such other fertilizers; that petitioners' consumers are resorting to the use of other fertilizers in preference to sea shells and shell marl by reason of the lesser transportation charges obtainable upon exempted fertilizers; and that petitioners will sustain losses on their present contracts of sale if exemption of the described commodities is not granted promptly.

Temporary exclusion of sea shells and shell marl from the application of the minimum rates, rules and regulations appears justified for the reasons stated by petitioners. The petition will be granted.

Alternative Application of Class Rates on Rice

Item 40 series of Appendix "D" to Decision No. 31606, supra, as amended, names rice as a commodity to which the rates contained in the appendix will not apply. By Decision No. 32319 of September 19,

¹ Fertilizers, as described in Items Nos. 535, 540 and 550 series of Pacific Freight Tariff Bureau Exception Sheet No. 1-P, C.R.C. No. 597, (L. F. Potter Series) of J. P. Haynes, Agent, are now excluded from the application of the minimum rates, rules and regulations established in this proceeding.

1939, in Cases Nos. 4088, Part "Z" and 4145, Part "L", minimum rates were established for the transportation of this commodity. It appears, therefore, that the exemption in said Item 40 should be modified to permit application of the class rates where they produce lower charges for the transportation of grain than would accrue under the commodity rates. This modification will be made.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that the following carriers be and they are hereby added to the list of carriers shown in Finding No. 14(c) of Decision No. 31606, as amended, in the above entitled proceeding:

William C. Colberg and Henry J. Colberg, copartners, doing business as Central Transit Company;
John J. Davison, an individual;
Frank Wood, an individual, doing business as Reno-Calpine-Loyalton Stage Line;
Redding-Alturas And Lakeview Stages.

IT IS HEREBY FURTHER ORDERED that Highway Carriers' Tariff No. 2 (Appendix "D" of said Decision No. 31606), as amended, be and it is hereby further amended by substituting for the corresponding pages now contained therein the revised pages attached hereto and by this reference made a part hereof, which pages are numbered as follows:

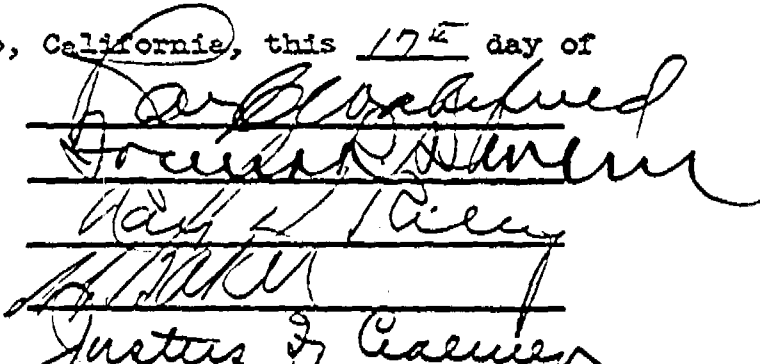
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In all other respects said Decision No. 31606, as amended, shall remain in full force and effect.

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

Dated at San Francisco, California, this 17th day of October, 1939.



Justus J. Casner
Commissioners.

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HIGHWAY CARRIERS' TARIFF NO. 2

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)		
<p>40-E Cancels 40-C and 40-D</p>	<p style="text-align: center;">APPLICATION OF TARIFF - COMMODITIES (Items Nos. 40 and 41 series)</p> <p>Rates in this tariff apply for the transportation of all commodities, except the following:</p> <table border="0"> <tr> <td style="vertical-align: top;"> <p>Accessories, motion picture, Automobiles, set up, Baggage, Butter, dairy, Buttermilk, liquid (Subject to Note 2), Carriers (used packages), empty, returning or forwarded for return loads (Subject to Note 1), Cement, portland (building), Cement Clinker, Cheese (including cottage cheese and pot cheese), Commodities transported in bulk in tank trucks, tank trailers, tank semi-trailers or a combination of such highway vehicles, Cotton, Cream (Subject to Note 2), Directories, telephone, Eggs (other than shelled, desiccated or frozen), Fertilizers, as described in Items Nos. 535, 540 and 550 series of the Exception Sheet, Film, motion picture, Fodder, bean, cane, corn or pea (Subject to Note 3), Fruit, dried, unmanufactured and unprocessed (Subject to Note 7), Fruit, fresh (Subject to Note 4), Fungicides, agricultural, Grain, Grain Products and Related Articles (Subject to Note 5), Hay (Subject to Note 3), Hops, Ice Cream Mix, unflavored, Insecticides, agricultural, Leavos, dried cactus (Subject to Note 3), Live stock, Logs (wood), Margarine,</p> </td> <td style="vertical-align: top;"> <p>Milk, liquid (Subject to Note 2), Newspapers, Nuts, edible, in the shell, *** Pits, fruit, Poultry, live or dressed, (2) Rice, viz.: Clean Rice, Paddy Rice, and Brewers' Rice * (Subject to Note 8), Sand, Rock, Gravel, Road Building Material, Excavated Material, Building Materials, Asphaltic Concrete, Decomposed Granite and Stabilizing Materials when transported in dump trucks, Screenings, rice, (1) * Sea Shells, crushed, ground, powdered or disintegrated, Seed, Cotton, Seeds, field, (1) * Shell Marl, crushed, ground or powdered, Straw (Subject to Note 3), Sulphur, Used Property, uncrated, viz.: household goods, personal effects, furniture, musical instruments, radios, and office and store fixtures and equipment, as described in and for which rates are provided in Decision No. 29891 of June 28, 1937, as amended in Case No. 4086, Vegetables, fresh, Vegetables, dried, viz.: Beans, Lentils, Onions, Peas, Pepper Pods, Voting Booths, Ballot Boxes, Election Tents and Election Supplies, when transported from or to polling places.</p> </td> </tr> </table> <p style="text-align: right;">(Continued in Item No. 41 series)</p>	<p>Accessories, motion picture, Automobiles, set up, Baggage, Butter, dairy, Buttermilk, liquid (Subject to Note 2), Carriers (used packages), empty, returning or forwarded for return loads (Subject to Note 1), Cement, portland (building), Cement Clinker, Cheese (including cottage cheese and pot cheese), Commodities transported in bulk in tank trucks, tank trailers, tank semi-trailers or a combination of such highway vehicles, Cotton, Cream (Subject to Note 2), Directories, telephone, Eggs (other than shelled, desiccated or frozen), Fertilizers, as described in Items Nos. 535, 540 and 550 series of the Exception Sheet, Film, motion picture, Fodder, bean, cane, corn or pea (Subject to Note 3), Fruit, dried, unmanufactured and unprocessed (Subject to Note 7), Fruit, fresh (Subject to Note 4), Fungicides, agricultural, Grain, Grain Products and Related Articles (Subject to Note 5), Hay (Subject to Note 3), Hops, Ice Cream Mix, unflavored, Insecticides, agricultural, Leavos, dried cactus (Subject to Note 3), Live stock, Logs (wood), Margarine,</p>	<p>Milk, liquid (Subject to Note 2), Newspapers, Nuts, edible, in the shell, *** Pits, fruit, Poultry, live or dressed, (2) Rice, viz.: Clean Rice, Paddy Rice, and Brewers' Rice * (Subject to Note 8), Sand, Rock, Gravel, Road Building Material, Excavated Material, Building Materials, Asphaltic Concrete, Decomposed Granite and Stabilizing Materials when transported in dump trucks, Screenings, rice, (1) * Sea Shells, crushed, ground, powdered or disintegrated, Seed, Cotton, Seeds, field, (1) * Shell Marl, crushed, ground or powdered, Straw (Subject to Note 3), Sulphur, Used Property, uncrated, viz.: household goods, personal effects, furniture, musical instruments, radios, and office and store fixtures and equipment, as described in and for which rates are provided in Decision No. 29891 of June 28, 1937, as amended in Case No. 4086, Vegetables, fresh, Vegetables, dried, viz.: Beans, Lentils, Onions, Peas, Pepper Pods, Voting Booths, Ballot Boxes, Election Tents and Election Supplies, when transported from or to polling places.</p>
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<p>*** Reference to Petroleum or Petroleum Products eliminated, Decision No. 32425.</p>			
<p>(1) * Reduction, effective October 17, 1939) Decision No.</p>			
<p>(2) * Reduction, effective October 24, 1939)</p>			
<p>EFFECTIVE NOVEMBER 18, 1939 (Except as noted)</p>			
<p>Issued by The Railroad Commission of the State of California, San Francisco, California.</p>			

Correction No. 58

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HIGHWAY CARRIERS' TARIFF NO. 2

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)
	<p style="text-align: center;">APPLICATION OF TARIFF - COMMODITIES (Concluded) (Items Nos. 40 and 41 series)</p> <p>NOTE 1.-Includes only used empty carriers which are returning from an outbound paying load of traffic for which rates are not provided in this tariff, or which are being forwarded for a return paying load of traffic for which rates are not provided in this tariff (subject to Rule No. 130 of the Exception Sheet). Rates in this tariff will apply on empty returning pear containers for which rates are provided in Decision No. 29618 of March 22, 1937, as amended in Case No. 4088, Part "D", to the extent that rates in this tariff are lower than those provided in said decision.</p> <p>NOTE 2.-Exemption applies only when commodities flagged subject to this note are shipped in milk shipping cans, in bottles in cases or crates, or in bulk in tanks.</p> <p>NOTE 3.-Rates in this tariff apply on commodities flagged subject to this note to the extent they are lower than rates provided in Decision No. 30848 of May 9, 1938, as amended, in Case No. 4293.</p> <p>NOTE 4.-Rates in this tariff will apply on fresh pears, to the extent they are lower than rates provided in Decision No. 29618 of March 22, 1937, as amended, in Case No. 4088, Part "D".</p> <p>NOTE 5.-Exemption applies on grain, grain products and related articles, as described in Decision No. 30640 of February 14, 1938, as amended, in Case No. 4088, Part "F". Rates in this tariff will apply on said commodities to the extent they are lower than rates provided in said decision, as amended.</p> <p>NOTE 6.- ***</p> <p>NOTE 7.-Exemption applies only as to dried fruit in its natural state and which has not been cleaned, washed, stemmed or otherwise prepared or partially prepared for human consumption.</p> <p>NOTE 8.-Rates in this tariff apply on commodities flagged subject to this note to the extent they are lower than rates provided in Decision No. 32319 of September 19, 1939, as amended, in Case No. 4088, Part "Z".</p>
<p>41-B Cancels 41-A and 41</p>	<p>*** Eliminated, Decision No. 32425 ↓ Reduction, effective October 24, 1939, Decision No.</p>
<p>EFFECTIVE NOVEMBER 18, 1939 (Except as noted)</p>	
<p style="text-align: center;">Issued by The Railroad Commission of the State of California, San Francisco, California.</p> <p>Correction No. 59</p>	