

ORIGINAL

Decision No. 32608

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:

SUPPLEMENTAL OPINION AND ORDER

By Decision No. 32220, in Cases Nos. 4079, 4191, 4249 and 4250, minimum rates, rules and regulations were established for transportation of petroleum and petroleum products in bulk in tank truck equipment, by highway and city carriers. Subsequently, these rates were reestablished in the Commission's tariff designated as City Carriers' Tariff No. 5 and Highway Carriers' Tariff No. 6 (Appendix "C" of Decision No. 32608, in Cases Nos. 4246 and 4434). It has come to the Commission's attention that in publishing the aforesaid rates in tariff form, Item 90-B of Highway Carriers' Tariff No. 2 (Appendix "D" of Decision No. 31606, as amended, in Case No. 4246) was inadvertently allowed to become applicable to shipments consisting partly of petroleum or petroleum products in bulk in tank truck equipment and partly of commodities in packages.

<sup>1</sup>  
The item referred to provides, among other things, that mixed shipments of commodities for which rates are provided in Highway Carriers' Tariff No. 2, with commodities for which rates are provided in other tariffs of the Commission, may be charged for as though all of the commodities were subject to the former tariff.

The minimum rates established for bulk shipments of petroleum and petroleum products were based upon a specific record which did not indicate a need for a rule authorizing mixed shipments of bulk and packaged goods. Moreover, the rates applicable to mixed shipments under the present rule are generally lower than those found reasonable for straight shipments of bulk petroleum products. Under these circumstances, it appears that Highway Carriers' Tariff No. 2 should be amended to provide that the mixed shipment rule therein contained will not apply to shipments containing petroleum or petroleum products in bulk in tank truck equipment.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that Decision No. 31606 of December 27, 1938, as amended, in the above entitled proceeding, be and it is hereby further amended by substituting in Highway Carriers' Tariff No. 2 (Appendix "D" of said decision) Third Revised Page 17, which is attached hereto and by this reference made a part hereof, in the place and stead of Second Revised Page 17.

IT IS HEREBY FURTHER ORDERED that in all other respects said Decision No. 31606, as amended, shall remain in full force and effect.

This order shall become effective ten (10) days after the date hereof.

Dated at San Francisco, California, this 23<sup>d</sup> day of April, 1940.

Ray L. Riley  
Stanley R. Hewins  
Robert W. ...  
Justice F. Craven  
Commissioners

Item No.	SECTION NO.1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)
<p>90-C Cancels 90-B</p>	<p style="text-align: center;">MIXED SHIPMENTS</p> <p>1. Commodities for which rates are provided in this tariff:</p> <p>(a) When two or more commodities for which different ratings are provided, are shipped as a mixed shipment, without actual weights being furnished or obtained for the portions shipped under the separate ratings, charges for the entire shipment will be computed at the class or commodity rate applicable to the highest classed or rated commodity contained in such mixed shipment, subject to Item No. 80 series.</p> <p>(b) When two or more commodities are included in the same shipment and separate weights thereof are furnished or obtained, charges will be computed at the separate rates applicable to such commodities in straight shipments of the combined weight of the mixed shipment. The minimum weight shall be the highest provided for any of the rates used in computing the charges, subject to Item No. 80 series. In the event a lower charge results by considering such commodities as if they were divided into two or more separate shipments such lower charge shall apply.</p> <p>2. Commodities for which rates are provided herein, moving in mixed shipments containing commodities for which rates are provided in other effective tariffs of the Commission, or in mixed shipments containing commodities upon which no minimum rates or charges have been established by this Commission:</p> <p>(a) When one or more commodities for which rates are not provided in this tariff are included in a shipment of one or more commodities for which rates are herein provided, the rate or rates applicable to the entire shipment may be determined as though all of the commodities were ratable under the provisions of this tariff; or one or more of the commodities for which rates are not provided in this tariff may be transported at the rates otherwise applicable. In the event the latter basis is used, the minimum charges provided in Item No. 150 series of this tariff shall apply to the entire shipment. (See Note.)</p> <p>3. Intrastate and Interstate Tonnage:</p> <p>(a) When property consisting of part intrastate and part interstate tonnage is received as a single shipment, the intrastate portion may be charged for at the rate which would be applicable on such portion were the entire quantity intrastate in character. In no event shall the aggregate charge on the intrastate and interstate portions be less than the charge herein provided for an intrastate shipment of the same combined quantity.</p> <p>◆ NOTE.-The provisions of this rule will not apply to mixed shipments containing petroleum or petroleum products in bulk in tank trucks, tank trailers or tank semi-trailers for which rates are provided in tariff designated City Carriers' Tariff No. 5, Highway Carriers' Tariff No. 6 (Appendix "C" of Decision No. 32608, as amended, in Cases Nos. 4246 and 4434).</p>
	<p>◆ Increase, Decision No.</p>
	<p style="text-align: right;">EFFECTIVE MAY 3, 1940</p>
<p>Correction No. 119</p>	<p style="text-align: right;">Issued by The Railroad Commission of the State of California, San Francisco, California.</p>