

Decision No. 33189

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.

ORIGINAL

Case No. 4246

BY THE COMMISSION:

SUPPLEMENTAL OPINION AND ORDER

This order disposes of various petitions seeking modifications of the minimum rates, rules and regulations heretofore established by Decision No. 31606, as amended, in the above entitled proceeding, for the transportation of property within California. Evidence concerning the petition first discussed was received at a public hearing held in San Francisco on May 24, 1940, before Examiner Preston W. Davis. The balance of the petitions appears to involve matters as to which a public hearing is not necessary.

Reduced Rates on Fresh Fish and Crab Meat

Railway Express Agency, Inc. seeks authority to publish reduced rates for the transportation of fresh fish and crab meat from Eureka and Fort Bragg to San Francisco, Oakland, Sacramento, Stockton, San Jose, Bakersfield, Fresno, Los Angeles, San Pedro and San Diego. <sup>1</sup> Also, petitioner seeks authority to publish a rule providing, in substance, that the billing weight for shipments of crab

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By supplemental petition authority to publish reduced rates from Crescent City was also sought; however, it was stated at the hearing that this relief had been found to be unnecessary and it was requested that the supplemental petition be dismissed.

meat under ice will be computed by adding 25 per cent to the net weight, this rule to supersede the present rules providing for deductions of various percentages (depending upon the season of the year) from the gross weight.

In support of the petition it was testified that the rates and billing weight basis sought are the same as those in effect on traffic originating at Marshfield and Portland, Oregon, and that shippers located at Eureka and Fort Bragg have found it impossible to compete with shippers at Marshfield and Portland at higher rates. The granting of the petition, it was said, merely would place California shippers on an equality with those shipping into California markets from points in Oregon. Increase in the interstate rates was said to be impracticable, since they were established to meet motor truck competition. It was testified, further, that practically all of the fresh fish and crab meat originating at Eureka and Fort Bragg is now moving via Railway Express Agency, Inc., with the exception of a small amount which is moving by truck to San Francisco. No one opposed the petition.

The authority sought appears necessary to place California shippers on a competitive basis with interstate shippers. Under the rules providing for alternative application of common carrier rates competing carriers are authorized to observe rates of Railway Express Agency, Inc. for the same transportation and, hence, will not be prejudiced. The petition will be granted.

#### Enlargement of Pickup and Delivery Zones

By appropriate petitions, Southern Pacific Company requests authority to enlarge the zones within which it performs pickup and delivery service from stations in Marysville, Chico, Visalia, Bakersfield, and San Luis Obispo. Similar authority is sought at Marysville by The Western Pacific Railroad Company; at both Marysville and Chico by the Sacramento Northern Railway; and at Visalia and Bakersfield by The

Atchison, Topeka and Santa Fe Railway Company. Petitioners allege, in substance, that the additional areas proposed to be included constitute parts of the industrial or residential development of the respective cities, being separated from the cities themselves only by political lines marking the present corporate limits. Maps are attached to the petitions showing in detail the proposed changes.

We are of the opinion that, from a rate standpoint, enlargement of the zones as proposed is justified and the petitions will be granted. It is to be understood, however, that we are here concerned only with determining whether or not the minimum rates established for transportation from and to points within the existing zones should be authorized to be applied likewise from and to points within the proposed enlarged zones. Whether or not petitioners have the right to serve their enlarged zones and, if not, whether their operating rights should be extended to permit such service, are questions not here in issue.

#### Exemption of George Dobbins

George Dobbins, an individual operating as a common carrier by motor vehicle for the transportation of property between Minersville and Fawn Lodge and intermediate points, via Lewiston (a distance of twenty miles), seeks exemption from the requirements of Decision No. 31606, as amended, in connection with shipments weighing 100 pounds or less. He alleges that the average weight of shipments carried is between ten and fifteen pounds and that the total volume of available traffic is small; that the service is rendered in connection with the delivery of United States Mail; that the territory involved is thinly populated; and that no other carriers operate over all or any part of this line.

This operation appears to be similar in essential respects to operations of carriers already exempted and like relief to petitioner appears justified.

Exemption of Benicia-Vallejo Stage Line

M. Passalacqua, an individual doing business as M. Passalacqua's Benicia-Vallejo Stage Line, seeks exemption from the established minimum rates in so far as shipments weighing 100 pounds or less are concerned. According to the petition, this carrier is engaged in transporting passenger, baggage and property as a common carrier, under a prescriptive right. Transportation of property is performed only incidental to the carriage of passengers in passenger vehicles. During the past year no shipment weighing in excess of 100 pounds has been transported by petitioner. It is alleged in the petition that the tariff publication expense incidental to compliance with Decision No. 31606<sup>2</sup> is not warranted by the revenue derived from property transportation.

It appears that petitioner's operation is similar in all essential respects to operations of carriers now exempted from the established minimum rates. No other carriers will be injured by the granting of the petition since under alternative application rules competing carriers are permitted to meet petitioner's rates on file with the Commission. The petition will be granted.

Reduced Rail Rate on "Polymerized Petroleum Gas Condensates"

The Atchison, Topeka and Santa Fe Railway Company and the Southern Pacific Company seek authority to publish, on one day's notice to the Commission and to the public, a reduced rate for the transportation of "polymerized petroleum gas condensates" from Oleum to Maltha, in bulk in tank cars.

According to the petition, the commodity described as polymerized petroleum gas condensates is an unfinished gasoline

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By Application No. 23451, filed concurrently, petitioner requests limitation of its operative right to exclude transportation of shipments weighing in excess of 100 pounds.

utilized by the petroleum industry for blending purposes. It appears to fall within the grouping of petroleum and petroleum products for which minimum rail and truck rates were prescribed by Decision No. 32608, as amended, in Cases Nos. 4246 and 4434. The minimum rate prescribed by the aforesaid decision for rail transportation is 35 cents per 100 pounds, subject to an estimated weight of 6.6 pounds per gallon and to the minimum weight requirements of Rule 35 of the Western Classification. Petitioners propose to establish, in lieu thereof, a rate of 22½ cents per 100 pounds, subject also to an estimated weight of 6.6 pounds per gallon and to the minimum weight basis provided in Rule 35 of the Western Classification, but not less than 50,000 pounds per car. This rate will apply locally via Southern Pacific Company or for a joint movement over the Southern Pacific Company and The Atchison, Topeka and Santa Fe Railway Company, interchanged at either Port Chicago, Stockton or Fresno.

In support of the petition, it is alleged that the Union Oil Company has commenced manufacturing polymerized petroleum gas condensates in its refinery at Oleum and that this company contemplates shipping this commodity in quantities averaging approximately 6,000 gallons per day from Oleum to Maltha. The Union Oil Company estimates that the cost of performing this transportation in its own equipment would not exceed 22½ cents per 100 pounds, since it would be able to obtain a high load factor by transporting finished gasoline on return movements. The reduced rate by rail is said to be necessary to prevent the commencement of a proprietary operation for this transportation.

Tank Truck Operator's Association, in behalf of its members engaged in transporting petroleum and petroleum products throughout the State in bulk tank trucks, advises that it has no objection to the granting of this petition.

Petitioners' allegations are convincing that the shipper would be able to obtain an above-normal load factor in transporting this traffic in a proprietary operation, due to the availability of traffic in both directions, and that the reduced rate sought is necessary to retain the traffic to for-hire carriers. Alternative application rules authorize highway carriers to meet rail rates for the same transportation between the same points, hence publication of the reduced rate by petitioners will not give them an advantage over highway competitors. 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 establish the following rates for the transportation of fresh fish and crab meat from Eureka and Fort Bragg to the points shown; and to establish a rule providing that the billing weight for shipments of crab meat under ice will be based upon the net weight plus 25 per cent:

Points of Destination	(1) Authorized Rates (In Cents Per 100 Pounds)		
	Fish		Crab Meat
	Any Quantity	Minimum Weight 1,000 Pounds	Any Quantity
Los Angeles	220	154	220
San Pedro	220	154	220
San Diego	-	-	260
Fresno	220	154	200
Bakersfield	-	-	220
San Jose	-	-	160
Stockton	-	-	160
Sacramento	-	-	160
Oakland	-	-	160
San Francisco	-	-	160

(1) Rates will apply also to intermediate points via authorized routes.

IT IS HEREBY FURTHER ORDERED that supplemental petition filed by Railway Express Agency, Inc. on May 1, 1940, seeking reduced rates from Crescent City, be and it is hereby dismissed.

IT IS HEREBY ORDERED that Southern Pacific Company, The Western Pacific Railroad Company, Sacramento Northern Railway and The Atchison, Topeka and Santa Fe Railway Company be and they are hereby authorized to establish, for transportation from or to points which they may be authorized to serve within the following described territories, the rates prescribed by Decision No. 31606 of December 27, 1938, as amended, in the above entitled proceeding, for transportation from or to points within the respective cities designated in connection with such descriptions:

1. Marysville: All points within the city limits and also the following territory:

(a) Beginning at the intersection of the southern corporate boundary of the City of Marysville and U.S. Highway No. 99-E; thence southerly along said highway for a distance of 1 mile; returning along U.S. Highway No. 99-E to point of beginning.

2. Visalia: All points within the city limits and also the following territory:

(a) Beginning at the intersection of the northern corporate boundary of the City of Visalia and North East Street; thence northerly along said street to Reece Street; returning along North East Street to point of beginning.

(b) Beginning at the intersection of the eastern corporate boundary of the City of Visalia and Huston Avenue; thence easterly along Huston Avenue to Ben Maddox Way; southerly along Ben Maddox Way to East Mineral King Avenue; westerly along East Mineral King Avenue to its intersection with the eastern corporate boundary of the City of Visalia; northerly along said boundary to point of beginning.

3. Chico: All points within the city limits and also the following territory:

(a) Beginning at the intersection of the southern corporate boundary of the City of Chico and U.S. Highway No. 99-E; thence southeasterly along U.S. Highway No. 99-E to the point of crossing of the Stirling City Branch of the Southern Pacific Company; returning along U.S. Highway No. 99-E to point of beginning.

(b) Beginning at the intersection of the eastern corporate boundary of the City of Chico and Humboldt Avenue; thence northeasterly along Humboldt Avenue to Linden Street; returning along Humboldt Avenue to point of beginning.

(c) Beginning at the intersection of the northern corporate boundary of the City of Chico and Esplanade; thence northwesterly along Esplanade to Lindo Avenue; northeasterly along Lindo Avenue to Oleander Avenue; southeasterly along Oleander Avenue to 10th Avenue; southwestly along 10th Avenue to Esplanade; southeasterly along Esplanade to 8th Avenue; northeasterly along 8th Avenue to Oleander Avenue; southeasterly along Oleander Avenue to 7th Avenue; southwestly along 7th Avenue to point of beginning.

(d) Beginning at the intersection of the western corporate boundary of the City of Chico and Nord Avenue; northwesterly along Nord Avenue to Sacramento Avenue; westerly along Sacramento Avenue to a point 300 feet west of its intersection with California route 47; returning along Sacramento Avenue and extending northeasterly thereon to Columbus Avenue; northwesterly



along Columbus Avenue to its terminus; north-easterly along an imaginary line to its intersection with North Cedar Street; southeasterly along North Cedar Street to its intersection with the corporate boundary of the City of Chico; southeasterly and southwesterly along said corporate boundary to point of beginning.

(e) Beginning at the intersection of the southern corporate boundary of the City of Chico and Miller Avenue; thence southerly along Miller Avenue to Pomona Avenue; returning along Miller Avenue to point of beginning.

4. Bakersfield: All points within the city limits and also all points within the territory immediately adjacent thereto and located within the following described boundary:

Beginning at the intersection of Cottonwood Road and Casa Loma Drive; thence northerly along Cottonwood Road and Lakeview Avenue to Virginia Avenue; easterly along Virginia Avenue to Fairfax Road; northerly along Fairfax Road to Pioneer Drive; westerly along Pioneer Drive to Sterling Road; northerly along Sterling Road to Niles Street; westerly along Niles Street to Oswell Street; northerly along Oswell Street and its prolongation for a distance of one-half mile; westerly therefrom along an imaginary line for a distance of one-half mile; northerly therefrom along an imaginary line for a distance of one-quarter mile; westerly therefrom along an imaginary line to its intersection with River Boulevard; northerly along River Boulevard to Panorama Drive-China Grade; southwesterly along Panorama Drive-China Grade to Union Avenue; southerly along Union Avenue to 34th Street; westerly along 34th Street to O Street; northerly along O Street to 44th Street; westerly along 44th Street to the Kern River Bridge; northerly across the Kern River Bridge to Roberts Lane; easterly along Roberts Lane and Ramona Avenue to the west bank of the Kern River; northeasterly along the west bank of the Kern River for a distance of one-half mile; northerly along an imaginary line for a distance of one-quarter mile; easterly therefrom along an imaginary line for a distance of one-quarter mile; northerly therefrom along an imaginary line for a distance of one-quarter mile to China Grade Road; westerly along China Grade Road to Olympic Drive; northerly along Olympic Drive to Brighton Way; westerly along Brighton Way to North Chester Avenue; southerly along North Chester Avenue to Douglas Street; westerly along Douglas Street for a distance of one mile; southerly along an imaginary line to old U.S. Highway No. 99; southeasterly along said highway to Beardsley School; southwesterly from Beardsley School to Golden State Highway; northwesterly along Golden State Highway to the right-of-way of The Atchison, Topeka and Santa Fe Railway

Company; returning along Golden State Highway to Pierce Road; southerly along Pierce Road to Shell Street; westerly along Shell Street to Calloway Canal; southerly along an imaginary line to Rosedale Highway; westerly along Rosedale Highway to Underwood Road; southerly along Underwood Road to Stockdale Highway; easterly along Stockdale Highway to Stine Road; southerly along Stine Road to Ming Avenue; easterly along Ming Avenue, Wayside Drive and Casa Loma Drive to point of beginning.

5. San Luis Obispo: All points within the city limits and also the following territory:

(a) Beginning at the intersection of the northern corporate boundary of the City of San Luis Obispo and North Broad Street; thence northerly along North Broad Street to Coast Highway; northerly along Coast Highway to the California State Division of Forestry; returning therefrom and extending easterly along Coast Highway and Foot Hill Boulevard to Motley Avenue; southerly along Motley Avenue to Slack Street; easterly along Slack Street to a point one block east of Henderson Avenue; southerly along an imaginary line to McCollum Street; easterly along McCollum Street to Buena Vista Avenue; easterly and northwesterly along Buena Vista Avenue to its terminus; returning along Buena Vista Avenue to Santa Maria Avenue; southerly along Santa Maria Avenue to Santa Ynez Avenue; easterly along Santa Ynez Avenue to the State Highway; northerly along the State Highway for a distance of 750 feet; returning along the State Highway to its intersection with the northern corporate boundary of the City of San Luis Obispo; westerly along said corporate boundary to point of beginning.

(b) Beginning at the intersection of the southern corporate boundary of the City of San Luis Obispo and Storey Street; southerly along Storey Street to Lawrence Drive; easterly along Lawrence Drive to Broad Street; southeasterly along Broad Street to the county road located one block distant from Oscar Avenue; easterly along said county road to the right-of-way of the Southern Pacific Company; northerly along said right-of-way to the corporate boundary of the City of San Luis Obispo; westerly along said corporate boundary to point of beginning.

IT IS HEREBY FURTHER ORDERED that M. Passalacqua, an individual doing business as M. Passalacqua's Benicia-Vallejo Stage Line, and George Dobbins, be and they are hereby exempted from the requirements of said Decision No. 31606, as amended, in so far as transportation

of shipments weighing 100 pounds or less is concerned.

IT IS HEREBY FURTHER ORDERED that The Atchison, Topeka and Santa Fe Railway Company and the Southern Pacific Company be and they are hereby authorized to publish, on not less than one day's notice to the Commission and to the public, a rate of 22½ cents per 100 pounds, subject to an estimated weight of 6.6 pounds per gallon and to the minimum weight requirements of Rule 35 of the Western Classification, but not less than 50,000 pounds per car, for the transportation of polymerized petroleum gas condensates, i.e., unfinished gasoline to be used for blending purposes only, from Oleum to Maltha, in bulk in tank cars.

In all other respects said Decisions Nos. 31606 and 32608, as amended, shall remain in full force and effect.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 4<sup>th</sup> day of June, 1940.

Ray L. Rice  
James R. Murray  
Rafaela  
Justice J. Quinn  
Commissioners