Decision No. 33553

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Establishment ) of maximum and minimum, or maximum ) or 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 Statutes 1935, Chapler 223, as amended, for the trans-) portation, for compensation or hire, of any and all agricultural ) products.

0736777

Case No. 4293

BY THE COMMISSION:

# SUPPLEMENTAL OPINION AND ORDER

Examiner Davis in San Francisco on September 12, 1940, for the purpose of affording a hearing herein to certain highway carriers who had not previously had an opportunity to be heard respecting the subject matter of this proceeding, minimum rates, rules and regulations applicable to all other highway carriers having been heretofore established herein by Decision No. 31924, as amended. The parties for whom such hearing was held include those who first obtained

Decision No. 31924 of April II, 1939, in the above entitled proceeding established minimum rates and rules and regulations for the transportation of livestock between all points in California by radial highway common carriers and highway contract carriers. These rates and rules and regulations were promulgated in the form of a loose-leaf tariff entitled Highway Carriers' Tariff No. 3, which was attached to said Decision No. 31924 as Appendix "C" thereof. Decision No. 31924 has subsequently been modified by Decisions Nos. 32593 and 33266, and the modifications so made have been incorporated in the tariff.

permits as radial highway common carriers or highway contract carriers between June 6, 1940, and August 28, 1940, inclusive, and certain other radial highway common carriers and highway contract carriers who obtained permits prior to that time but who had not previously been afforded an opportunity to be heard herein. The record shows that the Order Instituting Investigation herein was duly served on and notice of said hearing herein duly given all such carriers.

Evidence was introduced at the hearing, based upon studies of rates and costs of operation, that the minimum rates and charges and the rules and regulations established by said Decision No. 31924, as amended, and as set forth in Highway Carriers, Tariff No. 3, as modified, supplemented, and amended, are just, reasonable and non-discriminatory for all highway carriers, including those carriers hereinabove referred to as well as those previously subject thereto. No criticism was made of the propriety of those minimum rates and charges, rules and regulations and no reason was advanced why they should not be applied as minimum by said carriers. The minimum rates and charges and rules and regulations contained in said Highway Carriers, Tariff No. 3 are based upon favorable conditions affecting the various types of operation and appear to be equally proper for the carriers for whom this hearing was provided as for the others.

We therefore conclude that the minimum rates, charges, accessorial charges and the ratings, rules, and regulations established in and by Decision No. 31924, as supplemented, amended and modified, and as set forth in said Highway Carriers' Tariff No. 3 should be established for and made applicable by all highway carriers.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that the findings and orders in said Decision No. 31924, as supplemented, amended and modified by the

findings and orders in Decisions Nos. 32593 and 33266, be and they are hereby adopted as the findings and orders herein to be observed by all radial highway common carriers and highway contract carriers who obtained permits between the dates of June 6, 1940, and August 28, 1940, inclusive, and by all radial highway common carriers and highway contract carriers listed in Appendix "A" hereof, and a copy of each of said decisions (including the appendix or appendices thereto, if any) and is attached hereto and is hereby referred to and made a part hereof.

IT IS HEREBY FURTHER CRDERED that any and all supplements to and modifications and amendments of said Decision No. 31924 hereafter made in this proceeding shall be, and shall be deemed to constitute, supplement to or modification or amendment of this decision also, without express reference to this decision therein, and all radial highway common carriers and highway contract carriers who obtained permits between the dates of June 6, 1940, and August 28, 1940, inclusive, and all radial highway common carriers and highway contract carriers listed in Appendix "A" hereof, are hereby ordered and directed to observe and comply with any and all such supplements, modifications and amendments of said Decision No. 31924, as though this decision were expressly supplemented, modified and amended thereby.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this day of October, 1940.

Commissioners

# APPENDIX "A"

Hitie Robinson, as co-partner of, dba Hitie & Gilbert Robinson. H. B. Aronson, as co-partner of, dba H. B. & Nels Aronson. V. Colarossi. Candelario M. Felix. rank Casillas. W. H. Colburn, as co-partner of, dba Monterey Peninsula Transfer Co. Paul J. Lamme, dba Globe Van & Storage Co. Elwin Mann. J. C. Thom, as co-partner of, dba J. C. Thom & T. W. Dunn. J. R. Westfall. Matilde Gomez. Juan Hinojosa. E. E. Roberson Pablo Rubio, as co-partner of, dba Pablo & Ramon Rubio. C. F. Slaughter. Kimiko Uyeno. King E. White, as co-partner of, dba White Bros. Trucking Co. Elias Williams. Gregorio Williams. W. M. Bathrick. R. Montano. Kabo Takemoto. Alfred Rodriguez. Tony Santos. Allen H. Leigh. J. S. Dotson. H. G. Goddard. Ferbin E. Spencer. Paul H. Doss. Louis Gianikos. John Kraan. B. T. Oglesby. Orphus E. Glass. George Hale, as co-partner of, dba George Hale & Edward Carrara. Jack Azevedo, Jr. Bert Wiggins. H. H. Adams. Leonard Smith. K. Mizuguchi. E. Franklin Salveson. Fred C. Hamberg. Tom Martin. E. T. Nepper. S. R. McDougall, as co-partner of, dba Citizens Truck Company.

Dick G. Evans. Joseph L. Chiriaco, dba Shaver Summit Service. Clinton Frank Dassel, C. F. Dassel Trucking. W. E. Pyle, as co-partner of, dba W. E. Pyle & A. W. Trexler. Refugio E. Torres. Joe Urquizu, as co-partner of, dba Joe Urquizu & Vincent Acevedo. Elmer O'Connell. Mary Brignoli. I. D. Stillman, dba Leal Motor Lines. Lawrence E. Payne. Fred N. Worth, dba C. A. Worth & Co. Aubry E. Davis, as co-partner of, dba Davis & Filloon. John Fernandes. Louie Joaquin. Hamano Morimoto. Pete Nunes. M. L. Russell, dba Russell Transfer Co. M. P. Smith.
J. W. Tessandori, as co-partner of, dba J. W. Tessandori & A. Luchi. Cornelius Westerink. Elmer E. Fletcher, as co-partner of, dba Elmer E. & Ruth Fletcher. Henry Silacci, as co-partner of, dba Silacci Bros. Joseph A. Souza. B. Degao. A. J. Kunitake, as co-partner of, dba Kunitake Bros. Joseph F. Abreu. Maggie Medina, as Admin. of, dba Estate of Frank Medina. M. Nakamura. Clemente Tabacco. W. C. Green. J. G. Ogburn. Ernest J. Papineau. Edward L. Turner. Al. Blasi. . L. Frank. Chas. E. Groskoph, as co-partner of, dba Chas. E. Groskopf & Son. Ed Avila, as co-partner of, dba Avila Brothers. L. R. Cauthon. Sam Parino. Mrs. E. M. Coleman. Edgar Nelson, as co-partner of, dba Nelson Bros. Elmer Roesner.

#### item No. 129 -ROUND TELP RATES WHICH RAIL CARRINGE ARE AUTHORIZED TO ESTABLISH BY LIEU OF THEIR BRYAT THRRESH

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BEFORE THE

# RAILROAD COMMISSION

OF THE

# STATE OF CALIFORNIA

In the Matter of the Establishment of maximum and minimum, or maximum or 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 Statutes 1935, Chapter 223, as amended, for the transportation, for compensation or hire, of any and all agricultural products.

Case No. 4293

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 "G"

In the Matter of the Investigation and Establishment of rates, charges, classifications, rules, regulations, contracts, and practices or any thereof, of Common Carriers of livestock.

Case No. 4123

In the Matter of the Suspension by the Commission on its own motion of the cancellation of rates on feeder cattle from Kalina and Stronghold, California, to Montezuma, Willota, Woodland, Sacramento, Marysville, Chico and Oroville and return to Kalina and Stronghold.

Case No. 3962

In the Matter of the Investigation by the Commission) on its own motion into the rates on feeder livestock between points in California.

Case No. 3941

In the Matter of the Application of the Atchison, Topeka & Santa Fe Railway, Los Angeles & Salt Lake Railroad Company, Northwestern Pacific Railroad Company, Pacific Electric Railway, San Diego & Arizona Eastern Railway Company, Southern Pacific Company (Pacific Lines), and the West-ern Pacific Railroad Company for an increase in rates on carload shipments of livestock.

Application No. 19636

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# RAILROAD COMMISSION or the

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# Item No. 120—ROUND TRIP RATES WHICH RAIL CARRIERS ARE AUTHORIZED TO ESTABLISH IN LIEU OF THEIR PRESENT RATES

Subject to Notes 1, 2 and 3

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300	320	33	38	1400	1425	91	105
320	340	31	39	1425	1450	92	106
340	360	35	40	1450	1475	93	107
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775	800	61	$\widetilde{70}$	1925	1950	116	133
800	825	62	71	1950	1975	117	135
\$25	850	63	72	1975	2000	118	136

DD-Double Deck Cars.

NOTE 1.—Rates are subject to following minimum weights per car:

Feeder Cattle \_\_\_\_\_ 24,000 pounds

Feeder Sheep, DD...... 20,000 pounds

Note 2.—Rates are subject to a stop charge of \$10.00 per car in addition to the rates shown.

Note 3.—Revenue per car under the foregoing rates plus \$10.00 per car stop charge may not exceed the revenue per car based on twice the one way rates for feeder livestock shown in Item No. 100.

Item No. 110-RATES WHICH BAIL CARRIERS ARE AUTHOR-IZED TO ESTABLISH IN LIEU OF THEIR PRESENT

FIGH RATES (Concluded)O JUAN HOLLW SETAN SOLL ON BOTH THERESAY RESERVED TO BELL TO HER STATES OF OURSE

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DD-Double deck cars. SD-Single deck cars.

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#### STELLOW STON APPEARANCES I WITH BORN TO WITH SE

A complete list of the appearances in these proceedings is contained in Appendix "A" hercof.

than suis a a traif on the distinct of foot of soulding in the sould succeed to the sould be Collectively, these proceedings involve rates for the transportation of livestock within California. Case No. 4293 embraces most of the issues involved in the other proceedings. At the time it was instituted separate hearings had already been had in Cases Nos, 3941 and 4088, Part "O", but not in Cases Nos. 3962 or 4123, nor in Application No. 19636. Due to the fact that economic and transportation conditions had changed materially since the original hearings were held, the proceedings in which hearings had been had were set for further hearing with Case No. 4293. Hearings were then held before Examiner Howard G. Freas. This decision is based upon all of the evidence adduced, both in the separate and in the joint hearings.

#### Production of Livestock in California and these factions are all the party of

The raising of livestock has been a major agricultural activity in California for many years. The livestock industry is the foremost agricultural enterprise in 16 counties of the State, is second in importance in 16 others, and is considered of major importance in 18 additional counties.

Case No. 1988 is an Investigation instituted by the Commission on its own motion for the purpose, among other things, of establishing maximum and minimum, or maximum or minimum, rates for radial highway common and highway contract carriers, for the transportation of any and all commodities. Part "U" is the phase

relating to livestock transportation.

Case No. 1123 is an investigation instituted by the Commission on its own motion for the purpose of establishing rates, charges, classifications, rules, regulations, contracts and practices for the transportation of livestock by all common

carriers.

Case No. 2368 is a suspension proceeding involving a proposed cancellation by rall lines of certain round-trip rates applying for transportation of feeder cattle from Kalina and Stronghold (on the Great Northern Railway) to Monthern Railway) and to Sacramento, Marysville and Chico (on the Sacramento Northern Railway) and to Sacramento, Marysville and Oroville (on the Western Pacific Railroad) and

Case No. 1911 is an Investigation instituted by the Commission on its own motion into rail rates for the transportation of feeder livestock, for the purpose of determining whether or not such rates are unreasonable or otherwise unlawful.

Application No. 1911 is an application of rail lines under Section 63 of the Fublic Utilities Act to increase single line rates on carded shipments of livestock and to publish rates on a "cents per 110 pounds" basis.

Important among the changes referred to were the enactment of the Highway Carriers' Act (Statutes of 1915, Chapter 222, as amended) which directed the Commission to establish maximum or mainmum or maximum and minimum rates for the transportation of livestock by highway carriers, and the enactment of Section 11(d) of the Public Utilities Act (Statutes of 1911, Chapter 111) which provided a basis for co-ordinating the rates of the several forms of for-hire transport.

The term "livestock" as used in this report embraces cattle (both beef and dairy), calves, sheep, lambs, goats and hogs.

<sup>&</sup>lt;sup>3</sup> Case No. 4233 is an investigation instituted by the Commission pursuant to the provisions of the Highway Carriers' and Public Utilities Acts for the purpose, among other things, of establishing maximum and minimum, or maximum or minimum, rates for radial highway common and highway contract carriers, and reasonable and sufficient rates for common carriers, for the transportation of products of agriculture, including livestock.

During the years 1929 to 1933 there was a severe depression in the livestock industry caused by a decline in market prices. During the five-year period from 1933 through 1937, however, market prices advanced and the total farm value of cattle, sheep and hogs in California increased more than 100 per cent. The estimated value of meat animals produced in 1937 (including the wool yield) was \$70,897,000. The record does not indicate to what extent the economic condition of the industry may have changed during 1938, although it does appear that during the early months prices were following a downward trend.

California is recognized as a state which provides more favorable feeding and grazing conditions for livestock than do most other western states. Thirty-seven million acres, over 35 per cent of the state's area, are devoted to National Forest reserves, Indian reservations and public domain, much of which territory is used for grazing purposes. In addition, there is considerable privately-owned undeveloped land available for stock raising, and much developed land upon which grazing is permitted during certain seasons of the year.

Between the years 1931 and 1935, the State's population of cattle increased 15 per cent, sheep 111 per cent and hogs 25 per cent. The population in 1935 was distributed geographically as follows:

<b>C</b>	tle and alces	Skeep ( Goal		Hogs	
District— No. oj Head		No. of Head	Per cent .	No. of Head	Per ecnt
1. Northern California 283.80	0 131	390,200	14	39,200	8
2. Sacramento Valler 17830		775,600	281	101,100	21
3. Redwood Empire 19230		407.200	15	27,600	5
4. Central California 238.10		385,800	14	77,100	16
5. San Joaquin Valler 576,10		484,400	18	82,300	17
6. Coast Counties 275.60	0 13	96,490	3}	33,500	. 7
7. Southern California 259,60	0 12	126,100	4)	112,600	23
8. Imperial Valley 67,70	0 3	68,400	2 1	13,100	3
Total2,131,50	0 100	2,724,100	100	489,500	100

From 250,000 to 500,000 head of cattle are shipped into California cach fall and winter from the states of Nevada, Arizona, New Mexico, Utah, Colorado and Texas, for feeding and fattening purposes. A large High Do, 100 (PASHAR WRICH EASH, CARRIESER ARR ARABERE) Bern Wash Vollscharlich in Frod Of Super Pürsseng

#### Item No. 110—RATES WHICH RAIL CARRIERS ARE AUTHOR-IZED TO ESTABLISH IN LIEU OF THEIR PRESENT RATES

(Rates are in Cents per 100 pounds)

: MILE				TESTOCK	
Over 71	But Not Over	Cattle Hogs, DD	Sheep, I'D Calves, DD	Calves, SD.; Hogs, SD	Sicep, SD
0	10	101	12 ;	13	15
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925	950	68	69	80	87
950	975	691	70	81	88
975	1000	71	71	82	80

DD-Double deck cars.

SD-Single deck cars.

4. 12. 5. 6. 9. 4.

<sup>\*</sup>In comparison, the California farm value of citrus fruits produced during 1931 was \$35,271,000; hay \$53,115,000; grapes \$43,165,000; cotton and cottonseed \$35,856,000; letiuce \$23,210,000; peaches \$19,284,000; barley \$18,394,000; beans \$17,595,000; wheat \$15,135,000; nuts \$14,650,000; prunes \$13,650,000; polatoes \$11,910,000; tomations \$11,450,000; sugar beets \$10,338,000; apricets \$10,116,000; and cantaloupes \$3,873,000.

Formulation statistics are based on United States Census of Agriculture, January 1935. Figures shown in table are taken from Table 18, page 41 of "California Livestock Statistics" by George A. Scott, Agricultural Statistician, California Department of Agriculture, October 1937.

Item No. 100—MAXIMUM RAIL RATES
(Rates are in Cents per 100 pounds)

130	MILES	F.	AT LIVESTOC	X .	FEEDER LIVESTOCK
O		Calife (1)	Park Cold P	Sheen	
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1025     1050     74     85     92     63     72     79       1050     1075     75     86     94     61     73     80       1075     1100     76     85     95     65     75     81       1100     1125     77     89     97     66     76     82       1125     1150     79     91     90     67     77     84       1150     1175     80     92     100     68     78     85					
1070     1075     75     86     91     61     73     80       1075     1100     76     88     95     65     75     81       1100     1125     77     89     97     66     76     82       1125     1150     79     91     90     67     77     84       1150     1175     80     92     100     68     78     85					
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1110 1200   01 100 101   00 10 80	1175 1200	81	13	101	69 79 86

DD-Double deck cars.

SD-Single deck cars.

number of these move into the San Joaquin and Sacramento valleys. Between 400,000 and 500,000 head of sheep and lambs are also shipped into the State annually for breeding purposes or for fattening in California pastures. Oregon and Nevada supply the greater share of these, although Arizona and Utah are also important contributors. Hogs shipped in from other states are ordinarily slaughtered immediately and are seldom held for further feeding. In addition to the foregoing imports, large numbers of cattle, sheep and hogs are shipped into California for immediate slaughters and accomplished the states are ordinarily slaughters.

In years past, hogs were imported into California in great numbers from Kansas and Nebraska. Cattle were imported from Arizona, New Mexico, Tezas, Nevada and Utah, and sheep were obtained in large quantities from Nevada, Utah, Idaho and Oregon. In recent years, however, due to drought conditions in certain of those states and more favorable feeding conditions in California, this state is now raising the greater proportion of its total consumption.

#### Marketing Methods

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The most common means of marketing livestock is through the public livestock markets located at San Francisco, Los Angeles and Stockton. Under this method, stock is shipped by the producers into stockyards adjacent to the public markets and is there weighed and graded. Sales to packing houses are then negotiated through commission brokers. Other popular means of marketing livestock

医锥虫 人名德英德斯勒 人名德克里利斯克里西班牙马

The following table shows the origin of livestock moved into the South San Francisco Union Stockyards during the year 1947. So far as diversity of origin points is concerned, the statement is said to be fairly representative of the movement into Stockton and i.o.s Angeles.

	Caltle		Cal	Calces		Skeep		
State of Origin—	Number of Head	Per cent	Number of Head	l'er cent	Number of Head	Per cent	Number of Head	Per cent
California	74,602	73	9,494	79	125,176	62	158,005	55
Oregon	5.331	5	1.017	. 9	7,785	4 .	55,473	20
Idaho	_ 12.322	12	600	6	59,300	29	46,544	16
Nerada	5.671	6	432	3	122	:	3.797	2
Utah	_ 2.741	3	1		1.202	1	9,231	3
Other States	_ 1,337	' 1	429	3	7,632	4	11,903	4
Total	102,067	100	12,093	100	201,283	100	285,233	100

The term "Public Live Stock Markets," refers to those markets falling within the definition of stockyards, as contained in the Packers and Stockyards Act, 1921, 48 Stat. L. 193. The act mentioned provides as follows:

<sup>&</sup>quot;When used in this title the term 'stockyard' means any place, establishment, or facility commonly known as stockyards, conducted or operated for compensation or profit as a public market, consisting of pens, or other enclosures, and their appurtenances, in which live cattle, sheep, swine, horses, mules, or goats are received, held, or kept for sale or shipment in commerce. The title shall not apply to a stockyard of which the area normally available for handling live stock, exclusive of runs, alleys, or passageways, is less than twenty thousand square feet."

are (1) through the conduct of auctions by livestock cooperative associations at selected points in the rural producing areas, (2) through direct negotiations between producers and representatives of the packing houses, (3) through tales to butchers in the rural areas for local consumption, (4) through commission merchants located at points removed from public livestock markets, and (5) through shipments on compliancent directly to the packing houses. In each instance transponitation charges are deducted from the sales price before remittance is made to the producer, or, when purchase is made at the producing point, are considered in arriving at the sales price.

Marketing of livestock in California is heavier during the spring and summer moraths although the trend is toward a more even distribution through nont the year so as to avoid a flooding of markets and consequent a isruption of prices. The largest number of slaughter cattle comes from grass fed eattle on the state's early feeding ranges, but many of these eattle are put into commercial feed lots or on pastures for fina I leeding and finishing, and the marketing season is thus extended so mewhat. Cattle marketed monthly from dairy, herds also contribute toward uniformity in monthly disposals. Calf sales are heavier in Appril and May, but on the whole are relatively uniform throughout the year. More than 70 per cent of California produced lambs are marketed from March to June inclusive. Hog sales are maintained at a comparatively uniform level month after month. largely as a result of stabilized production at garbage feeding establishments," and of the fact that they are raised under widely varying climatic conditions, so that the extremes of high and low production are minimized.

#### Livestock Movements

Cattle and sheep are fed largely on natural forage and, consequently, must be moved from place to place as climatic conditions change. Cattle are generally moved to the higher mountain ranges during the summer months and returned to their home ranges in the fall. It is not to musual for eattle to be shipped from one feeding point to another as me any as three times prior to the shipment to market. Sheep, in addits on to moving from range to range as the seasons of the year vary or as new forage is located, are often permitted to feed in vineyards and barley fields after the crops have been harvested.

When read for slaughter, the livestock is shipped to stockyards at the marketin greint and is transferred to the corrals of the individual slaughter houses after the sales have been made, or is shipped directly to the slaughter house. Between 50 and 60 per cent of the

# Item No. 60-FEEDER RATES (Concluded)

rates will not apply to shipments of livestock intended for slaughter within 30 days from date of arrival at destination.

# Item No. 70 FEEDING IN TRANSIT

Rules and regulations of common carriers by railroad, in effect on the date of the order to which this is appended and applicable to interstate movements of livestock fed in transit within California, shall apply in California, except that the transit charge for such privilege shall be \$10.00 per car.

# Item No. 80 MISCELLANEOUS RULES AND REGULATIONS

Rules and regulations of respondent carriers in this proceeding applicable to the interstate transportation of livestock, and not inconsistent with the provisions of this appendix shall apply to the rates provided herein.

## Item No. 90-MINIMUM WEIGHTS

Rates are subject to the following minimum carload weights for cars 36 feet 7 inches and under, (inside measurement), subject to Note 1:

6.1	4 - 1	{ `.	15.5	1 1	C -	(C)	77.73
Fat Cattle .		"					pounds
Fat Calves	11		single	deck (1		16,000	
Fat Calves			_double	deck			pounds
Fat Hogs			_single		~		pounds
Fat Hogs			_double				pounds
Fat Sheep	1	. !!	single	deek		12,000	pounds
Fat Sheep	*** 7777744	~	_double	deek			pounds
Feeder Catt		3	1	4.25			pounds
Feeder Hog	s		_single	deck		15,000	pounds
Feeder Hog	s		_double			22,000	pounds
Feeder Shee	р'		single	deck.		12,000	pounds
Feeder Shee	p	- 1	double				
	T.,			, .			•

NOTE 1—For each foot or fraction of a foot in excess of 36 feet 7 inches in length add the following to the minimum weights provided for ears 36 feet 7 inches in length:

On cattle, or logs, in double deck cars	650 pounds
	625 pounds
On sheep and goats, in double deck cars	525 pounds
	525 pounds
	450 pounds
	400 pounds

Approximate: ly one-third of the hogs marketed in the state are produced in garbage feeding es ablishments adjacent to the Los Angeles and San Francisco metropolitan areas.

#### APPENDIX "D"

## Item No. 10-APPLICATION OF APPENDIX-TERRITORIAL

Rates, rules and regulations provided in the appendix herein will apply to transportation between all points within California served by railroad.

## Item No. 20—APPLICATION OF APPENDIX—CARRIERS

Rates, rules and regulations provided in the appendix herein will apply to all single line and joint line rail movements, except single line movements over the lines of earriers named in Note 1.

Note 1 .- Amador Central Railroad Company; The Areata and Mad River Railroad Company; Bay Point and Clayton Railroad Company; Bucksport and Elk River Railway Company; California Central Railroad Company; California Shasta and Eastern Railway Company; California Western Railroad Navigation Company; Camino, Placerville and Lake Tahoe Railroad Company; Indian Valley Railroad Company; McCloud River Railroad Company; Modesto and Empire Traction Company; Nevada County Narrow Gauge Railroad Company; Pacific Coast Railway Company; Quincy Railroad Company; Santa Maria Valley Railroad Company; Sterra Railroad Company; Stockton, Terminal and Eastern Railroad; Sunset Railway Company; Tonopah and Tidewater Railroad Company, Ltd.; Trona Railway Company; Ventura County Railway Company: Yosemite Valley Railway Company; Yreka Western Railroad Company. Thurst of the bear

# Item No. 30-APPLICATION OF APPENDIX-COMMODITIES

Rates, rules and regulations provided in the appendix herein, will apply on Ordinary Live Stock, viz. : Cattle, Calves, Hogs, Sheep, Lambs or Goats, except such as are chiefly valuable for breeding, racing, show purposes or other special uses.

# Item No. 40-ARBITRARIES FOR JOINT LINE HAULS

For joint line hauls involving one or more of the carriers named in Item No. 20, Note 1, there will be added to the rates provided in Item No. 100, 61 cents per 100 pounds.

# Item No. 50-COMPUTATION OF DISTANCES

Rates shall be computed according to the rail mileage via the shortest route over which carload traffic can be moved without transfer of lading.

#### Item No. 60-FEEDER RATES

Feeder rates provided herein will apply only to livestock shipped for feeding or fattening purposes and upon which a common carrier by railroad receives a subsequent haul within a period of one year. Feeder total amount of livestock consumed in this state moves through public stockyards, the balance going directly to the packing plants for slaughter. Range fed cattle are often sent to commercial feeding yards for market conditioning prior to their being shipped to the packing houses for slaughter. Sheep are usually shipped to market directly from the range. Hogs are seldom fed on natural forage and, hence, are usually made ready for market at the production points.

In addition, there is a sizable movement of dairy herds from old pastures to hew ones for the purpose of freshening up the herds and obtaining forage. In the dairying areas cows are shipped from dairies to sales yards, from sales yards to dairies, or from dairies or sales yards to consuming markets.10

The foregoing movements may be accomplished by the use of rail or truck transportation, or by driving. Vessel carriers transport a small amount of hogs and sheep from delta farms along the Saeramento and San Joaquin rivers to markets in the San Francisco Bay area. Otherwise, vessel carriers do not appear to participate in the livestock traffic to any material extent. Livestock traffic is being diverted from rail to truck carriers in an ever-increasing degree, although rail carriers have retained a large part of the feeder movement, due probably to the fact that large herds or flocks must be moved at one time and trucks of sufficient number or capacity to perform the service are seldom available. The principal factors which have influenced the trend from rail to truck transportation appear to be (1) that trucks will pick up and deliver at the ranch whereas stock transported by rail must be driven or hauled to and from the rail loading and unloading points; (2) that trucks afford a speedier service, thereby reducing shrinkage losses;" and (3) that the level of going rates for through transportation by truck has been lower

The market conditioning at the feed yards ordinarily consists of feeding the cattle ground beet pulp or cottonseed cake or meal, together with hay and selected

The market conditioning at the teen yards ordinarily consists of teening the cattle ground beet pulp or cottonseed cake or meal, together with hay and selected grains.

\*\*Sales yards, located in the vicinity of dairy farms, conduct a business of selling or exchanging cows. Dairymen sell cows which have outlived productive usefulness, and buy new ones to replace them. Old cows at dairies and at sales yards are generally sold to packing houses.

\*\*Fat livestock, whether moved to market by rail or truck, is subject to shrinkage in weight which increases in proportion to the elapsed time in transit. According to the time in transit, the time of day and the time of year when it is shipped, livestock may shrink up to 1 for cent when moved by truck and probably somewhat more when moved by rail.

The record shows that hogs shipped by rail take approximately 30 hours to go from Hanford, Visalia and Tulare to Los Angeles. By truck the same shipments take 31 hours. From Gerber to South San Francisco the trucks are about 1 hours faster than the railroad. From Williams the truck time to San Francisco is between 13 and 31 hours; the rail time from 16 to 24 hours. From Kern County points to Los Angeles is between 12 and 24 hours. In San Luis Obispo County, from a ranch located 50 miles from the railroad, the time by truck to the Los Angeles market is about 4 hours; the railroad, the lime by truck to the Los Angeles market is about 4 hours; the view of the cattle from the same ranch to the rail loading point. A shipper located 45 miles from the Gavota Station testified it formerly took him 24 hours to drive the cattle from the form his ranch to Los Angeles in 7 or 8 hours.

than rail rates plus the cost of moving the stock to and from the railheadely gails a classic place palagores of sate also about

The following table introduced by a witness for the California Cattlemen's Association shows the distribution of shipments of cattle as between truck and rail carriers, classified by origin territories, for the heaviest shipping periods of each territory in 1937: de la maistra de la compacta de la compacta de la villa compacta de la compacta del compacta de la compacta del compacta de la compacta del la compacta del la compacta del la compacta de la compacta del la compact

tita magi sha digai la Limi sha <b>District</b> qui sa Li tata magi kamba	same averageliebe geskam <mark>County</mark> geogra anderse ekanemitais	Number	Per	By R Number of Head	Per
	Siskiyou Modoe Lassen Plumas Tehama Sub-total	1,541 2,354 1,652 698 2,654 8,908	18	3,235 12,593 4,034 5,106 14,980 39,948	112 · · · · · · · · · · · · · · · · · ·
Central California	Marin Sacramento Santa Cruz Stanislaus Sub-total	1,953 8,546 1,429 39,037 50,965	   01	366 3,678 122 1,147 5,313	9
San Joaquin Valley	Fresno Madera Merced San Joaquin Kings Tulare Sub total	17,445 12,259 22,006 19,833 7,793 17,960 97,380	77	559 260 8,473 1,674 698 11,342 23,000	5-7- 5-7-      
Southern California	Imperial Kern Santa Barbara Sub-total	21,617 31,018 15,617 68,282	78	12,472 4,932 2,027 19,431	22
	GRAND TOTAL	225,631	72	\$7,608	28

It will be noted that with the exception of certain counties in northern California, the truck is by far the more popular medium for the transportation of cattle. This is true also in connection with transportation of sheep and hogs, except that rail movements of these two kinds of stock are relatively greater than rail movements of cattle.12

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PA representative of the Southern Pacific Company testified that his company handles about 75 per cent of the livestock moving by rail in California. An exhibit introduced by him, showing the movement by his company for the year 1911 compared with 1919, indicates that shipments of cattle and calves by rail in 1931 declined to 33.8 per cent of the 1929 movement. Shipments of sheep and goats in single deck cars declined to 15.6 per cent; sheep and goats in double deck cars to 56.1 per cent; hogs in single deck cars to 25.6 per cent; and hogs in double deck cars to 45.0 per cent, of the traffic handled in 1929.

LIVESTOCK SHIP FRYS Chose AMN Laciety bull

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1 10 11 11 11 11 APPENDIX "O"

**DECISION No. 31924** 

see

HIGHWAY CARRIERS

TARIFF No. 3

ATTACHED

HERETO

History and Present Status of Rail Rates and Salary Delta 1901 of the file

Prior to 1924, rail rates for intrastate transporta tion of livestock in California were stated in dollars per car and publi shed on a pointto-point basis. The commodity descriptions "Cattle NOS," "Sheep NOS" and "Hogs" were employed and rates usually applied either on fat or feeder stock,12 although a few feeder rates were maintained between country points: In 1924, representatives of livestock shippers' associations and of the railroads held negotiations looking toward the establishment of a maximum scale of rates for livestoe ke transportation, to be published on a mileage basis. The livestock interests sought, principally, the establishment of a differential between rates for fat and feeder stock. The result of these negotiations was the voluntary establishment by the rail lines in August 1924 of the so-called "California scale." This scale, published in dollars per car-, was constructed generally as follows: The feeder cattle rates in the so-called "Arizona-California scale"" were adopted as the feeder cat tle rates for the California scale. Fat cattle rates were based thereon so as to maintain a relationship of 100 and 85 per cent respectively; between fet and feeder cattle. Double and single deck rates for sheep (fat and feeder) were made 110 per cent" and 80 per cent respectively of the corresponding cattle rates. Rates for hogs in single decke cars were made 90 per cent of the fat cattle rates. The scale did not provide rates for feeder hogs lower than those applicable on fat hogs nor did it provide specific rates for hogs in double deck cars. Under a tariff rule, however, double deek rates for hogs could be constructed by taking 170 per cent of the corresponding single deck rates per car. The scale contained a provision for assessment: of a branch-line arbitrary charge of \$3.50 per car and was published to alternate with point to point rates then in effect.

unthe term "fat livestock" is used generally to designing a nimals ready for immediate slaughter. The term "feeder livestock" is ordinarily used to describe animals which require further feeding. In California "feeder" livestock includes what are sometimes called "stocker" animals. These are usually immature stock used to replenish herds on the range. Stockers may be fed from one to two years, whereas feeders require only from one to six months' feedling before slaughter. The hundred weight value of feeder stock often approaches that of fat stock and, for that reason, the description of stock for shipping purposes. Trequently depends on current market prices at time of shipment. If the market prices are good, the livestock may be described as "fat," while the identical animals Irra a poor market might be shipped to a feed yard as "feeder" stock, to await better market prices.

"The Arizona-California scale was prescribed by the Into restate Commerce Commission in American Livestock Association vs. Southern Pacifico Company, 18 L. C. C. 11 (decided January 7, 1913). In that case, rates for feeder livestock were established at \$5 per cent of rates for fat stock. A charge of \$15.00 for branch-line hauls and \$5.00 for joint-line hauls was provided. In Arizona Calific Grovers Association vs. Apache Radiroad Co., et al., 101 L. C. C. 151 (decided July 21, 1923) the feeder rates were reduced to \$0 per cent of the rates for fat stock and the branch-line arbitrary abolished. The California scale reflected the general imcreases and reductions which occurred in the Arizona-California scale during the VVorid War period, and fronted out a blanket of rates for distances between 416 and 5.26 miles, which bianket which equilibriary atolished. The California scale reflected the general imcreases and reductions which occurred in the Arizona-California scale during the VVorid War period, and fronted out a blanket of rates for distances between 416 and 5.26 miles, which bianket but the form the suited from the application of perce

In July 1930, this Commission found rates on fat cattle and sheep in double deck cars from points in the Imperial Valley to Los Angeles unreasonable to the extent that they exceeded rates based on the Arizona-California scale.14 Again, in October 1933, it prescribed a scale of mileage rates (the so-called "26114 scale") somewhat lower than the California scale, to apply on fat sheep in single and double deck cars." The Commission also found in that proceeding that fat eattle rates provided in the California'scale had not been shown to be unreasonable, but that feeder cattle rates were unreasonable to the extent they exceeded the rates for fat sheep prescribed in the decision. While the territorial application of the order was limited, the scale used was adopted in numerous subsequent proceedings, so that, with minor exceptions, it is now prescribed as a maximum scale for statewide application on sheep in single or double deck cars. Published in cents per 100 pounds, the 26414 scale constituted the first major departure in this state from the long-established method of stating rates in dollars per car. () [1] () [1] () [2] () [2] () [3] () [4] (

While these intrastate rates were undergoing adjustment, changes were taking place in interstate rates for livestock moving between points in California and points in adjacent states. In 1927 California livestock interests negotiated with the railreads for the establishment of a mileage scale of rates between Iltah, Nevada and California. The result of these negotiations was the adoption of a scale of mileage rates in dollars per car for fat and feeder cattle and sheep between points in Nevada and Utah on the one hand, and points in California on the other. This scale is generally referred to as the "Nevada-California scale."

In Docket 17000 Part 9, Livestock-Western District Rates, 176 I.C.C. 1 (decided June 8, 1931), the Interstate Commerce Commission prescribed maximum rail rates for interstate application throughout

#### APPENDIX "B"

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Address of Shipp	жг	но	ddress of Cons	ignee	
Precise Point of			recise Point of		
Number of Head	Kind of Stock (Note 1)	Show whether Fat or Freekr ; Livestock	Gross Weight of Salpment, Pounds (Note 1)	Rate (in cents per 100 pounds)	Clarges
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NOTE 1.—State	whether car	tile cultur shoo	Other Charg Prepaid Total to C	es	

M California Litestock Commission, et al. vs. Southern Pacific Co., et al., Case No. 2471, Decision No. 21651, July 9, 1926, reported 25 CRC 31.

18 Woodward-Bennett Packing Company, et al. vs. Southern Pacific Co., et al., Case No. 2900, Decision No. 21611, October 3, 1922. The basis of rates prescribed in that decision was the "Concho-Cactus scale." The Concho-Cactus scale arose out of I.C.C. Docket No. 2034, Concho Litestock Co., et al. vs. A. T. & S. F. Ry. Co., et al., 173 I.C.C. 501 (decided September 19, 1921). That proceeding involved claims for reparation on livestock moving between Arizona and California. Rates were charged on the basis of the Arizona-California scale. Rates were sought on the basis of the Cactus scale, originally established in Arizona Packing Company vs. A. B. R. Co., 31 I.C.C. 115 (decided June 17, 1923). The latter scale was in cents per 100 pounds and applied on beef (fat) cattle tody. The Interstate Commerce Commission in the Concho scale was prescribed for reparation purposes only, as rates for the future had cliready been fixed by the Interstate Commerce Commission upon the Bocket 1700 scale.

18 The Navada California and the Commerce Commission upon the Bocket 1700 scale.

Scale.

The Nevada-California scale was published in dollars per car on the basis of the California scale up to \$00 miles. Beyond that distance the rate of progression was generally \$3.50 per car for each 15-mile block. Rates for two-line hauls were made by adding an arbitrary charge of \$5.50 per car for distances less than 500 miles. Branch-line arbitraries were not established.

Petty, Don E., for Livestock Haulers' Association and Bay Haulers' Association.

Rengiet, E. O. and W. H. Lore, for Union Pacific Railroad.

Rhode, Walter A., for San Francisco Chamber of Commerce.

Sawyer, R. S. and R. E. Crandell, for Associated Jobbers & Manufacturers.

Shearer, D. G., for Certificated Highway Carriers, Inc.

Simpson, J. O., for Wholesale Fruit & Produce Association of San Francisco.

Sommers, J. C., for Stockton Chamber of Commerce.

Stern, Edward, for Railway Express Agency, Inc.

Stewart, J. L., for Armour & Co.

Stewart, L. H., for Fred Gill & Sons.

Stewart, L. II. and Alex Gould, for Sterling Meat Corporation, Cornelius Brothers, Ltd., Merchants Packing Company, Newmarket Company, Standard Packing Company, Union Packing Company, Coast Packing Company, United Dressed Beef Company, Gorman & Monheim Livestock Commission Co., D. H. Lillywhite Company, Southwest Commission Co., California Investock Commission Co., Washburn & Condon, Great Western Livestock Commission Co., Hampton Litestock Commission Co.

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Stewart, L. H. and Melcolm E. Stewart, for California Cotton Oil Corporation, J. G. Boswell Company and Producers' Cotton Oil Company.

Stone, W. G., for Sacramento Chamber of Commerce.

Thacker, Percy O., for Pioneer Truck and Transfer.

Thompson, Roy B. and Edward M. Berol, for Truck Owners' Association of California. . . .

Wade, H. M., for McClain Trucking Company.

Walker, R. F., for Spreckels Sugar Co.

Wedekind, R. E., for Southern Pacific Company, San Diego & Arizona Eastern Railway, Northwestern Pacific Railroad Company, Visalia Electric Railway, Petaluma and Santa Rosa Railroad Company, Santa Maria Valley Railroad Company, Pacific Motor Transport and Pacific Motor Trucking Company.

Wilcox, Charles, for J. D. Maynard Co.

Wilcor, Edwin O., for Canners League of California and Dried Pruit Association of California.

Wolters, L. H., for Golden State Company, I.d., and California Dairy Council.

"Mountain-Pacific" territory," of which California is a part, thus superseding both the Arizona-California and the Nevada-California scales. The Docket 17000 scale has never been adopted for intrastate transportation in this state. In general, it is lower than the California or 26414 scales, but higher than some of the point-to-point rates currently in effect in this state, and risative a fame of your country is

In Decision No. 30781 in Application No. 21603, the general level of intrastate livestock rates by rail was horizontally increased 5 per cent on April 15, 1938, following the horizontal increases in rates on interstate livestock under Ez Parte 123 on March 28, 1938 (226

I.C.C. 41).

As the result of the foregoing, the present intrastate rail rate structure for livestock transportation is based generally as follows: (1) maximum fat cattle rates are those established voluntarily in 1924 as the California scale, increased 5 per cent; (2) maximum feeder cattle rates are those prescribed by the Commission in the 26414 scale, increased 5 per cent; (3) maximum fat and feeder sheep rates are those prescribed by the Commission in the 26414 scale, increased 5 per cent; and (4) maximum hog rates are those voluntarily established in 1924 as the California scale, increased 5 per cent. Numerous pointto-point rates, lower in volume than those applicable under the foregoing bases, are also maintained. In addition, the California scale of rates on feeder cattle and fat and feeder sheep, superseded as a maximum scale by the 26414 scale, apply whenever they produce lower aggregate charges than are produced by the latter scale or by the point-to-point rates.

For movements of cattle and sheep from home ranges to feeding ranges and return, the rails publish numerous so-called "round trip" rates, lower in volume than the sum of the rates which would otherwise be applicable for the outbound and return hauls computed separately. These rates are published on a point-to-point basis, there being no mileage scale of round trip rates. The volume of the round trip rates is approximately one-and-a-half times the one-way feeder rate, or the continuous mileage rate for feeder livestock under the California scale to which a stopping charge is added.

# History and Present Status of Truck Rates in Was in the State of the Control of the

Trucks began to haul livestock to an appreciable extent during the World War period. The urgent demand for truck transportation of agricultural commodities, caused by acute shortages of rail cars.

<sup>19 &</sup>quot;Mountain-Pacific" territory as defined by the Interstate Commerce Commission comprises generally that portion of the United States west of a line drawn through flavre, Mont. Cheyenne, Wyo., Denver, Colo., Albuquerque, New Mex. and El Paso, Tex., and includes the states of Washington, Oregon, California, Idaho, Newada, Utah and Arizona, together with the western portions of Montana, Wyoming, Colorado and New Mexico.

<sup>3--</sup>S0493A

led producers to transport livestock in their own or hired trucks. After the war, however, transportation of livestock by common carrier truck lines did not grow apace with common carrier truck transportation of other commodities. The Commission's files of tariffs in effect prior to 1935 show but two certificated motor carriers of livestock whose rates may be used as criteria for analyzing the historical background of truck rates. A carrier operating extensively in southern California published point-to-point truckload rates for livestock, regardless of kind, on a graduated basis related to the size of the vehicles employed.20 He also published hourly rates to apply between all points other than stockyards and packing houses. The level of truckload rates published by this operator in 1929 for transportation from Imperial Valley points to Los Angeles, appears to be about twice the volume of rates contemporaneously maintained by the railroads. The other certificated truck carrier whose tariff furnishes some historical rate data, published rates in southern California on two truckload bases, one for movements in a 6-wheel truck and 6-wheel trailer combination units and the other for movements in 6-wheel trucks. This carrier's rates for truck and trailer load movements generally approximated the rail lines' rates for transportation between railheads near the named origin and destination points.

Contract or radial highway common carrier rates prior to 1935 are not developed definitely in the record. In general, however, it appears that contract carrier rates approximated rail rates for competitive service and were somewhat higher than rail rates where the distance from railhead and the time in transit were influencing factors in favor of truck service.

The testimony is in conflict as to the general level of rates now being charged by truck carriers engaged in livestock transportation. According to some witnesses, truck operators transport truck and trailer loads at rail rates for a rail carload quantity, sometimes with, but more often without, additional charges for transportation performed beyond the railheads or for accessorial services which the rails do not undertake to render. These witnesses claimed that semi-trailer or single truck loads of livestock are ordinarily charged from onehalf to two-thirds of the rail per car rates. On the other hand, the result of a study of "going" truck rates introduced by a Commission witness shows that truck rates bear little if any similarity to rates maintained by rail lines beween similar points and for like distances.

1)

Duffy, G. E. and George T. Hurst, for The Atchison, Topeka & Santa Fe Hailway and Santa Fe Transportation Company.

Filigibbon, P. S., for Mutual Orange Distributors.

Folcy, L. L., for Swift & Company.

Forman, E. J., for Globe Grain and Milling Company, Los Angeles Grain Exchange and California Hay, Grain and Feed Association.

Green, Sam II., for California Dairy Council.

Hunton, J. M., for Valencia Truck Company.

Jacobsen, Phil, for Cantlay & Tanzols, Inc.

Keith, Leonard R., for California Packing Corporation.

Lincoln, H. A., for Fibreboard Products Inc.

Maker, E. A., for Automotive Council of Orange County.

McCurdy, John E., for Poultry Producers' Association of Central California.

McCutcheon, Olney, Mannon & Greene, by F. W. Mielke, for The River Lines.

# List of Appearances

Aiken, B. R., by Henry M. Sunders, for Martinez-Benicia Ferry Company.

Allen, Kent, for Hendrix Truck Corporation.

Andrus, Leon E., for Audrus & Teichert Trucking Co.

Anthony, O. G., for Cantlay & Tanzola, Inc. Property of State of America and a

Arturo, P. J., for Swift & Company.

Baugh, H. W., for Motor Truck Association of Southern California and Southwestern Motor Tariff Bureau.

Charles and Adams of

Bitchoff, A. J., for Certificated Highway Carriers, Inc., Southern California Preight Lines and Southern California Preight Forwarders.

Bininger, B., for Pacific Electric Railway.

Boyd, R. T., for South San Francisco Union Stockyard Company.

Brodehaw, L. N. and John L. Amos, Jr., for Western Pacific Railroad Company, Sacramento Northern Railway, Tidewater Southern Railway Company and Delta Finance Co., Ltd.

Brooks, Clifton E., for Fruit Research Council of California.

Burgin, C. O., for Port of Stockton, had been supplied to have been been supplied to

Burgin, O. O. and J. O. Sommers, for Stockton Traffic Bureau.

Carrer, J. A., for Rice Growers' Association of California.

Cole, H. E., for California Growers & Shippers Protective League. And Advisor

Cooper, A. L. and Arthur H. Glunz, for Cudaby Packing Co.

Curry, John, for California Cattlemen's Association and California Wool Growers' Association.

Devel, J. J., for California Farm Bureau Federation.

Differding, T. O., for Oakland Chamber of Commerce.

Dill, Harold W., for Truck and Warchouse Association of San Diego and Imperial Counties.

Downey, Wallace Ky for Pacific Preight Lines and Keystone Express System.

Neill, Robert C., for California Fruit Growers' Exchange.

This operator's tariff named truckload rates for-

a 6-ton truck and 6-ton trailer b. 6-ton truck c. 4-ton truck and 1-ton trailer d. 4-ton truck

e. 3-ton truck and 3-wheel trailer f. 3-ton truck g. 13-ton truck h. 1-ton truck

The effective date of this order shall be thirty (30) days from the date hereof.

est Dated at San Francisco, California, this 11th day of April, 1939. The Ity was all (IV) which at the first of the Ity was all (IV) which at the first of the Frank R. Detrin, (a) which is at the first of the point of the Rate, which is at the rate of the point of C. C. Baker, it are at the rate of the point of the confidence of the

we have a contract your high deflets perfect a mean to the told Mills been because by local and only in the form of the form o

As a transfer of the property of the control of the property of the control of th

The following tables, drawn from an exhibit in-troduced by a Commission witness, show truck rates for typical movements compared with the contemporaneous rail rates for the same knowments.

had a la a la a la and i				
		Cattle	Sheep	D.D.
time ye a derild belled a land.	Rail	Truck ca nd	Rail	Truckend
Los Angeles, California	- 36-100t			Treiler :
From things aspend and specific			carload	lood .
Reawley California	\$10.00	\$50.00	\$52.00	\$50.00
Brawley, California Bakersfield, California	60.00	45.00	64.00	45.00
Fresno, California Indianage.	75.00		80.00	80.00 a
Los Banos, California	85.90	\$5.0O	90.00	85.00
Santa Paula, California		30.0 <b>O</b>	45.00	30.00
Santa Barbara, California	50.00	40.0CD 1st	63.00	sa <b>40.00</b>
Pismo, California	. : : : : : : : : : : : : : : : : : : :	75.00	70.00	75.00
King City, California	. 19.00	O0.00	S-1.00	90.00
King City, California, Salinas, California	. 83.00 🗥	5 · 100.0C) ₹	90.00	100.00
to the lateralise of pathies discour	. i j	Calile	1	A Land
Marked and broken in a contra	1 1 1		Sheep,	
To:	Rail	Truck and	Rad	Truck and
San Francisco, California	36-1001	TraiZer	3G-fool	Trailer
From the high will prove that of the	carload.	loa et	carloss	load
Stockton, California	\$35.00	<b>₹36,0•Q</b>	\$11.50	\$43.50
Oakdale, California	41.50	43.0-0	58.00	68.00
- Manteca, California	35.00	35.0∙0	50,00	45.00
Los Banos, California Bakersfield, California	51.50	52.0·O	58.00	65.00
Rakeisfield, California	. 30.50	00.0€	84.00	110.00
Salinas, California		65.0-O	50.00	68.00
Paso Robles, California		65.0-0	70.00	65.00
Guadalupe, California		90.0•0	Ω8.00	90.00 70.00
Willows, California		68. <b>0&gt;0</b> 70. <b>0&gt;0</b>	02.00 58.00	72.50
Margaville, California	177 (8)	(1).( <b>))</b> ( )	110.00	14.30

Rail rates shown above are those in effect contemporaneously with truck rates developed of record in this proceeding and do not reflect the horizontal increase of 5 per cent in rail rates on April 16, 1938. Truck rates of contract carriers were not enflected by that increase except to the extent they may have been adjusted voluntarily by the carriers, hence the disparities between rail and truck rates today are possibly more aggravated. It will be noted that in some cases the rail rates are higher than truck rates, while in other cases the opposite is true. In still other instances, but rarely, the rates charged by both rail and truck are the same.

In view of the conflicting evidence mentioned it cannot be determined definitely to what extent rail rates forms the base for truck rates. However, it appears in general that rail rates are observed when the time required for transportation by truck is comparable with the time required by rail and when the origin and destination are not far removed from rail track facilities. When the truck time is substantially less than the time offered by the rails, truck carriers often obtain a somewhat higher rate. When the stock is picked up at, or delivered to, points more than five or ten miles remove of from rail track facilities.

truck carriers assess approximately 50 cents per truck mile for the additional service beyond the railheads.

On the whole, the size of truck equipment appears to play a greater part in competitive bidding for traffic than does the rate level. Whereas the rail rates are ordinarily based on 36 foot 6 inch cars, and are increased by graduated percentages when larger cars are ordered, truck carriers seldom assess a greater charge for larger equipment. In fact, many truck carriers appear bent on obtaining an advantage over the competitors by affording larger equipment, while at the same time quoting competitive rates.

The record is not clear as to what charge, if any, truck carriers make in instances where they pick up a full load at more than one point. There is some evidence to indicate that charges ranging from one dollar to five dollars are assessed for such split pick-up service.

Rates for the transportation of dairy cows from and to sales yards are quite generally assessed on a "per head" basis ranging from 60 cents to \$1.00 regardless of weight but depending on the distance to be traversed. The "per head" basis of rates for dairy cows is due to the fact that dairymen send only their non-productive or tuberculintested cows to sales yards and thus ship one or several head at a time. A truck operator performs a gathering service, going from one dairy to another until he has acquired a full truckload.

#### Truck Cost Studies

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reprehensive studies showing estimated costs of transporting cattle, sheep and hogs in various types and sizes of truck equipment. The following tables show a comparison of the round-trip costs per vehicle unit developed by the several witnesses for transporting livestock in truck-and-trailer, and tractor and semi-trailer equipment.

# COST PER ROUND TRIP

One Way Jacobsen Miles (Exhibit No. 5)	Landmark (Ezhibit No. 12)	Anthony (Ezhibil No. 13)	Welk (Ezhibil No. 22)
	Truck-and-Trailer	Operation :	The state of the state of the
	33.83 132.92	43.65 149.40	\$ 22.25 41.48 162.90
	ctor and Semi-Trai	ler Operation	
100 25.99	\$ 15.80 29.72 117.71		

\*\*The cost witnesses were C. II. Jacobsen, senior engineer in the Commission's Transportation Department; C. Landmark of the Livestock Transportation Association of Vernon; C. O. Anthony, representing Cantlay & Tanzola; and O. E. Walk of Truck Owners' Association of California.

rates to be subject to the minimum weights set forth in Appendix "D" hereto.

13. 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 tariff designated as Appendix "C" of the order herein.

14. That all common carriers, radial highway common carriers and highway contract carriers be and they are hereby ordered and directed to issue a shipping document 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 kind and number of head of livestock shipped, a statement of the weight of the shipment, 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.

15. That the Commission shall have and it does hereby retain jurisdiction of these proceedings 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 non-discriminatory maximum or minimum or maximum and minimum rates, charges, rules and regulations to be charged and collected 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 commodities here involved between all competing agencies of transportation.

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and accessorial charges no lower in volume or effect than those found just, reasonable and non-discriminatory, or justified, for radial highway common carriers and highway contract carriers, by Findings Nos. 1, 2 and 3 in the preceding opinion.

7. That all highway common carriers, as defined in the Public Utilities Act, be and they are hereby ordered and directed to cease and desist sixty (60) 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 just, reasonable and non-discriminatory, or justified, for radial highway common carriers and highway contract carriers, by Findings Nos. 1, 2 and 3 in the preceding opinion.

8. That effective sixty (60) days after the effective date of this order, this order shall cancel and supersede rates, rules and regulations heretofore established for the transportation of livestock tween points for which rates, rules and regulations are established herein.

9. That all common earriers by railroad maintaining rates found by Finding No. 6 of the preceding opinion to be unreasonable and excessive be and they are hereby ordered and directed to cancel said rates on or before sixty (60) days after the effective date of this order, on not less than five (5) days' notice to the Commission and to the public, and to establish in their stead rates no higher than those set forth in Item 100 of Appendix "1)" attached hereto and by this reference made a part hereof.

10. That, subject to the rules and regulations provided in said Appendix "D" hereto, common carriers by railroad be and they are hereby ordered and directed to cease and desist sixty (60) days after the effective date of this order and thereafter abstain from publishing or maintaining in their tariffs rates higher in volume or effect than those set forth in Item 100 of said Appendix "D".

11. That all common carriers by railroad be and they are hereby authorized to increase existing rates for the transportation of livestock, not earlier than sixty (60) days from the effective date of this order and on not less than five (5) days' notice to the Commission and to the public, to the extent shown in Items 110 and 120 of said Appendix "D" hereto.

12. That all common carriers by railroad be and they are hereby ordered and directed to convert to a cents per 100 pounds basis, on or before sixty (60) days from the effective date of this order and on not less than five (5) days' notice to the Commission and to the public, all rates and charges for the transportation of livestock now published in dollars and cents per ear, or in some other form, the conversion to be on the basis of present average loading weights and the resulting

None of the witnesses except the Commission's witness anticipated that there would be any back haul for livestock truck operators. The Commission's witness estimated a 5 per cent back haul, and added this to the average load weights to ascertain the total round-trip weights. The other witnesses assumed that the loaded haul would be in one direction only. The average loading weights used by the various witnesses for the various types of equipment and kinds of livestock are as follows:

# AVERACE WEIGHTS OF LIVESTOCK

Type of Equipment	Kind of Stock	Jacobsen* (Exhibit	Landmark (Exhibit No. 12)	Erhible	Walk (Exhibit No. 22)
		Pounds	Pounds.		Pounds
Truck-and-Trailer	Cattle Sheep, D.D. Hogs, D.D.	31,500 26,400 35,700		30,000 26,000 36,000	27,280 20,920 31,140
Tractor and Semi-Trailer	Cattle Sheep Hogs	10,800 12,600 17,680		15,000 12,000	

\*Includes an estimated back baul weight of 5 per cent.

The above weights, when applied to the round-trip costs hereinbefore shown, produce the following cents per 100 pounds costs for the various kinds of livestock transported in truck-and-trailer loads, and in tractor and semi-trailer loads:

# COSTS IN CENTS PER 100 POUNDS

Kind	One	Jac	bsen	Land	mark	Anti	tony	13'a	lk:
of	Way	(Ezhib	il No. 5)	(Ezhibi)	No. 12)	(Eshibi	No. 13)	(Erkibit .	No. 22)
Stock	Miles	A	B	A	$\boldsymbol{B}$	. A	B	A	R
	50	5.80	8.12	5.63	9.87	7.88	11.42	8.16	
Cattle	100	10.93	15.47	11.27	18.57	14.55	21.13	15.20	
•	400	42.13	60.76	44.31	73.56	49.80	73.45	69.73	11
	*^	F 0.4	40.00	- 11	40.00	1 1 1			F .
~-	60	5.84	10.83	7.15	12.30	9.00	14.27	10.84	
Sheep	100	13.03	20.62	13.53	23.30	16.79	26.42	19.67	
	400 -	50.18	79.69	53.17	92.32	57.46	91.82	77.01	
	50	4.33	7.64	5.26	9.23	6.57	9.52	7.15	• •
Hogs	100	9.66	14.55	9.95	17.38	12.13	17.61	13.32	
- <del></del> -	400	37.18	56,21	39.09	68.83	41.50	61.21	62.32	1777
									-

A-Truck-and-trailer load.

According to the cost witnesses, truck operators who specialize in hauling livestock for short distances experience lower load weights than do carriers engaged in long distance transportation, because smaller equipment is ordinarily used. Thus, the witnesses claimed, relatively higher unit costs are experienced for distances up to 50 miles.<sup>22</sup> Here also the Commission's witness used an estimated back

<sup>&</sup>quot;The short haul operations usually involve movements from feel lots and stockyards to packing houses, or vice versa, and from ranches to railheads. Dairy cows are also hauled for short distances ranging from one-fourth mile to fifteen miles.

haul factor of 5 per cent, while other witnesses excluded the possibility of back haul movement. The average weights used by the several witnesses are as follows: in all a habitation and a deviational?

AVERAGE LOAD WEIGHTS (POUNDS) SHORT HAUL OPERAT	ioss
Jacobsen's Landmark's Anth Kind of Exhibit No. 6 Exhibit No. 12 Exhibit	ony s
Stock of the grand of the A Tar A Bid to Control B a to O to see B.	$i,j,\mathbf{Q},ij$
Cattle 10,500 16,800 31,500 16,000 30,000 15,000 Sheep 5,040 6,040 13,860 12,750 25,000 12,000	26,000
	36,000

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- -Includes 5% back haul load factor.
- A-Truck (26,000 lbs. gross).
  B-Truckor and semi-trailer, gasoline operated.
- C-Truck-and-trailer, diesel fuel operated.

Based upon exhibits of record, showing data for 5 to 60 mile hauls one way, the following round-trip costs and cents per 100 pounds costs were ascertained. The large variations in cents per 100 pounds are due mainly to differences in the load weights estimated by the several មិត្តស្រែក គ្នាស្រែសស៊ីការស ឧស្សា witnesses.

One	TRUCK Kind	मिनेह हर	Jacobsen	a stroit	Land	marks:	.65 Ani	hony's
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10 50						*****		\$0.02 ·
			Cost in	CENTS	PER 100	Pounds		***
5	a state	2.33	1.96					+-
10 50	Cattle (1, 1	3.17 11.12	2.76 10.32	2.23 : 7.08		2.07	; 3.90 t	3.12
5	- <del> </del>	4.88	4.74	4.02	ىدىنىدىن. قاتىقى	باد بنداد د. د. د. اد کاماله ما	المنظم الما المنظم الما	
10 50	Sheep, S. D.	0.61 23.17	6.68 24.98	5.18 18.12		4.48	4.90	3.58
	<u></u>							
10	Hoge, S. D.	3.53 4.80	3.48 4.90	3.93 3.90	2.68			2.50
50		18.84	18.32	13.29				

- A-Truck (26,000 pounds gross).
- B-Tractor and semi-trailer, gasoline operated.
- C-Truck-and-trailer, diesel fuel operated.

#### Suggested Truck Rates

I to the said a second of the A Commission witness and a representative of The Truck Owners Association of California suggested scales of rates which, they asserted, would be reasonable as minimum rates for truck transportation of livestock. The scales constructed by the Commission's witness were based principally upon the cost figures developed by the Commission's engineer, regraded to reflect a smooth rate of progression. The scales

for which rates and charges are therein provided, and for accessorial charges rendered incidental thereto, single office a form of the agent their

- 2. That the basis for constructively increasing highway mileages prescribed by the Commission in Decision No. 31605 of December 27. 1938, in Case No. 4088, Part "N", Case No. 4145 and Case No. 4246, be and it is hereby adopted, established and approved as the just, reasonable and non-discriminatory basis for computing mileages for use in applying mileage rates set forth in said tariff designated as
- 3. That all radial highway common carriers and highway contract carriers be and they are hereby authorized to assess, collect and charge common carrier rates and accessorial charges, to construct combinations therewith, and to observe common carrier rules and regulations, lawfully on file with the Commission and in effect on the date of movement, subject to the terms and conditions and in the manner explained in Finding No. 3 of the preceding opinion and in Items Nos. 150 and 160 of said tariff designated as Appendix "C" hereto, the manufact of the court of the cou
- 11. 4. 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 sixty (60) 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 tariff designated as Appendix "C" hereto, and from observing rules or regulations lower in volume or effect than those set forth or referred to therein, except as provided in ordering paragraph No. 3.
- 5. That all radial highway common carriers and highway contract carriers be and they are hereby ordered and directed to cease and desist sixty (60) days after the effective date of this order and thereafter abstain from quoting, assessing, charging, collecting rates or accessorial charges based upon a unit of measurement different from that in which the rates and charges herein established as minimum are stated.
- 6. That all highway common carriers maintaining rates, charges, rules or regulations or accessorial charges found by Finding No. 5 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 sixty (60) days after the effective date of this order on not less than five (5) days' notice to the Commission and to the public, and to establish in their stead rates, charges, rules, regulations

9. 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, 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 tariff designated as Appendix "C" of the order herein.

10. That no radial highway common carrier or highway contract carrier should be permitted to quote, assess, charge, collect or observe rates, rules, regulations or accessorial charges in a unit of measurement different from that in which the rates herein provided as minimum for the same transportation are stated.

11. That all common earriers, radial highway common earriers and highway contract earriers should be ordered and directed to issue a shipping document 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 kind and number of head of livestock shipped, a statement of the weight of the shipment, a statement of the rate assessed and the charges collected, and a statement of such other information as any be necessary to an accurate determination of the minimum rate and charge applicable under the order herein; and should be required to 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 for thin Appendix "B" of the order herein will be suitable and proper.

#### ORDER

Public hearings having been held in the above entitled proceedings 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 in the tariff designated as Appendix "C", which by this reference is incorporated in and made a part of this order, be and they are hereby established and approved effective sixty (60) days after the effective date hereof as the just, reasonable and non-discriminatory minimum rates, charges and accessorial charges to be assessed, charged and collected and the ruless 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 livestock, as described there in between the points

suggested by the Association's witness were based upon the cost studies introduced by that organization. The Association's scales were made to grade into the rail Concho Scale where the developed truck costs produced rates higher than the Concho Scale. A comparison of the two proposed scales for representative distances is shown in the following table. For convenience, the cost figures developed by Landmark and Anthony are also shown.

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and Anthony	are also sho				
		CATTL	<b>មួ</b> រ ដែល ដែល	h., i., 41.	, ∰ se + <sup>†</sup> g st
hatrandra	Jakan Midi				
off of police	(Figures at	e stated in cen	its per 100 po	pnds) der um	ist ter
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or dear lead 🗗	ohnson Exhibit	Truck Owner		rdmark Zekibil	Anthony Exhibit
One Bo	No. 11 Scale acd on Ideobsen				No. 15
Way	Cost Study	Scale		Cost	Cost
	Exhibit No. 5	Eskibit No.		Scale	Scale
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400 500	501 62	48 54	Part Contract	661 - 111	01 <b>1</b>
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10. <b>50</b>	7)	71	100 488 45	_ <b>5</b> {	61
75 100	10 111	11 131		71 10	19
150	16	20		15	17
200	20)	261		19}	$\hat{2}\hat{2}$
300	29	391		291	311
400	371	48		<b>39</b> , 4 s . ; ts	41}
500	46	54		49	61

To eliminate the possibility that a rate order providing only truckload rates might be defeated by dividing shipments and tendering them in less-truckload quantities, and to provide equitable rates for dairy cows and other small shipments of livestock, the Commission's witness suggested a minimum scale of less-truckload rates, starting at 25 cents per 100 pounds for 0.5 miles and progressing upward at the rate of 1 cent for each 5 miles up to 50 miles, thence 2 cents for each 10 miles up to 200 miles, thence 4 cents for each 20 miles up to 300 miles, and 4 cents for each 25 miles thereafter. This was the only scale offered for less-truckload movement.

A representative of the California Farm Bureau Federation stated that the organization he represented would have no objection to the adoption of a truckload scale similar to that proposed by the Commission witness, but objected to the level of the proposed less-truckload rates. It was his contention that less-truckload rates of the volume proposed would seriously interfere with the transportation of small quantities of livestock to concentration points, sales yards and other similar movements. No other shipper offered any objection to the level of the rates proposed, nor were any counter-proposals offered with respect to less-truckload rates.

The Commission's witness suggested a set of minimum weights for adoption in connection with the scales of rates in cents per 100 pounds. The proposed weights conformed generally with those adopted by the Interstate Commerce Commission in Docket 17000, supra, for cattle, sheep and hogs. However, he proposed minimum weights of 12,000 and 20,000 pounds respectively for calves in single and double deck cars, whereas Docket 17000 prescribed minimum weights of 16,000 and 23,000 pounds for single and double deck carloads respectively.

The Commission's witness also urged the adoption of certain rules and regulations for the transportation of livestock, for the purpose of standardizing transportation service of highway carriers and of equalizing conditions between truck and rail carriers. These rules and regulations (contained in witness Johnson's Exhibit No. 11) provide generally that (1) distances are to be computed on the basis of the shortest resulting mileage via any public highway route in connection with the method provided in Case No. 4088, Part "N", (2) that an additional charge of \$1.00 per hour is to be assessed for accessorial services furnished in addition to the transportation service, (3) that freight charges shall be assessed on the basis of hoof weights of animals ascertained at point of origin or point of destination or by the use of scale weights or estimated weights, (4) that rail rates shall alternate with truck rates, and that combinations of rail and truck rates shall be made applicable for service from and to off-rail points, and (5) that split pick-up or split delivery service shall be permitted, subject to a

3. That subject to the terms and conditions of Items 150 and 160 of said tariff, designated as Appendix "C" of the order herein, all radial highway common carriers and highway contract carriers should be authorized to assess, charge and collect rates, charges and accessorial charges of common carriers, lawfully on file with this Commission and in effect on the date of movement, to construct combinations therewith and to observe the rules and regulations governing the common carrier rate, charge or accessorial charge used, whenever such rates, charges and accessorial charges, or combinations therewith, applied subject to their governing rules and regulations, produce lower aggregate charges than would accrue for the same transportation under the rates, rules and regulations and accessorial charges found just, reasonable and non-discriminatory in Findings Nos. 1 and 2.

4. That except as provided in Finding No. 3, 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 tariff designated as Appendix "C" of the order herein is applicable, rates, charges, and accessorial charges no lower in volume or effect than those set forth in said tariff, and to observe rules and regulations no lower in volume or effect than those set forth therein.

5. That the existing rates, charges, rules, regulations and accessorial charges maintained by highway common carriers 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, in so far as they are lower in volume or effect than those found just, reasonable and non-discriminatory, or justified, by Findings Nos. 1, 2 and 3 for the performance of the same transportation and the same accessorial services by radial highway common carriers and highway contract carriers.

6. That the existing rates and charges of common carriers by rail-road. for the transportation of ordinary livestock, are unreasonable and excessive to the extent they exceed the rates and charges set forth in Item 100, Appendix "D" of the order herein.

7. That common earriers by railroad should be authorized to increase existing rates to the extent shown in Items 110 and 120, Appendix "D" of the order herein, and that the resulting increased rates are justified.

8. That common carriers by railroad should be required to convert to a cents per 100 pounds basis all rates and charges for the transportation of livestock now published in dollars and cents per ear, the conversion to be on the basis of average leading weights and the resulting rates to be subject to the minimum weights set forth in Appendix "D" of the order herein.

transportation of property for longer than for shorter distances over the same line or route, the shorter being included within the longer distance, unless authority to do so shall first have been secured from the Commission.<sup>36</sup> Of necessity, the granting to carriers of permission to meet the rates of competing for-hire carriers between the points served by such competing carriers, and requiring at the same time that they observe the established minimum rates otherwise, will result in rates which, in some instances, are less for longer than for shorter distances over the same line or route.

It is apparent that the presence of competition at the more distant point and its absence at intermediate points justifies such departures as may result from the application of the minimum rates here established. In so far as any 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 XII, Section 21 of the State Constitution, authority will be granted such carriers to depart from the provisions of that section to the extent necessary to enable them to observe the provisions of the order herein. All common carriers subject to the provisions of the Public Utilities Act, desiring similar authority, should file application therefor under Section 24(a) of that Act.

#### FINDINGS

Upon consideration of all the facts of record, the Commission finds:

1. That the rates, charges, accessorial charges, rules and regulations set forth in the tariff designated as Appendix "C" of the order herein are justified and should be established as just, reasonable and nondiscriminatory minimum rates, charges and accessorial charges to be assessed, charged and collected, and just, reasonable and nondiscriminatory minimum rules and regulations to be observed in applying such rates, charges and accessorial charges, by all radial highway common carriers and highway contract carriers, for the transportation and accessorial services for which rates, charges, accessorial charges, rules or regulations are therein provided.

2. That the basis for computing and constructively increasing highway mileages, prescribed by the Commission in Decision No. 31605 of December 27, 1938, in Case No. 4088, Part "N", Case No. 4145 and Case No. 4246, modified as provided in said tariff designated as Appendix "C" of the order herein, will be just, reasonable and non-discriminatory for use in applying mileage rates set forth in said tariff, and should be adopted for that purpose.

scale of graduated charges based upon the number of stops. No rules or regulations were offered by highway carriers, nor were the witness' proposals subjected to any substantial criticism.

Suggested Rail Rates while you gift will happing of a propertion of it

The rail rates originally proposed in Application No. 19636 were not supported by affirmative evidence at the hearings in these proceedings. In lieu of said rates, the major rail lines proposed that maximum rates for rail transportation of cattle, both fat and feeder, be prescribed for distances up to 300 miles on the basis of the feeder cattle rates prescribed by the Interstate Commerce Commission, Docket 17000 supra, as increased 5 per cent under authority of the Interstate Commerce Commission in Ex Parte 123, supra. Beyond 300 miles, they suggested the adoption of a scale of fat and feeder cattle rates increasing 6 cents per 100 miles up to 700 miles and 5 cents per 100 miles thereafter. This proposed scale is slightly higher than the Docket 17000 feeder cattle scale for distances over 300 miles and meets the Docket 17000 fat cattle rates at 1,000 miles. The rails contended that the scale for hogs in double deck cars should be the same as the cattle scale, and that the scale for sheep and calves in double deck cars should be 115 per cent of the cattle scale. For sheep and hogs in single deck cars, they suggested rates 125 and 120 per cent, respectively, of the double deck sheep and hog rates. Also, the rails asserted that a joint line arbitrary of 21 cents per 100 pounds should be added to the single line rates for two and three-line hauls. No distinction between fat and feeder livestock was proposed to be made by the rails.

In explanation of the proposed scale and of the departure from the Docket 17000 feeder scale at 300 miles, the rails stated that their proposal was made to meet truck competition, but that such competition diminished beyond 300 miles. They pointed out that although feeder cattle rates higher than the Docket 17000 rates were being proposed for distances of more than 300 miles, their suggested scale, when applied to feeder livestock, was lower in many instances than rates based upon truck costs developed in the record. Truck competition was likewise alleged to be the governing factor in proposing one scale of rates applicable to both fat and feeder animals. Truck operators, it was said, made no distinction in rates between fat and feeder stock. The rails, therefore, used a basis somewhat lower than the fat rates and somewhat higher than the feeder rates to arrive at an average scale for all livestock.

A rail witness urged that in calculating rail rates from and to points north of Willits, Red Bluff and Keddie, 11 rail miles be used for each actual rail mile of distance traversed. He asserted that operating

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<sup>\*</sup>As to common carriers subject to the provisions of the Public Utilities Act, this prohibition is also carried in Section 24 (a) of that Act.

conditions confronting railroads in northern California are unusually severe, that truck competition is not particularly acute in that territory and that, hence, rates somewhat higher than the level proposed for other territories could be maintained.

The maximum scale offered by the rail lines was intended for application on the Southern Pacific, Santa Fe, Western Pacific, Union Pacific, Northwestern Pacific and San Diego. Arizona & Eastern railroads. The rail witness was not prepared to state whether or not the same scale would be acceptable to short-line railroads, such as the Sunset Railroad, McCloud River Railroad, and Sierra Railroad, for local transportation on those lines or for joint through service with the major rail lines. withouther the selection to be a district income and

Under the proposal the rail scale is intended to alternate with the truck rates, the lower basis being applied in each instance. Feedingin-transit privileges now being accorded are to be continued, limited however to two stops in transit. The present transit charge of \$6.44 per stop is to be increased to \$10.00 regardless of the weight of the shipment. 23 to a 18th of the state of the s

A table of minimum weights for adoption in connection with rates in cents per 100 pounds was offered by a rail witness. These minima are identical with minimum weights prescribed in Docket 17000.

Although in Case No. 3962, the rail lines sought the cancellation of round-trip cattle rates applying from Kalina and Stronghold, Calif. to Montezuma, Willota, Woodland, Sacramento, Marysville, Chico and Oroville, Calif. and return to Kalina and Stronghold, Calif., they introduced no evidence in support of this proposal at the consolidated hearings. However, they signified a willingness to maintain roundtrip rates for feeder livestock on the basis of the continuous mileage rates for the round-trip movement, plus a stop charge of \$10.00 per car, provided their suggested rail scales were adopted herein. This offer was made in response to a request of the California Cattlemen's Association whose counsel stated that he had no objection to the \$10.00 stop charge, but desired the establishment of round-trip rates on the basis of continuous mileage under the Docket 17000 feeder scale rather than the rail lines' proposed scale.

#### Shippers and Shippers' Representatives

Witnesses for the California Cattlemen's Association and California Wool Growers' Association were opposed to the prescription of any rail rates which would have the effect of increasing transportation charges. They also objected to the establishment of minimum

results in minimum per car charges ranging from \$10.00 on sheep to \$20.40 on cattle. The present intrastate charge is \$6.44 per car for all classes of stock, regardless of the size of the shipment, and the rail lines proposed a uniform charge of \$10.00 per car for all stock. Representatives of the livestock industry offered no objection to this proposal. A feeding in transit charge of \$10.00 per car will be established in lieu of the 81 cents per 100 pounds charge prescribed for interstate transportation. In a state, it was a facility force a control paper of picking, but The Earling to A All Brown as a con-

Issuance of Shipping Document

The issuance of a freight bill by the carrier showing the name of the shipper, the point of origin and the point of destination of the shipment, a description of the commodity or commodities shipped, the weight thereof and the rate and charges assessed, and the preservation by the carrier of a copy thereof for a reasonable period of time, are manifestly necessary to the proper operation of enforcement. The order herein will require all carriers to issue an appropriate shipping document for each shipment transported, containing all the information necessary to a determination of the established minimum charge.

#### Quotation of Rates in a Form Inconsistent's all growth and the state of the state o with the Form of the Minimum Rates

The practice of some carriers in quoting charges on a "flat" basis, or in other forms inconsistent with the form in which minimum rates are stated, results in serious enforcement difficulties inasmuch as it is impossible to ascertain until after the work has been performed and all factors necessary to compute the minimum rates are known, whether or not the quoted charge is in compliance with the minimum rate order. It also results in considerable inconvenience and dissatisfaction on the part of shippers and consignees due to the fact that the quoted rates must be disregarded whenever they result in lower aggregate charges than would accrue under the established minimum rates.

The order herein will require that rates be quoted and assessed in a form consistent with the form of the established minimum rates: i.e., in cents per 100 pounds. In the event deviations from this requirement are found necessary in particular instances, applications for authority to quote rates on a basis different from that in which the minimum rates are stated should be filed, such applications should show the basis sought to be quoted and how it is to be insured that the quotation will not be less than the charge applicable under the established minimum rates. The control of the contro

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Article XII, Section 21 of the State Constitution makes it unlawful for a railroad or other transportation company to charge less for the

I "Transit charges for interstate traffic prescribed in Docket 17600 are \$11.50 per car where rates are stated on a per car basis, and \$1 cents per 100 pounds where rates are stated on a cents per 100 pounds tasis. The rails pointed out that the latter charge for 24,000 pounds produces a transit charge per car of \$20.40, or more than twice the proposed rail charge of \$10.00.

joint hauls involving movements over certain short line railroads. Such an arbitrary will be adopted here in prescribing through rates for transportation involving joint hauls between the major railroads and one or more of the railroads named in footnote 37.

The request of the livestock interests that the rails be required to establish and maintain round-trip rates computed by application of the Docket 17000 feeder rates to the round-trip continuous mileage, does not appear justified in view of the basis herein recommended. From a transportation standpoint, round-trip movements are not essentially different from two movements of feeder rates. On a level designed only to meet the carriers' minimum revenue requirements, further reductions for round-trip movements do not appear necessary.

The foregoing observations and conclusions relate to the prescription of a maximum rail scale. In Application No. 19636 (here involved) the rails seek to increase their existing general rate level and it becomes necessary, therefore, to determine whether or not the rails will be justified in increasing those rates which are lower than those prescribed by the Interstate Commerce Commission in Docket 17000 and herein found reasonable as maximum rates. Except for the greater distances, the scale proposed by the rails in connection with fat cattle and sheep is substantially lower than the Docket 17000 scale, and the increase of lower rates to the level of the proposed rail scale appears justified. particularly in view of the fact that the rails will undoubtedly find it necessary to establish rates well below even their proposed seale, in many instances, in order to place themselves on a parity with truck carriers. Increases of lower rates to the level of the proposed rail scale will be authorized, except that increases in round-trip rates will only be authorized to the level of rates which would accrue under the rails' proposed scale, using round-trip mileage plus \$10.00 per car, the basis which they signified a willingness to maintain.

While this decision does not contemplate that minimum rail rates will be established, it appears extremely desirable that all rail "per car" rates be converted to a cents per 100 pounds basis. Average loading weights are not available in this record, hence a basis for such conversion cannot be set forth. The rail lines will be directed, however, to ascertain average loading weights and effect such conversions concurrently with the publication of the rates herein prescribed.

## Rules and Regulations Governing the Prescribed Rail Rates

It is expected that the governing rules and regulations prescribed by the Interstate Commerce Commission in connection with the Docket 17000 scale will also, with one exception, be made applicable to intrastate transportation. The feeding-in-transit charge prescribed in connection with the Docket 17000 scale is 81 cents per 100 pounds and rates for either rail or truck carriers, claiming that the stabilization of rates in that manner would deprive the shippers of the low rates they are able to obtain under the existing competitive conditions. In general, their witnesses expressed approval of the scale proposed by the rail lines, subject to minor modifications, provided it be prescribed for maximum application only. They did object to the adoption of a 24 cent joint line arbitrary and to any rates in excess of these prescribed by the Interstate Commerce Commission in the Docket 17000 case, as increased under Ex Parte 123, supra.

The secretary of the California Cattlemen's Association also advocated the prescription of mileage rates for "round trip" movements of feeder livestock in place of the present round trip point-to-point rates. He said that shippers frequently study range conditions and wait until the last day before they decide where to ship their stock for feeding and that there is then insufficient time to apply to rail lines for publication of a point-to-point rate to cover the movement. He suggested the adoption of the Docket 17000 feeder rates on a mileage basis for the continuous round-trip mileage, plus a transit or stop charge of \$10.00 per car. The same witness expressed opposition to the proposed use of constructive mileages for rail rate-making purposes from and to points north of Willits and Red Bluff. He believed that if a higher scale of rates was necessary for mountain hauls, the Docket 17000 scale should be adopted for that purpose and a lower scale of rates prescribed for valley hauls.

A witness for the California Farm Bureau Federation offered no objection to the volume of the truekload rates suggested as minima by the Commission's witness. However, as previously stated, he protested that the "any quantity" rates proposed by the same witness would seriously interfere with the transportation of small shipments of livestock to sales yards and concentration points. He also expressed the opinion that the minimum weight for hogs should be less than 16,500 pounds, claiming that loads hauled over certain country reads and bridges are subject to a weight limitation of 16,000 pounds. Because of these features, he claimed that the minimum weights should be reduced to come within the average loading capacity of smaller sized trucks.

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The Federation also introduced witnesses from points in the Sacramento and San Joaquin Valleys who testified generally as to the transportation practices of livestock co-operative selling agencies located

a This witness stated that the Federation was not asking that transportation service be performed at less than cost, but was urging that the lowest average cost to used by the Commission as a criterion in prescribing minimum livestok rates of truck carriers. He said, also, that farmers and sellers of livestock desire to know the "going" rates paid by those selling in competition with them, which information cannot be obtained with any degree of accuracy under present rate conditions in the contract trucking field.

in their respective districts. They testified that although the trucks are given most of the traffic, rates approximately the same as the rail rates are charged.

Independent cattlemen testified that they had no objection to the stabilization of rates for rail and truck transportation of livestock provided present rates were not increased.

The manager of the Transportation Department of the Sacramento Chamber of Commerce testified in behalf of three packing houses located in the vicinity of Sacramento. It was his view that the minimum truck scale suggested by the Commission's witness, while producing some increases and decreases in rates, was correct in its construction and should be given a fair trial. The witness pointed out several ways in which rail service could assertedly be improved to regain livestock traffic, and enumerated the services rendered by truck carriers which have been and are proving satisfactory to the buyers and sellers of livestock in his territory.<sup>24</sup>

Packing house representatives in southern California testified uniformly that the rates paid by the packing houses for transportation have a decided bearing on the price paid to the grower for his livestock, and that the level of livestock rates from the range to the packing house is therefore a matter of importance to the producers. One witness asserted that truck rates paid by several of the packing houses were lower than the estimated costs for the service developed by the Commission's engineer, and claimed, therefore, that the engineer's costs were excessive. Another shipper testified that his proprietary truck operation between Los Angeles and Hanford was conducted at lower costs than those developed by the Commission's engineer, but he failed to introduce any specific cost evidence of his own.

A representative of certain packing houses and cottonseed oil companies engaged in feeding and fattening livestock in the Los Angeles area stated that the prescription of a single line of rail rates for both fat and feeder livestock would constitute a radical departure from the rate basis now in effect on interstate traffic and on intrastate traffic within the adjacent states of Arizona, New Mexico and Nevada, where differentially lower rates are maintained on feeder than on fat stock.

#### CONCLUSIONS

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As has been pointed out, we are here concerned with one of the State's major activities. Many people are directly employed in the production, marketing, and transportation of livestock; others look to

tively, in California. The rails may of course, if they so desire, go below the Docket 17000 scale to the level of their proposed scale or to the level of the rate herein established for highway carriers for the same transportation.

The proposal that rates from and to the mountainous territory north of Willits, Chico and Keddie be based on constructive mileage overlooks the fact that the Docket 17000 scale was itself established differentially higher in Mountain-Pacific territory than for Western and Southwestern territories to compensate for the more arduous rail operating conditions encountered west of the Rocky Mountains. This being true, the prescription of a higher basis for the northern California territory as a whole does not appear justified.

Nor does the rails' proposal that a joint line arbitrary of 2½ cents per 100 pounds be added to the basic scale for rail hauls involving two or more lines appear warranted in connection with joint movements over major railroads. The Docket 17000 scale makes no provision for joint line arbitraries and the adoption of either the joint line arbitrary or constructive mileage proposal would serve largely to nullify the result herein sought to be attained, namely, the establishment of maximum rail rates consistent with the rate level for interstate livestock movement. In this respect, we may in these proceedings properly heed the suggestion of the Interstate Commerce Commission in Docket 17000 and effect a harmony between intrastate and interstate livestock rates.<sup>13</sup>

There are a number of railroads in California which are not required by the Interstate Commerce Commission to maintain the 17000 scale because of their relatively short mileage, light traffic density or poor financial conditions.<sup>24</sup> The establishment of the 17000 scale of rates as maxima for local movements over these lines should be similarly excluded here. In several proceedings involving intrastate rates under the 26114 scale, this Commission adopted an arbitrary of 61 cents per 100 pounds to be added to rates prescribed in that scale.<sup>25</sup> for

E Among the suggestions were (1) to speed up the rail service, (2) to run a few cars of livestock in special train service with light engine or diesel motor equipment, (3) to provide pick-up service by truck for distances of 5 to 10 miles to bring livestock to railhead, and (4) to avoid shunting cars in railroad yards and thus eliminate brutsing of livestock in transit.

<sup>&</sup>quot;"Western territory" comprises generally lowa, Missouri, Nebraska, Kansaa, North and South Dakota. "Southwestern territory" comprises generally Arkansas, Oklahoma, Texas and Louisiana.

"The Commission said: "As this is a proceeding conducted cooperatively with the State Railroad commissions, no order with respect to intrastate rates will be entered at this time, but the States will first be accorded an opportunity voluntarily to effect such changes in their rate structures as may be necessary to avoid violations of Section 13(4) of the interstate commerce act." (116 L.C.C. 1, 122)

"They are the Amador Central Railroad Company, The Arcata and Mad River Railroad Company, Bay Point and Clayton Railroad Company, California Shasta and Eastern Railway Company, California Central Railroad Company, California Shasta and Eastern Railway Company, California Western Railroad and Navigation Company, Central Railroad Company, McCloud River Railroad Company, Modesto and Empire Traction Company, Nevada County Narrow Gauge Railroad Company, Pacific Coast Railway Company, Quincy Railroad Company, Santa Maria Valley Railroad Company, Sierra Railroad Company, Stockton, Terminal and Eastern Railroad Company, Sierra Railroad Company, Stockton, Terminal and Eastern Railroad, Sunstet Railway Company, Tonopah and Tidewater Railroad Company, Ltd., Trona Railway Company, Ventura County Railway Company, Vosemite Valley Railway Company, Yreka Western Railroad Company.

"See Decision No. 21420 in Case No. 3883, and Decision No. 38439 in Cases Nos. 3813, 3846 and 3849.

adopted as a maximum scale for fat and feeder livestock transportation in California. The first of these considerations is, of course, the prejudice to California interests resulting from the existence of lower interstate rates. The second is that while the rails have the right to meet truck competition for short hauls, they may not reasonably expect to penalize shippers who must use rail transportation for long hauls. In determining a proper maximum scale, therefore, the Commission should not give undue weight to the fact that rail carriers may, in some instances, find it necessary to reduce their rates below a maximum level in order to compete with other forms of transport. Moreover, the argument that rates higher than the Docket 17000 rates are justified on feeder livestock for distances over 300 miles by the necessity of maintaining a single scale of rates on fat and feeder stock to nicet truck competition is inconsistent with the original statement that truck competition is less consequential in connection with long haul transportation. If it is truck competition that dictates a single scale of rates for hauls under 300 miles it is difficult to find any reason why senarate scales of fat and feeder livestock rates could not be maintained by the rail lines for the longer hauls where truck competition is not actively present. But the book a manager of the design of

It does appear, however, that a factor upon which the Interstate Commerce Commission relied most strongly in prescribing lower rates for feeder than for fat livestock was that the rails would obtain an outbound haul from the feeding points." This is in conformity with the recognized principle that inbound rail rates on raw materials may be relatively low in order to encourage the outbound rail movements of manufactured or finished products. It does not appear, however, that on intrastate movements in California the rails regularly obtain a double haul, first upon the feeder, and, second, upon the fat livestock; for, although the inbound movements into feeder points are frequently by rail at the lower feeder rate, the majority of the outbound movements from feeding points to market are made by truck or by driving. It seems reasonable and consistent, therefore, to limit the maximum application of the 17000 feeder scale for intrastate rail transportation to instances where the rails obtain a subsequent movement of fat stock from the feeding point to final destination. Subject to the exception and limitation mentioned, the Docket 17000 Mountain-Pacific fat and feeder seales, as increased under Ex Parte 123, will be prescribed as maximum for rail transportation of fat and feeder livestock, respecthis industry for food or are economically affected by its welfare. The issues here involved concern the people of this State as a whole.

The record clearly shows that, in many respects, the present livestock rate structure in California is unsatisfactory both to shippers and to carriers. Truck rates are unpublished and consequently vary from shipment to shipment. Their general level differs widely as between territories, and even as between producers in the same territory. Many truck rates appear to be so low as to be incompatible with the maintenance of adequate and dependable service. The practice of truck carriers in enlarging equipment in order to obtain a rate advantage is resulting in losses through increased obsolescence, and is thus increasing transportation costs. Rail rates though published and known, are similarly unrelated to distance or to the service performed and are at times so high as to preclude producers from utilizing this form of transport. As a result of these conditions the composite rail and truck rate structure creates serious preferences and prejudices as between shippers and territories, and, in addition, compels traffic to move via types of transport not best suited to its handling. Despite the contrary contention of certain shippers, therefore, there can be little doubt but that the prescription of reasonable and nondiscriminatory rates for the transportation of livestock, both by rail and by truck, will be in the public interest.

Before proceeding to a discussion of the particular issues here involved, it may be well to point out that livestock is a class of traffic upon which the Legislature has specifically directed the Commission to establish the lowest lawful rates compatible with the maintenance of adequate transportation service.\*\* In arriving at a rate level consistent with this mandate, however, it must be borne in mind that although livestock traffic constitutes a relatively small part of the total tonnage transported by railroads, for-hire livestock truckers seldom have any other class of traffic upon which they can rely for additional revenue or over which they can spread their overhead costs. Moreover, the general rail rate structure is so depressed that even the rails have little traffic remaining upon which they can rely to make up overhead costs experienced in livestock transportation. This being true, it is not to be expected that either truck or rail carriers will be able to serve the public adequately and satisfactorily, over an extended period of time, unless they are able to obtain rates sufficiently remunerative to cover indirect as well as direct expenses.

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<sup>&</sup>quot;Rates on stockers and feeders are made primarily for the purpose of moving the stock to pastures where tetter feeding conditions are obtainable, and from which it is always necessary again to transport the same stock with added weight. The principal reasons advanced by livestock ahippers in favor of lower rates on feeder or stocker animals are that carriers transport the stock several times; that where they are shipped to country points and there feed, a greater tonnage is moved out of the feeding points." (178 J.C.C. 1, 102-102)

<sup>&</sup>quot;Section 103 of the Highway Carriers' Act provides as follows: "It is hereby declared to be the policy of the State of California, in rate making to be pursued by the Ballroad Commission of the State of California, to establish such rates as will promote the freedom of movement by carriers of the products of agriculture, including livestock, at the lowest lawful rates compatible with the maintenance of adequate transportation service." A similar provision is contained in Section 32(d) of the Public Utilities Act.

Highway Carrier Rates (all years with place as a period of a standard with

The level of rates which will be compensatory to the carriers and, at the same time, reasonable and nondiscriminatory to the public, can not be ascertained according to any exact formula or inflexible rule. Each of the cost studies of record contains variable factors with regard to fixed charges, direct operating expenses, overhead expenses and load factors and no one of them can be accepted as an absolute criterion of costs under all of the diverse conditions which arise in connection with transportation over a territory as extensive as that here involved. The cost studies may, therefore, only be considered as estimates of costs which will be experienced in an operation which is average in all respects. Similarly, to the extent that the proposed truck scales suggested by the several witnesses are based on such cost studies, those scales may be considered only as approximations of the general level of rates required to return the estimated average costs. However, when viewed collectively, the cost studies and rate proposals presented appear to afford a reasonably reliable indication of the level of highway carrier rates which should be established in this proceeding.

The rates which are established by the order herein as minima for highway carriers, together with appropriate rules, regulations and charges for accessorial services, are set forth in a form of tariff annexed to the order as Appendix "C". In developing these rates, careful consideration has been given to all of the cost estimates, rate proposals and other testimony of record, and to the mandate of Section 101 of the Highway Carriers' Act. It is believed that the resulting scales will properly protect the interests of the public and the carriers.

The rates are set forth on a cents per 100 pounds basis. Although a few witnesses recommended the establishment of rates in amounts per vehicle unit, the fact that truck equipment is not standardized as to size, that rates so stated encourage overcrowding and that they give little recognition to the differences in value of the commodity and the value of the service resulting from differences in weights, strongly indicates that the cents per 100 pounds basis will be more satisfactory to all concerned. A still more important reason for using the cents per 100 pounds basis, however, is that truck and rail rates for the same transportation must alternate if there is to be an equality of competitive opportunity, and weight is the only unit of measurement common to both forms of transport and practicable as a unit for computing alternative charges.

Separate truckload rates are provided for cattle, sheep and hogs, the rate scale for each class of stock being subdivided into two weight brackets. The scales are set forth in mileage blocks progressing from 0 to 3 miles, from 3 to 5 miles, from 5 to 50 miles in 5 mile blocks, from 50 to 200 miles in 10-mile blocks, from 200 to 300 miles in 20-mile many western States. Also, this Commission has itself used the cents per 100 pounds basis in prescribing the 26414 scale in Case No. 2900 and related cases as well as in numerous subsequent decisions wherein the 26414 scale was adopted. The rates prescribed for rail carriers in this proceeding will therefore be stated in cents per 100 pounds.

in In determining a reasonable maximum level of rates for transportation within this State, it seems evident that, in the absence of a specific showing as to differences, if any, in transportation conditions, or other possible justification therefor, the rails should not be authorized to maintain rates higher than those prescribed by the Interstate Commerce Commission in the Docket 17000 scale (as increased under Ex Parte 123) for interstate transportation throughout the entire western territory, including California.29. As a matter of fact, the rates proposed by rails themselves are, with the exception of rates for the transportation of certain livestock for distances more than 300 miles, lower than or approximately the same as corresponding rates in the 17000 scale, a root is the reflect offered by the that a free effect

The reason advanced by rails for proposing rates higher than the 17000 scale for long distance hauling was that truck competition was less severe for long haul transportation. Another reason was that rates provided in the 17000 scale for the longer distances were designed to return minimum costs only 33 and that the rails must depend upon long haul noncompetitive livestock traffic to bear the greater share of overhead costs. Additional reasons given in justification of the higher rates proposed were that in prescribing relatively low feeder rates, the Interstate Commerce Commission contemplated that the rails would receive an outbound haul from the feeding point at the balance of the through rate for fat livestock from point of origin to ultimate destination, and that inasmuch as a single line of rates is proposed by the rails for both fat and feeder cattle, the scale should lie somewhere between the interstate fat and feeder rates. Burger of the Burger

While the foregoing arguments have elements of merit there are other considerations which indicate strongly that the 17000 fat and feeder scale should, with one exception to be hereinafter explained, be

"Judged by these standards, livestock in portions of the western district is not at present bearing its fair share of the transportation burden, and under the rate levels herein found reasonable, it will do no more than meet these minimum requirements." 1271 1 10 14 17 17 17

<sup>&</sup>quot;In its decision in Docket 17000, supra, the Interstate Commerce Commission

<sup>&</sup>quot;With interstate traffic moving in the western district under 10 different rate scales prescribed or approved by us at various times, and under numerous other rate bases initiated by the carriers and containing numerous inconsistencies which we cannot herein take the time to describe, and intrastate traffic moving under various bases imposed by State authority, it has become evident through this inquiry that a much greater degree of uniformity in rates and practices can and shall obtain. Unnecessary variety in rates and practices tends to create undue prejudice and preference, thereby imposing undue burdens or giving undue advantage as between various localities and parts of the country, a situation which the law seeks to avoid."

"The Interstate Commerce Commission said in Docket 17000 decision (176 I.C. 1.53):

those instances where rates from California producing areas to California markets are higher than rates from outside producing territories to those same markets.

In view of the condition of the intrastate livestock rate structure, the prescription of maximum rail rates is clearly essential in order that excessive rail rates may be brought to a reasonable level and related to the service performed. However, the prescription of minimum rail rates does not appear necessary at this time. Although certain rail rates are undoubtedly well below a maximum reasonable level, there is nothing in the record to indicate that the reductions below the truck rate herein found reasonable have been effected solely for the purpose of destroying truck competition. On the contrary, it seems probable that such reduced rates have been established in order to move traffic which could not bear higher rates. On this record, then, only maximum rates should be prescribed for rail transportation.

In view of the fact that present rail rates are published sometimes in dollars per ear and at other times in cents per 100 pounds, a matter of first importance is to determine what form of stating rates should be adopted in prescribing rail rates for the future. As hereinbefore pointed out, the principal reasons advanced in favor of the dollars per car basis are (1) that it is convenient, (2) that it eliminates the necessity of weighing the stock, and (3) that from a cost standpoint, differences in per car weights are of little significance. On the other hand, those who advocate the cents per 100 pounds basis argue (1) that this basis gives greater recognition to the value of the service performed, (2) that it gives greater recognition to the value of the commodity and the potential liability of the carrier for damages, (3) that it discourages unduly heavy loading of equipment to the point of overcrowding and thus tends to reduce claims, (4) that it facilitates the relating of rates to and the comparison of rates with those on other commodities, and (5) that it affords the proper basis for equalizing competitive rates of truck, rail or vessel carriers which offer different kinds and sizes of equipment. The arguments presented appear to weigh heavily in favor of the cents per 100 pounds basis. Moreover, there is a distinct trend toward the use of that method of stating rates throughout the United States. The Docket 17000 scale prescribed by the Interstate Commerce Commission was set forth in cents per 100 pounds 28 and cents per 100 pounds basis is in use in In its decision in Docket 17000, supra, the Interstate Commerce Commission

blocks and in 25-mile blocks thereafter. They are so constructed that, based upon average loading figures of record, approximately the same revenue per unit of equipment will be produced whether cattle, sheep or hogs are transported. In volume, these rates conform closely to those suggested by the Commission's witness.

with the first class rates set forth in Decision No. 31606, of December 27, 1938, in Case No. 4246, in re Establishment of Rates for all Common and Highway Carriers, for the transportation of general merchandise in minimum quantities of 4,000 pounds. In general, they are somewhat lower than the less-truckload rates suggested by the Commission's witness. It does not appear that for-hire carriers engage in less-truckload transportation to any great extent, except in the transportation of dairy cows, and the adoption of a less-truckload scale appears necessary mainly in the interest of having an all-inclusive rate structure and to take care of the dairy cow movement.

The rules and regulations governing the application of the rates are generally the same as those heretofore adopted by the Commission in connection with outstanding minimum rate orders or recommended in this proceeding. Only four of the rules, viz., that relating to the ascertaining of weights, that authorizing the performance of split pick-up or split delivery service, that providing a charge for bedding service, and that permitting the alternative application of rail rates appear to require discussion.

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Due to the difficulty of ascertaining livestock shipping weights, the first mentioned rule sets forth several alternative bases for computing weights, the applicable basis being determined principally by the presence or absence of weighing facilities. Destination hoof weights are to be used whenever obtainable, less a prescribed fill allowance when livestock has been fed and watered at destination prior to weighing. Origin hoof weights are to be used when a means for ascertaining destination hoof weights is not available. In the event hoof weights are not obtainable at origin or destination, weights obtained by the use of vehicle seales are permitted to be used. When the equipment contains bedding or refuse at the time of weighing and it is impracticable to weigh the equipment empty, a provision is included that 500 pounds may be added to the marked tare for the purpose of computing the net weight of the livestock. If actual hoof weights at origin or destination. or vehicle scale weights en route, are not obtainable because of lack of weighing facilities at some intermediate point along the route of movement, it is provided that a certified statement of estimated weights may be accepted as a basis for the assessment of freight charges. In 

<sup>&</sup>quot;Vithin Mountain-Pacific territory the customary method of publishing rates is in amounts per car, and considerable difference of opinion developed as to whether or not rates in that territory should be continued upon that sais. Rates on a per car basis lend to keatler loading of livestock; but heatler loading is not is the interest of either shippers or carriers where it is carried to the point of overcrowding, as overcrowding very commonly results in trampling, and in hot weather in suffocation of the livestock, with consequent loss and damage claims. It seems evident that the cents-per-hundred-pounds basis, under which the shipper pays charges on the actual weight shipped, is fairer from every standpoint than the per car basis." (Emphasis supplied.)

<sup>#</sup>Ordinary livesteck in less-carload quantities by rail is rated at first class in Western Classification No. 67, C.R.C. No. 6.

instances where the shipper fails to furnish actual weights of livestock when known or to furnish a certificate of estimated weight when the actual weight is not known, and where other means of ascertaining the actual weight are not available, provision is made for the use of estimated weights specifically set forth. The estimated weights adopted for this purpose were suggested by the Commission's witness and were confirmed as reasonable and proper by the testimony of others.

Thère appears to be some demand for split pick-up and split delivery service in connection with the movement of dairy cows between sales yards and dairies and also between dairies and the public stockyards. For this reason, a rule for split pick-up and split delivery service is included in the tariff. The rule is the same in principle as that suggested by the Commission's witness except that it names a lower charge to be added for the extra service. It provides for the basing of charges upon the rate applicable to the shortest constructive mileage via the several points of pick-up or delivery, subject to additional charges which are necessary to compensate for the extra time which it may reasonably be expected will be consumed in performing the extra service.

The bedding rule provides that whenever the carrier beds the equipment additional charges of 75 cents per single deck truck unit, \$1.00 per double deck truck unit, per single deck truck and trailer or single deek tractor and semi-trailer unit, and \$1.50 per double deek truck and trailer or double deck tractor and semi-trailer unit, shall be assessed. These charges will cover the furnishing of material, the performance of the service, or both. They conform closely with the charges assessed by the rail lines for bedding rail cars and should tend to place the two forms of transport on an approximate parity in this regard, as well as compensate the carriers for the expense of materials and labor incurred in providing suitable bedding.

The rule for alternating minimum truck rates with rail rates and with combinations of truck and rail rates is the same as the rule ordinarily used in connection with general merchandise rates. It permits observance by truck carriers of the rail rate for transportation from and to the railhead points, plus the truck rate for movement from or to off-rail points, wherever such rail rate or combination rate makes less than the through truck rate. Highway carrier witnesses urged that recognition be given to the ambulatory nature of livestock which enables it to be driven for fairly short distances at an assertedly inconsequential cost to the shipper, by extending the application of the railhead rates to off-rail points nearby. Some witnesses suggested that railhead rates be permitted to apply from and to points within a radius of 5 miles from the rail station or rail loading point. Other testimony indicates, however, that driving livestock, even for distances as short as 3 or 5 miles, entails a labor expense for caretakers, and sometimes for horses. In addition, there is some shrinkage loss in the weight of stock when they are driven even for such short distances. The cost of driving livestock to or from railheads cannot be determined definitely on this record but it seems reasonable to conclude that this cost is no lower than the volume of the highway carriers' rates established herein as a minimum for distances up to 3 miles. To ignore this cost, by extending railhead rates to points located even as close as 3 or 5 miles from the rail loading point, would extend an unfair concession to highway carriers, result in unequal competitive relationship between rail lines and highway carriers, and perhaps create a discrimination as between shippers.

The record in this proceeding contains no request for the establishment of maximum rates for highway carriers, nor does there appear to be a need therefor at present. Consequently, maximum highway carrier rates are not established herein.

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#### Rail Sates of the past of the property of

The state of the special state of As pointed out by numerous witnesses and as conceded by the rails, intrastate rates on fat stock bear no uniform or consistent relationship to rates on feeder stock and rates on the several kinds of stock are not related to each other according to any uniform plan. Often there are published for identical transportation (1) a scale of mileage rates in cents per 100 pounds, (2) a scale of mileage rates in dollars per car, and (3) specific point-to-point rates upon either a cents per 100 pounds or dollars per car basis. This condition not only results in extreme tariff complexity, but also creates discriminations between shipping and marketing points and between kinds of stock and sizes of shipments. In addition, serious disparities in rail rates exist with respect to distances and territories. Large areas are often blanketed by means of special commodity rates. Rate levels in certain parts of the state are sometimes lower, and sometimes higher. than rates for the transportation of the same kind of stock for similar distances in other parts of the state, although operating conditions and incidents of transportation may be relatively the same.

Another grave defect in the California rail rate structure, from a public standpoint at least, is that it is inconsistent with and is not related to the Mountain-Pacific scale prescribed by the Interstate Commerce Commission in Docket 17000, supra, and established for interstate transportation between points within California and between points in California on the one hand and points in neighboring states on the other hand. Other circumstances being equal, the competitive position of California livestock interests is, of course, prejudiced in

# Highway Carriers' Tariff No. 3

**NAMING** 

MINIMUM RATES, RULES AND REGULATIONS
FOR THE

TRANSPORTATION OF LIVESTOCK OVER THE PUBLIC HIGHWAYS WITHIN THE STATE OF CALIFORNIA

BY

RADIAL HIGHWAY COMMON CARRIERS

AND

HIGHWAY CONTRACT CARRIERS

The original tariff contains rates, rules and regulations as established in Decision No. 31924, in Case No. 4293. Changes contained in subsequent orders will be made by reissuing the pages on which the changes occur or by issuing supplements showing the corrected items.

Correction No. 1

EFFECTIVE NOVEMBER 7, 1939

Issued by the
RAILROAD COMMISSION OF THE STATE OF CALIFORNIA
State Building, Civic Center,
San Francisco, California

BY THE COMMISSION:

the of Patricia Saction Saction of the Saction Scots for Not and Paradora ORDER DENYING PETITIONS FOR REOPENING, RECONSIDERATI ON OR REHEARING AND SUPPLEMENTAL OPINION AND ORDER

By Decision No. 31924 of April 11, 1939, as amended, in the above entitled proceedings, minimum rates of statewide application were established for the transportation of livestock by highway carriers and maximum rates were established for like transportation by rail carriers. The following petitions, seeking reopening, reconsideration or rehearing of certain matters involved in that decision, as amended, have since been filed.

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Petition for Reconsideration of Subsequent Haul Rules and and a state

Following the issuance of Decision No. 31924, supra, a petition was filed by certain interested shippers seeking modification thereof by the climination of the so-called "subsequent haul" rule, which provided, in substance, that the rates prescribed as maximum for rail movements of feeder livestock would apply only when the livestock received a subsequent rail hand within a period of one year. Following a public hearing on this petition, it was found that the rule should be retained. (Decision No. 32427 of October 10, 1939.) California Cattlemen's Association and California Wool Growers Association seek reconsideration of the latter decision. They allege that proper consideration was not given to the fact that a similar rule had been found unreasonable by the Interstate Commerce Commission in Malador Land & Callle Co. Ltd. vs. A. T. & S. F. Ry. et al, 231 LC.C. 566; that the Commission erred in concluding that elimination of the subsequent haul rule would require a compensating increase in the rate level and additional restrictions against the use of feeder rates to marketing points; and that the Commission erred in concluding that there are no definitely distinguishable characteristics between fat and feeder livestock.

The Maludor decision was issued by the Interstate Commerce Commission without prejudice to any different conclusions that might be reached in the reopened proceedings in Docket 17000, Part 9, with respect to the subsequent haul rule. In any event, that decision is not binding upon this Commission and it should be understood that the rule was adopted for intrastate shipments, irrespective of any action which the Interstate Commerce Commission may, or may not take in adopting a similar rule for interstate shipments. The assailed conclusions that elimination of the rule would require a compensating increase in the rate level and that the differences between fat and feeder stock are not definitely distinguishable, appear fully in accord with

and supported by the evidence. This petition will be denied.

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Rail Petition Seeking Substitution of Single Line Scale for Fat and Feeders

Immediately prior to the further hearing relative to the question of eliminating the subsequent haul rule, the rail lines filed a petition seeking the substitution of a single scale of rates for the dual scale prescribed for fat and feeder livestock, respectively. The proposal in this petition appears to be identical with that advocated by the rails in the original hearings, which proposal was found not justified in Decision No. 31924, supra. No good cause appears for deviating from the original findings in this inatter and this petition, also, will be denied.

Petition to add Arbitrary to Alternative Scale for Joint Line Hauls

Under Decision No. 31921, supra, rail carriers were authorized to increase rates then in effect to the level of an "alternative" scale which was lower in many instances than the prescribed maximum scale. Provision was made that 61 cents per 100 pounds could be added to the prescribed maximum rates for joint line rail hauls involving certain specified carriers. No authority was given, however, to add a like amount to rates under the alternative scale. The rail lines, by appropriate petition, now seek the latter authority. In support of this petition, it is alleged that the reasons found to justify the addition of 61 cents per 100 pounds to the maximum scale justify a like addition to the alternative scale. Interested shippers have informed the Commission that they have no objection to the proposed modification.

It appears from the allegations of the petition that this is not a matter in which a further public hearing is necessary and that the modification sought should be made.

Corrected Title Page

Although the effective date of the rates established by Decision No. 31924, as amended, was extended until November 7, 1939, by appropriate orders, the title page of Highway Carriers' Tariff No. 3, in which those rates were set forth, was not changed accordingly. A corrected title page is adopted herein.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that the petition filed by California Cattlemen's Association and California Wool Growers Association,

seeking reconsideration of Decision No. 32427 in the above entitled proceedings, be and it is hereby denied.

IT IS HEREBY FURTHER ORDERED that the petition filed by The Atchison, Topeka & Santa Fe Railway Company, Southern Pacific Company, Northwestern Pacific Railroad Company, Pacific Electric Railway Company and San Diego & Arizona Eastern Railway Company, seeking reopening and rehearing of the above entitled proceedings and reconsideration of Decision No. 31924, as amended, be and it is hereby denied.

IT IS HEREBY FURTHER ORDERED that Appendix "D" of Decision No. 31924, dated April 11, 1939, as amended in the above entitled proceedings, be and it is hereby further amended by substituting for Item No. 40 of said appendix the following amended item:

#### "ITEM NO. 40-A-ARBITRARIES FOR JOINT LINE HAULS

For joint line hauls involving one or more of the carriers named in Item No. 20, Note 1, as amended, there will be added to the rates provided in Item No. 100 or Item No. 110, 61 cents per 100 pounds."

IT IS HEREBY FURTHER ORDERED that Decision No. 31924 of April 11, 1939, as amended in the above entitled proceeding, be and it is hereby further amended by adding to Highway Carriers' Tariff No. 3 (Appendix "C" to said Decision No. 31924) the revised page attached hereto and by this reference made a part hereof, which page is numbered as follows:

Original Title Page (Corrected)

IT IS HEREBY FURTHER ORDERED that in all other respects said Decision No. 31924, 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 28th day of November, 1939.

RAY C. WAKEFIELD,
RAY J. RILEY,
C. C. BAKER,
JUSTUS F. CRAEMER,
Commissioners.

The justification for the 61 cents rate arbitrary was explained in Decision No. 31914 as follows:

"There are a number of railroads in California which are not required by the Interstate Commerce Commission to maintain the 17000 scale because of their relatively short mileage, light traffic density or poor financial conditions. The establishment of the 17000 scale of rates as maxima for local movements over these lines should be similarly excluded here. In several proceedings involving intrastate rates \* • • this Commission adopted an arbitrary of 61 cents per 100 pounds to be added to rates prescribed • • or joint hauls involving movements over certain short line railroads. Such an arbitrary will be adopted here in prescribing through rates for transportation involving foint hauls between the major railroads and one or more of the (short line) railroads named in footnote 14."

Decision No. 32593

# BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Establishment of maximum and minimum, or maximum or 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 Statutes 1935, Chapter 223, as amended, for the transportation, for compensation or hire, of any and all agricultural products.

Case. No. 4293

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 "G"

In the Matter of the Investigation and Establishment of rates, charges, classifications, rules, regulations, contracts, and practices or any thereof, of Common Carriers of livestock.

Case No. 4123

In the Matter of the Suspension by the Commission on its own motion of the cancellation of rates on feeder cattle from Kalina and Stronghold, California, to Montezuma, Willota, Woodland, Sacramento, Marysville, Chico and Oroville and return to Kalina and Stronghold.

Case No. 3962

In the matter of the Investigation by the Commission on its own motion into the rates on feeder livestock between points in California.

Case No. 3941

In the Matter of the Application of The Atchison, Topeka & Santa Fe Raifway, Los Angeles & Salt Lake Raifroad Company, Northwestern Pacific Raifroad Company, Pacific Electric Railway, San Diego & Arizona Eastern Raifway Company, Southern Pacific Company (Pacific Lines), and the Western Pacific Raifroad Company for an increase in rates on carload shipments of fivestock.

Application No. 19636

Printes in California State Printing office Sacraminto: George H. Moore, State Printer

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<sup>\*</sup> Change, Decision No. 33266

EFFECTIVE JULY 15, 1940

Correction No. 2

Issued by the Railroad Commission of the State of California, San Francisco, California,

Item No.	SECTION NO. 1—RULES AND REGULATIONS
	DEFINITION OF TECHNICAL TERMS
	(a) CALVES means bovine animals weighing 450 pounds or less.
	*(b) CATTLE means bovine animals weighing more than 450 pounds. (See also paragraph (e-a) hereof.)
	(c) CARRIER means a radial highway common carrier or a highway contract carrier, as defined in the Highway Carriers' Act (Chapter 223, Statutes of 1935, as amended).
	(d) CARRIER'S EQUIPMENT means any motor truck or other self-propelled high- way vehicle, trailer, semi-trailer, or any combination of such highway vehicles, operated by the carrier.
	(e) 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.
•	*(e-a) DAIRY CATTLE means cattle which are or have been used or useful in connection with the production of milk by dairies.
	(f) POINT OF DESTINATION means the precise location at which livestock is tendered for physical delivery into the custody of the consignee or his agent
*10-A Cuncels 10	(g) POINT OF ORIGIN means the precise location at which livestock is physically delivered by the consignor or his agent into the custody of the carrier for transportation,
10	(h) RAILHEAD means a point at which facilities are maintained for the loading of live- stock into or upon, or the unloading of livestock from rail cars or vessels.
	(i) RATE includes charge and also the minimum weight, rules and regulations governing, and the accessorial charges applying in connection therewith.
	(j) SAME TRANSPORTATION means transportation of the same kind and quantity of livestock and subject to the same limitations, conditions and privileges, although not necessarily in an identical type of equipment.
	(k) SHIPMENT means a quantity of livestock 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 also paragraphs (1) and (m)).
	(1) SPLIT PICKUP SHIPMENT means a shipment consisting of several component lots, received during one day and transported under one 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, the composite shipment being consigned and delivered to one consignee at one point of destination and charges thereon being paid by the consignee when there is more than one consignor.
	(m) SPLIT DELIVERY SHIPMENT means a shipment consisting of several component lots 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, said shipment being shipped by one consignor at one point of origin, and charges thereon being paid by the consignor when there is more than one consignee.
	(n) TEAM TRACK means a point at which livestock 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 livestock from and to common carriers by vessel.
* Cha	nge, Decision No. 33266
	EFFECTIVE JULY 15, 1940
Corr	Issued by The Railroad Commission of the State of California, ection No. 3 San Francisco, California.

Item No.	SECTION NO. 1—RULES AND REGULATIONS (Continued)
	MIXED SHIPMENTS
	Rates on mixed shipments of livestock shall be assessed in accordance with the following:  (a) Mixed shipments of cattle with calves, sheep, goats or hogs shall be subject to the rate and minimum weight applicable to cattle in straight shipments.
•70-A	(b) Mixed shipments of sheep or goats (or sheep and goats) with hogs shall be charged for at the rate and minimum weight applicable to hogs in straight shipments.
Cancela 70	(c) Mixed shipments of calves and hogs shall be charged for at the rate and minimum weight applicable to hogs in straight shipments.
	(d) Horses or other animals for which rates are not provided in this tariff, when shipped in mixed shipments with cattle, calves, sheep, goats or hogs, shall be charged for according to the type of stock with which they are included (cattle, calves, sheep, goats or hogs, as the case may be).
	▲(e) Mixed shipments of dairy cattle with other classes of livestock transported within or between zones described in Items Nos. 210 and 220 series, shall be subject to the rate and minimum weight provided in this tariff for cattle in straight shipments.
▲80•A	COMPUTATION OF DISTANCES
Cancels 80	Distances to be used in connection with distance rates named herein shall be the shortest resulting mileage via any public highway route computed in accordance with the method provided in Distance Table No. 3 (Appendix "A" of Decision No. 31605, as amended, in Case No. 4088, Part "N", Case No. 4145 and Case No. 4246).
90	LOADING AND UNLOADING
11-7-39	Rates include service of driver only for loading into and unloading from carrier's equipment. See Item No. 100 series for charges for additional help.
	ACCESSORIAL CHARGES
	An additional charge of \$1.00 per man per hour, minimum charge 50 cents, shall be made for helpers for loading or unloading, or any accessorial or incidental service which is not authorized to be performed under the rates named in this tariff or for which a charge is not otherwise provided,
100 11-7-39	The following additional charges shall be made for the performance of bedding service and/or the furnishing of bedding material incidental to the transportation of shipments of livestock on which rates, carrying a minimum weight of 12,000 pounds or greater, are assessed:
	75 cents per truck unit, single deck; 100 cents per truck unit double deck 100 cents per single deck truck and trailer unit
	100 cents per single deck tractor and semi-trailer unit 150 cents per double deck truck and trailer unit
	150 cents per double deck tractor and semi-trailer unit.
	SHEEP CAMP OUTFITS
A110-A Cancels	Rates provided in this tariff for the transportation of sheep will also apply to sheep camp outfits, as described in Note 1, when said outfits accompany shipments of sheep. (See Exception.)  Note 1.—Sheep camp outfits include wagons, dogs, horses, mules, burros, camp equipment com-
110	prising tents, stoves, cooking utensils, cots, bedding, harness and other appurtenances in use at camp, but do not include hay, grain, feed, merchandise, groceries or clothing.
	Exception.—The provisions of this item will not apply in connection with shipments transported at "any quantity" rates.
	hange, Decision No. 33266 hange, neither increase nor reduction.
	EFFECTIVE JULY 15, 1940
Correc	Issued by The Railroad Commission of the State of California,

# SECTION No. 2

## LIVESTOCK RATES

If the charge accruing under Section No. 3 of this tariff is lower than the charge accruing under this section on the same shipment between the same points, the charge accruing under Section No. 3 will apply.

+ Change, Decision No. 33266

EFFECTIVE JULY 15, 1940

Correction No. 10

Item No.	81	ction 1						In Cents	per 100 l	············	
	For Application of Rates, See Notes 1, 2 and 3 of Item No. 40 series.  MILES CATTLE SHEEP HOGS										
	MI			CATTLE			SHEEP		<u> </u>	HOGS	
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① No change.

Correction No. 6

### EFFECTIVE JULY 15, 1940

# SECTION NO. 3

## **DAIRY CATTLE RATES**

If the charge accruing under Section No. 2 of this tariff is lower than the charge accruing under this section on the same shipment between the same points, the charge accruing under Section No. 2 will apply.

\* Change, Decision No. 33266

EFFECTIVE JULY 15, 1940

Correction No. 11

Issued by The Railroad Commission of the State of California, San Francisco, California.

88450

EFFECTIVE JULY 15, 1940

Issued by The Railroad Commission of the State of California, San Francisco, California.

Correction No. 7

- 11 -

Item

No.

SECTION NO. 3

RATES (Continued)

#### TERRITORIAL ZONE DESCRIPTIONS

(Items Nos. 210 and 220 series)

The following territorial zone descriptions include both sides of streets, boulevards, roads, avenues or highways named, and apply in connection with rates making specific references better

#### ZONE A

Beginning at the intersection of Slauson Avenue and La Brea Avenue; thence northerly along La Brea Avenue to Santa Monica Boulevard; easterly along Santa Monica Boulevard to Cahuenga Boulevard; northwesterly along Cahuenga Boulevard to Barham Boulevard; northerly along Barham Boulevard to Olive Avenue; northeasterly along Olive Avenue to Alameda Avenue; northeasterly along Alameda Avenue to San Fernando Road; southeasterly along San Fernando Road; southeasterly along San Fernando Road to Colorado Street; easterly along Colorado Street and Colorado Boulevard to North Figueron Street; southerly along North Figueron Street to Pasadena Avenue; casterly along Pasadena Avenue to Mission Street; easterly along Mission Street to Los Robles Avenue; southeasterly along Los Robles Avenue to Wilson Avenue; southerly along Wilson Avenue to Atlantic Boulevard; southerly along Atlantic Boulevard to Firestone Boulevard; westerly along Firestone Boulevard and Manchester Avenue to Avalon Boulevard; northerly along Avalon Boulevard to Slauson Avenue; westerly along Slauson Avenue to point of beginning.

#### ZONE B

\*210

Beginning at the intersection of Atlantic Boulevard and Anaheim Telegraph Road; thence northerly along Atlantic Boulevard to Huntington Drive; northeasterly along Huntington Drive and Falling Leaf Avenue to Foothill Boulevard (U. S. Highway No. 66); easterly along Foothill Boulevard to Irwindale Avenue; southerly along Irwindale Avenue to Arroyo Avenue; easterly along Arroyo Avenue to Glendora Avenue; southwesterly along Glendora Avenue to Pomona Boulevard; northwesterly and southwesterly along Pomona Boulevard to Hacienda Boulevard; southwesterly along Hacienda Boulevard to Whittier Boulevard; westerly along Whittier Boulevard to La Mirada Avenue; southerly along La Mirada Avenue to Imperial Highway; westerly along Imperial Highway to Valley View Avenue; northerly along Valley View Avenue to Anaheim Telegraph Road; northwesterly along Anaheim Telegraph Road to point of beginning.

#### ZONE C

Beginning at the intersection of Arroyo Avenue and Glendora Avenue in West Covina; thence easterly along Arroyo Avenue and U. S. Highways Nos. 70 and 99 to Archibald Avenue; southerly along Archibald Avenue to River Street; southeasterly along River Street to the Santa Ana River; southwesterly along the Santa Ana River to Placentia Yorba Boulevard; northerly and northwesterly along Placentia Yorba Boulevard to Richfield Road; northerly along Richfield Road to Yorba Linda Boulevard; easterly along Yorba Linda Boulevard to Imperial Highway; northwesterly and westerly along Imperial Highway to La Mirada Avenue; northerly along La Mirada Avenue to Whittier Boulevard; easterly along Whittier Boulevard to Hacienda Boulevard; northerly along Hacienda Boulevard to Pomona Boulevard; northerly and easterly along Pomona Boulevard to Glendora Avenue; northeasterly along Glendora Avenue to point of beginning.

#### ZONE D

Beginning at the point Jessermon Street crosses the Santa Ana River; thence southerly along Jessermon Street to Santa Ana Canyon Road; southwesterly along Santa Ana Canyon Road to Santiago Boulevard; southeasterly along Santiago Boulevard to Chapman Avenue; easterly along Chapman Avenue; casterly along Chapman Avenue; southwesterly along Newport Avenue to Irvine Boulevard; southeasterly along Irvine Boulevard to Central Avenue; southwesterly along Central Avenue to Laguna Road; southerly along Laguna Road and its prolongation to the Pacific Ocean at Laguna Beach; northwesterly along the shore line of the Pacific Ocean to the Santa Ana River; northwesterly along the Santa Ana River to point of beginning.

+ Change, Decision No. 33266

EFFECTIVE JULY 15, 1940

Issued by The Railroad Commission of the State of California, San Francisco, California.

Correction No. 8

Item

No.

SECTION NO. 3

RATES (Continued)

#### TERRITORIAL ZONE DESCRIPTIONS (Concluded)

(Items Nos. 210 and 220 series)

#### ZONE E

Beginning at the intersection of U. S. Highway No. 101 Alternate and Bay Boulevard; thence northeasterly along Bay Boulevard to Los Alamitos Boulevard; northerly along Los Alamitos Boulevard to Cerritos Avenue; easterly along Cerritos Avenue to Hansen Street; northerly along Hansen Street and Luitwieler Road to Imperial Highway; easterly along Imperial Highway to Yorba Linda Boulevard; westerly along Yorba Linda Boulevard to Richfield Rond; southerly along Richfield Road to Walnut Street; westerly along Walnut Street to Jefferson Street; southerly along Jefferson Street to the Santa Ana River; southwesterly along the Santa Ana River to U. S. Highway No. 101 Alternate; northwesterly along U. S. Highway No. 101 Alternate to point of beginning.

#### ZONE F

Beginning at the point the prolongation of Avalon Boulevard meets the Pacific Ocean; thence northerly along the prolongation of Avalon Boulevard and Avalon Boulevard to Firestone Boulevard; easterly along Firestone Boulevard to Atlantic Boulevard; northerly along Atlantic Boulevard to Anaheim Telegraph Road; southeasterly along Anaheim Telegraph Road to Valley View Avenue; southerly along Valley View Avenue to Artesia Avenue; easterly along Artesia Avenue to Hansen Street; southerly along Hansen Street to Cerritos Avenue; westerly along Cerritos Avenue to Los Alamitos Boulevard; southerly along Los Alamitos Boulevard to Bay Boulevard; southwesterly along Bay Boulevard and its prolongation to the Pacific Ocean; northwesterly along the shore line of the Pacific Ocean to point of beginning.

\*220

#### ZONE G

Beginning at the point the prolongation of Torrance Boulevard meets the Pacific Ocean; thence easterly along Torrance Boulevard to Madrona Avenue; southerly along Madrona Avenue to Carson Street; easterly along Carson Street to Avalon Boulevard; southerly along Avalon Boulevard and its prolongation to the Pacific Ocean; southerly, westerly and northerly along the shore line of the Pacific Ocean to point of beginning.

#### ZONE H

Beginning at the point the prolongation of Culver Boulevard meets the Pacific Ocean; thence northeasterly along Culver Boulevard to Jefferson Boulevard; northeasterly along Jefferson Boulevard to Slauson Avenue; easterly along Slauson Avenue to Avalon Boulevard; southerly along Avalon Boulevard to Carson Street; westerly along Carson Street to Madrona Avenue; northerly along Madrona Avenue to Torrance Boulevard; westerly along Torrance Boulevard and its prolongation to the Pacific Ocean; northwesterly along the shore line of the Pacific Ocean to point of beginning.

#### ZONE I

Beginning at the point the prolongation of Sunset Boulevard meets the Pacific Ocean; thence northeasterly along Sunset Boulevard to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Ventura Boulevard; southeasterly along Ventura Boulevard and Cahuenga Boulevard to Santa Monica Boulevard; westerly along Santa Monica Boulevard to La Brea Avenue; southerly along La Brea Avenue to Slauson Avenue; westerly along Slauson Avenue to Jefferson Boulevard; southwesterly along Jefferson Boulevard to Culver Boulevard; southwesterly along Culver Boulevard and its prolongation to the Pacific Ocean; northwesterly along the shore line of the Pacific Ocean to point of beginning.

+ Change, Decision No. 33266

EFFECTIVE JULY 15, 1940

Issued by The Railroad Commission of the State of California,

San Francisco, California.

Correction No. 9

Siers lick

Decision No. 33266

### BEFORE THE

## RAILROAD COMMISSION

OF THE

# STATE OF CALIFORNIA

In the Matter of the Establishment of maximum and minimum, or maximum or 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 Statutes 1935, Chapter 223, as amended, for the transportation, for compensation or hire, of any and all agricultural products.

Case No. 4293

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## RAHEROAD COMMESSION

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## STATE OF CALIFORNIA

But attended to a constitution of the state of all as a single of the state of the

#### APPENDIX "A"

W. E. Allan dia Upland Transfer & Storage Co. H. R. Brankear, for Los Angeles Chamber of Commerce. Clayton W. Conrow, for Arroyo Grande Teucking Co. High S. Center, for Coast Line Truck Service Inc. J. E. Cote, for Citizens Trucking Company. II. W. Dail, for International Brotherhood of Teamsters. T. H. Eichberg, for Hendrix Truck Corporation. William Gittler, for Eureka Commission Co. A. J. Hoppe, for Happe Transfer Co. Robert Hays, for El Centro Chamber of Commerce. Harry Helferick, for American Fruit Growers, Inc. Paul O. Helm, for Calavo-Subtropic Fruit Co. V. P. Hunt, for V. P. Hunt Company. J. M. Hunton, for Visalia Truck Company. U. F. Kemer, for Imperial County Farm Bureau. Cliff Landmork, for Authory Camphuysen and certain other petitioners. Richard J. Low, for Coast Line Truck Service, Inc. Irring F. Lyons, for Canners' League of California. Chester McNatt, for Chester McNutt Trucking Co. Wm. Meinkold, for Southern Pacific Company. W. O. Rickardson, for Cudshy Packing Company. H. L. Smith, for Southern Pacific Company. L. W. Smith, for T. A. L. Loretz.

P. W. Turcotte, for Date C. Ramsey, dia Valley Truck Co. & Hugh L. Keating, Trustee of the Estate of Chas. B. Lee dia Farmers Trucking Service, a bankrupt.

Ware and Berol, by Dewitt M. Manning, for Truck Owners Association of California. Edicin G. Wilcox, for Oakland Chamber of Commerce.

198 and 199

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in competition with proprietary carriage through the medium of shipper associations, and the state of the control of the control

The record is convincing, also, that rates in cents per 100 pounds are unsatisfactory for transportation of dairy cattle in small shipments within the Los Angeles milk shed. The rates proposed by petitioners appear to meet the approval of carriers and shippers in volved, and to be more readily adaptable to this service. Carrier witnesses testified that these rates are substantially the same as those undier which they earned a satisfactory profit during an earlier period. Under the circuinstances we are of the opinion that the proposed rates should be approved and established by the Commission as minimums rates for the transportation of dairy cattle within the area involved, subject to the alternative use of other rates provided in the live stock tariff when lower charges result therefrom.

Therefore, good cause appearing,

IT IS HERBY ORDERED that Highway Carriers' Tariff No. 3 (Appendix "C" of Decision No. 31924 of April 11, 193-9, as amended) be and it is hereby amended by substituting therein and adding thereto. to become effective July 15, 1940, the new and revised pages attached hereto and hereby made a part hereof which new and revised pages are numbered as follows: -

First Revised Page 2 cancels Original Page 2 First Revised Page 3 cancels Original Page 3 First Revised Page 4 cancels Original Page 4 First Revised Page 5 cancels Original Page 5 Original Page 9-A First Revised Page 10 cancels Original Page 10 Original Page 11 Original Page 12 Original Page 13 Original Page 14 Commence of the second commence of the second

IT IS HEREBY FURTHER ORDERED that the tariff flings required or authorized to be made by common earriers: may be made on not less than three (3) days' notice to the Commission and to the public.

In all other respects said Decision No. 31924, aus amended, shall remain in full force and effect.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 3rd day of July, 1940.

RAY L. RUEY. FRANK R. DEVLIN. RAY C. WAKEFIELD, C. C. BAKER, ... JUSTU'S F. CRAENER,

Commissioners.

BY THE COMMISSION: It is the property likely the same paiding the adjust to the

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To A Back of Companies on appear on an extension of For additional appearances entered in this proceeding subsequent to October 10, 1939, see Appendix "A" hereof.

Line Broken Wall Street with a Box Broken Wall to be

### STATE SUPPLEMENTAL OPINION AND ORDER OF THE STATE OF THE

This proceeding involves rates, rules and regulations for the transportation of agricultural products by common, radial highway common and highway contract carriers. This opinion deals with proposed modifications in rates, rules and regulations established by Decision No. 31924, as amended, for the transportation of livestock, concerning which evidence was received at an adjourned hearing held in Los Angeles on April 10, 1940, before Examiner Bryant. 1944 19 19 19 19 description for making the contract of the contract of

Proposed Exemption of Certain Territory in Vicinity of Los Angeles The Angeles The Angeles of the Angeles

California Cotton Oil Corporation urged that the livestock decision be modified so as to exclude certain territory embracing several municipalities and unincorporated areas included within the rail station limits of Los Angeles, or within all or a portion of the Los Angeles 

The traffic manager of California Cotton Oil Corporation pointed out that the livestock decision prescribed minimum rates for transportation between feed yards located in unincorporated territory of Los Angeles County adjacent to the city of Vernon on the one hand and the various packing plants located in Vernon on the other hand, while no minimum rates have been established to govern the intracity transportation of livestock between competing feed yards located in Vernon and the same packing plants. He stated that the established minimum rates from or to the unincorporated points were somewhat higher than the "going" truck charges for similar transportation of livestock within the cities of Los Angeles and Vernon, and declared that even where the minimum truck charges were predicated upon alternative use of the

By Decision No. \$1924 of April 11, 1939, as amended, in this proceeding, the Commission established minimum rates, rules and regulations for the transportation of livestock by highway common carriers, rudial highway common carriers and highway contract carriers between all points in the state, exclusive of transportation between points of crigin and destination within the same incorporated city. The decision also ordered and authorized certain changes in the rates of common

The ference herein to the "livestock decision" or to the "livestock tariff" refers respectively to Decision No. 31924, supra, and to Highway Carriers' Tariff No. 3, which is Appendix "C" to said decision.

The original proposal suggested exemption of traffic moving between points within the free switching zone of the rail lines rerving Los Angeles. During the course of the hearing it appeared that this description would be indefinite and unsatisfactory, and the proposal was amended to suggest exemption of traffic moving between points within the Los Angeles Drayage Area or, as a satisfactory alternative, within Zones 1-A and 1-D of said area. The Los Angeles Drayage Area referred to herein is described in City Carriers' Tariff No. 4 and Highway Carriers' Tariff No. 5, which is Appendix "A" to Decision No. 32504 of October 24, 1933, as amended, in Case No. 4121.

rail switching charges these differed materially according to the number of railroads which participated in the switch. He stated that in his opinion the existing rate structure was unduly prejudicial to the feed yards located in unincorporated territory, due to the fact that minimum rates were fixed for transportation from and to some feed yards, while comparable intracity transportation performed from and to other yards was exempt from minimum rates. He recognized that the discriminatory feature could be removed by the prescription of reasonable and nondiscriminatory rates for city carriers, but urged that in the meantime, at least, the situation be corrected by exempting additional territory as proposed.

The witness explained that California Cotton Oil Corporation operates a livestock feeding yard in connection with its plant situated in unincorporated territory near the city of Vernon, and that this yard is used for custom feeding in active competition with other feed pens located in the cities of Vernon and Los Angeles. He stated that stock fattened at all of these feed yards is subsequently transported to packing plants located in those cities. He introduced an exhibit identifying packing houses and feed yards situated within the Los Angeles area, showing their locations, the railroads serving them, and the highway distances, truck charges and rail switching charges between the several locations. By means of this exhibit the witness pointed out that there are three feed yards in the city of Vernon, and two located in unincorporated territory adjacent to that city; and that thirteen packing houses are situated in close proximity to each other in Vernon, while three are located a few miles distant in the city of Los Angeles. It appears that all of the feed yards and packing houses are located within the so-called station limits of the rail lines at Los Angeles, and also within Zones 1-A and 1-D of the Los Angeles Drayage Area.

Another witness for petitioner testified that on numerous occasions since the effectiveness of the livestock decision, packers and prospective feeders had definitely stated to him that they could not afford to feed their animals at the yard of California Cotton Oil Corporation because of the differential in transportation rates. A representative of a packing company located in the Vernon packing house center testified that his company at various times patronized all of the feed yards in this general territory, including that of California Cotton Oil Corporation, but that the company was now contemplating the purchase of proprietary vehicles in order that it might continue using the latter yard.

The Cudahy Packing Company concurred in general in the proposal of California Cotton Oil Corporation, urging that the exemption would separate and bound them. The proposed rates, while stated on the zone plan, were constructed on the general basis of 75 cents per head for the first 10 miles, \$1.00 per head for distances of over 10 but not over 20 miles, and an additional 50 cents per head for each additional 10 miles thereafter. Petitioners selected basing points in each of the nine zones for the purpose of converting these distance rates into zone rates, and therefrom developed rates of 75 cents per head for intrazone movement, \$1.00 per head for transportation between certain adjacent zones, \$1.50 per head for transportation into the next zone beyond, and so on, to a maximum of \$3.00 per head between the most distant zones. A minimum charge was proposed of \$1.00 per shipment.

Petitioners explained that the proposed rates were intended primarily for the transportation of cattle moving in shipments of five head or less, but said that they should be permitted to apply to any number of head subject to the alternative use of the established weight rates where lower charges would result. This plan, the carriers said, would permit them to assess the proposed rates on shipments of eight or ten animals or more, if the occasion should arise, but would not preclude the use of the established weight rates which are entirely satisfactory for minimum weights of 14,000 or 24,000 pounds.

The proposed rate revision for dairy cattle was approved and supported by the California Farm Bureau Federation; the Central Milk Sales Agency (a cooperative marketing organization representing some 650 dairies in the area involved); and by Western Consumers Dairy. The managers of the latter two organizations were called as witnesses, and testified in support of the petition.

No one opposed either of the above proposed modifications.

The evidence adduced in the original hearings in this matter are devoted mainly to transportation of live stock in truckload quantities and the testimony concerning transportation of small shipments was of a very general nature. The minimum rates for "any quantity" shipments established as a result of those hearings were related to the rates established for the transportation of general merchandise, and it was anticipated they would find their principal use in preventing a breakdown of the truckload rates through the splitting of a single shipment into two or more parts. While no new cost evidence was introduced in the instant hearings, the characteristics of live stock transportation in small shipments were described with much greater completeness and detail. The augmented record now indicates that the proposed rates for any-quantity shipments will give the carriers a reasonable opportunity to enjoy compensatory operations and that in any event those rates are as high as the carriers can hope to obtain

<sup>\*</sup>Custom feeding refers to the practice of feeding and fattening livestock for others without participation in the ownership of the animals.

Carrier witnesses declared further that the use of constructive mileages in determining applicable rates, as required under the livestock decision, is impracticable and unsatisfactory so far as the transportation of dairy cattle in small shipments within the Los Angeles milk shed is concerned. In support of this contention they explained that the individual dairies are generally small in area, are frequently close together or adjoining, and in some cases as many as fifteen or twenty of them may front on a single street or road within a distance of one mile or less. Under these conditions, the carriers said, the mileage basis is difficult to apply and inevitably productive of disputes and differences of opinion between carriers and shippers, and is particularly unsatisfactory under circumstances such as prevail here, where it is of primary importance that the transportation be performed rapidly and without delay.

The same witnesses stated also that the weight basis is undesirable for the transportation of dairy cattle from the sales yards to the dairies. In this connection they explained that the animals are purchased on the basis of their estimated productive capacity rather than upon the basis of weight, and for this reason the purchasers are not interested in weight and the sales yards are not equipped with livestock scales. The witnesses referred to the fact that the cows must be transported to the dairies without delay, and declared that if the carriers were to attempt to weigh the animals at public scales in the vicinity of the sales yards, the congestion resulting from a large number of carriers trying to obtain weights at the same time would make it physically impossible to perform the weighing and transportation service in an acceptable manner.

The witnesses recognized that these objections to the weight basis were not applicable to the transportation of discarded dairy cattle from dairies to packing houses, inasmuch as in this case the animals are sold upon the basis of weight and the weights are obtainable at destination. They asserted, however, that as to this traffic the any-quantity weight rates now applicable under the live stock tariff were unreasonably high, and, as previously explained, that the use of constructive mileages as now required was burdensome and generally impracticable. They declared that the transportation had been more satisfactorily performed in the past upon a per-head basis, and recommended the adoption of that basis here.

For transportation of dairy cattle within the Los Angeles milk shed, petitioners proposed the use of zone rates, stated upon the basis of dollars and cents per head. Under their proposal the Los Angeles milk shed would be divided into nine zones, which petitioners defined by reference to the streets, roads or other geographical features which be made applicable to the entire Los Angeles Drayage Area pending an investigation dealing specifically and exclusively with the transportation of livestock within that area. No one opposed the suggested modification.

In view of the competition which the record shows to exist between feed yards located in the city of Vernon and feed yards located in unincorporated territory just outside of the city, it is apparent that the present rate structure places a serious handicap upon the latter yards. This is due, of course, not to any defect in the minimum rates which have been established, but to the circumstances that rates have been fixed for some but not all of the yards. The prejudice to the yards situated in unincorporated territory is enhanced by the fact that highway carriers operating within the city of Vernon have reduced their transportation charges to a basis which is lower than that fixed by the Commission as minimum for similar transportation from and to adjacent points.

The Los Angeles Drayage Area was excluded from the application of rates on general commodities established by Highway Carriers' Tariff No. 2 (Appendix "D" to Decision No. 31606, as amended, in Case No. 4246), for the reason that transportation within that area is the subject of separate and specific consideration in another proceeding, involving all classes of for-hire carriers. Under the circumstances here shown to exist it appears that the same territorial exemption should be made in the livestock tariff, and the order herein will so provide.

#### Revision of "Any Quantity" Livestock Rates

\*>

The California Farm Bureau Federation asked that the "any-quantity" rates provided in the livestock tariff for transportation of small shipments by motor truck be materially reduced for all classes of livestock between all points in the state. In addition, a number of radial highway common carriers engaged principally in the transportation of dairy cattle within the so-called Los Angeles milk shed, asked that a basis of zone rates, stated in dollars and cents per head, be substituted for the present any-quantity rates for the transportation of dairy cattle within the so-called Los Angeles milk shed.

<sup>&</sup>quot;The established minimum rates are stated in cents per 100 pounds.

<sup>\*</sup>Case No. 4121, In the Hatter of the Establishment of fust, reasonable and non-discriminatory maximum or minimum or maximum and minimum rates, rules, classifications and regulations for the transportation of property for compensation or hire over the public highways of the City of Los Angeles. Originally only Los Angeles city carriers were respondents, but the scope of the proceeding was subsequently enlarged to include all Los Angeles County for-hire carriers.

The milk shel area referred to is the area from which metropolitan Los Angeles receives its principal milk supply. Roughly, it is bounded by the Pacific Ocean on the south and west, by the Angeles National Forest on the north, and by the Santa Ana River and Santa Ana Mountains on the east. It embraces portions of Los Angeles, San Bernardino, Riverside and Orange Counties. There are more than 800 dairies within this area, milking approximately 100,000 cows.

A witness for the Federation testified that he had made a careful survey of the rate situation among the livestock shippers and some truck carriers throughout the state, and found that the rates established for "quantity" lots were in general entirely satisfactory, but those for the transportation of small shipments over short distances were considered excessive. He stated that at recent meetings of the California Farm Bureau Federation held in several livestock shipping areas of the state he had found the shippers and carriers to be in substantial agreement as to the level of rates which they would consider fair and reasonable for this transportation. On the strength of this general agreement he recommended, on behalf of the California Farm Bureau Federation, that the minimum any-quantity rates for the transportation of livestock be reduced to the basis of one-half the present any quantity rates for distances of sixty miles or less, and double the present 24,000-pound minimum eattle rates for distances over sixty miles.

The witness testified that because of dissatisfaction with the present any-quantity rates, there was a tendency among the farmers to organize cooperative associations for the purpose of obtaining lower transportation charges on their small shipments of livestock. He said that several such organizations had been formed already, and others would probably develop in the near future unless the any-quantity rates were reduced. He stated that in his opinion the creation of these associations for the purpose of performing transportation service was unnecessary, and detrimental to the interests of both farmers and for-hire truck operators. He thought there were enough for-hire carriers in every agricultural community in the state to perform all necessary transportation services, and he believed that the rates should be modified in accordance with his recommendation in order that these carriers might retain the business.

The Agricultural Agent of Santa Barbara County, called as a witness by the California Farm Bureau Federation, testified that several meetings of livestock shippers had been held in his county for the purpose of considering the organization of a cooperative livestock association in order to reduce the transportation charges. This witness said that unless the any-quantity rates were reduced he thought positive action would be taken. A truck operator with headquarters in the same county stated that in his opinion the present any-quantity rates were higher than he could continue to collect. He had no specific

The witness qualified this statement by saying that he believed the truckload rates for transportation of sheep were romewhat high. He recognized, however, that these rates were not directly involved in the scope of the hearing.

rate recommendation to offer except that he thought the minimum weight of 16,500 pounds on hogs should be reduced to about 10,000 pounds.

With respect to the proposed revision of rates for transportation of dairy cattle in the Los Angeles milk shed it was explained that the producing cattle, said to number approximately 100,000, are replaced at a rate of about one-third each year. The area does not raise its own dairy cattle, but draws the mature animals from various points throughout the western states. These animals move in carload lots into local sales yards located principally in the vicinity of Hynes and Bassett, and are there sold to the dairymen at public auction. The sales are held several times weekly and, as the cows are not milked for several hours before the auction, it is essential that they be moved promptly to the dairies for milking after the sale has been consummated. Competition has forced a high standard of butter fat production, and cows which fall below the standard are quickly sold to packing houses and replaced by fresh stock. The purchases and sales by the dairies consist generally of one or two animals at a time, and rarely exceed five or six. For these reasons, witnesses explained, there is a substantial regular movement of dairy cattle from local sales yards to dairies, and from the dairles to stockyards and packing houses. The individual shipments are small and the hauls are relatively short, but the movement in the aggregate amounts to more than 30,000 head a year in each direction.

The petitioning carriers assert that they perform at least 90 per cent of the transportation of the replacement cows from local sales yards to the dairies, and of the discarded cows from the dairies to stockyards and packing houses; and that this transportation constitutes the bulk of their business. With few exceptions the carriers own and operate only one motor vehicle each, and the service which they render is a peculiar one which is apparently directly responsive to the needs of the local dairy industry, and is not competitive with that rendered by common carriers or by other classes of for-hire carriers.

Petitioners testified that in their opinion the minimum rates applicable to the transportation of dairy cattle in small shipments were higher than the shippers could afford to pay for the service. They stated without hesitation that the effective rates for the larger shipments were entirely satisfactory to themselves and, so far as they knew, to their shippers, and were applied without difficulty when larger shipments were offered—as, for example, in the movement of a herd from one dairy to another.

Section 1(t) of the Highway Carriers' Act (Statutes 1935, Chapter 223, as amended) provides for the exemption of "Any nonprofit agricultural cooperative association organized and acting within the scope of its powers under Chapter 4, Division VI of the Agricultural Code to the extent only that it may be engaged in transporting its own property or the property of its members."

The record shows that all of the politioners make it a practice to be present at the rales yatds during the auctions, and there solicit the transportation service from the dairymen as each purchase is made. To a large extent each operator regularly secures the shipments of certain dairies which he considers as his own clientele.

Appendix "C"

of

Decision No. 31924

Issued by

The Railroad Commission

of the

State of California

Consisting of a Tariff naming minimum rates, rules and regulations for the transportation of Livestock between points in California

Ьу

Radial Highway Common Carriers

and

**Highway Contract Carriers** 

Item SECTION NO. 1—RULES AND REGULATIONS No. DEFINITION OF TECHNICAL TERMS (a) CALVES means bovine animals weighing 450 pounds or less. (b) CATTLE means bovine animals weighing more than 450 pounds. (c) CARRIER means a radial highway common carrier or a highway contract carrier, as defined in the Highway Carriers' Act (Chapter 223, Statutes of 1935, as amended). (d) 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 (c) 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, (f) POINT OF DESTINATION means the precise location at which livestock is tendered for physical delivery into the custody of the consignee or his agent. (g) POINT OF ORIGIN means the precise location at which livestock is physically delivered by the consignor or his agent into the custody of the carrier for transportation. 10 (h) RAILHEAD means a point at which facilities are maintained for the loading of livestock into or upon, or the unloading of livestock from rail cars or vessels. (i) RATE includes charge and also the minimum weight, rules and regulations governing, and the accessorial charges applying in connection therewith. (j) SAME TRANSPORTATION means transportation of the same kind and quantity of livestock and subject to the same limitations, conditions and privileges, although not necessarily in an identical type of equipment. (k) SHIPMENT means a quantity of livestock 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 also paragraphs (1) and (m)). (1) SPLIT PICKUP SHIPMENT means a shipment consisting of several component lots, received during one day and transported under one 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, the composite shipment being consigned and delivered to one consignee at one point of destination and charges thereon being paid by the consignee when there is more than one consignor. (m) SPLIT DELIVERY SHIPMENT means a shipment consisting of several component lots 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, said shipment being shipped by one consignor at one point of origin, and charges thereon being paid by the consignor when there is more than one consignee. (n) TEAM TRACK means a point at which livestock 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 livestock from and to common carriers by vessel.

EFFECTIVE AS SHOWN ON ORIGINAL TITLE PAGE

Item No.	SECTION NO. 1—RULES AND REGULATIONS (Continued)	
	APPLICATION OF TARIFF—CARRIERS	
20	Rates provided in this tariff are minimum rates, established pursuant to the Highway Carriers' Act (Chapter 223, Statutes of 1935, as amended) and apply for transportation of livestock by radial highway common carriers and highway contract carriers, as defined in said Act.	
	When livestock in continuous through movement is transported by two or more carriers, the rates provided herein shall be the minimum rates for the combined transportation.	
	APPLICATION OF TARIFF—TERRITORIAL	
30	Rates in this tariff apply for transportation of livestock between all points in the State of California except shipments having both point of origin and point of destination within the same incorporated city.	
		"
	APPLICATION OF TARIFF—COMMODITIES	
40	Rates in this tariff apply for the transportation of livestock, viz.:  Cattle Rates apply on: Cattle, Cows, Bulls, Oxen, Steers.  Sheep Rates apply on: Sheep, Lambs, Goats, Bucks, Ewes, Kids, Calves, Sheep Camp	
	Outfits (Subject to Item No. 110 Series).	
	Hog Rates apply on: Hogs, Pigs, Sows, Swine, Stags.	,
	SHIPMENTS TO BE RATED SEPARATELY	
50	Each shipment shall be rated separately. Shipments shall not be consolidated or combined by the carrier. Component parts of split pickup or split delivery shipments, as defined in Item No. 10 series, may be combined under the provisions of Items Nos. 130 and 140 series.	
	RATES BASED ON VARYING MINIMUM WEIGHTS	
60	When charges accruing on a shipment based upon actual weight exceed the charges computed upon a rate based upon a greater minimum weight, the latter shall apply. For the purpose of applying this item to a mixed shipment (See Item No. 70 series) the deficiency between actual weight of the shipment and the greater minimum weight shall be computed at the rate applicable to the lowest rated livestock in the shipment.	
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	lesued by The Railroad Commission of the State of California, San Francisco, California.	

Item No.	SECTION NO. 1—RULES AND REGULATIONS (Continued)
	METHOD OF DETERMINING LIVE STOCK WEIGHTS (Concluded) Rule No. 4—Basis Applicable in Absence of Hoof or Scale Weights (Concluded):
	FORM OF CERTIFICATE
	I, (shipper or consignee) of Livestock described below,
	Number of Kind of Carrier Date Animals Animals Origin Destination
120	hereby certify that actual weights have not been obtained to my knowledge within 5 days and that I have not sold, bought, or arranged to sell or buy this livestock on a weight basis, and that the shipment, in my best judgment, does not exceed (insert estimated weight) pounds in weight.
(Con- cluded)	DateSignature of Shipper or Consignee.
	State of California County of
	Rule No. 5—Basis Applicable Upon Failure, Inability or Refusal of Shipper and Consignee to Furnish Estimated Weights:  If shipper and consignee are unable, fail or refuse to furnish actual weight when known or certificate of estimated weight when actual weight is not known, and other means of ascertaining actual weight are not available, the following estimated weights shall be used:
	Type of Animal Pounds Per Head  Cattle, Bulls, Steers, Oxen, Cows 900  Calves 300  Hogs, Pigs 200  Sows, Swine 350  Stag 450  Sheep, other than Ewes or Bucks 85  Ewes or Bucks 120  Kids, Lambs 85  Goats 120
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Item No.	SECTION NO. 1—RULES AND REGULATIONS (Continued)
	SPLIT PICKUP
	The charge for a split pickup shipment, as defined in Item No. 10 series, shall be the charge applicable for transportation of a single shipment of the same kind and quantity of livestock for the distance from that point of origin of a component lot which produces the shortest constructive mileage to point of destination, using the shortest constructive highway route via the points of origin of the several other component lots, plus an added charge as provided in Paragraph (1):
	(1) Table of added charges:
130	Number of Pickups       Added Charge         2       150 cents         3 to and including 5       200 cents         6 to and including 10       250 cents         11 or more       25 cents per pickup
	(2) At the time of or prior to the first pickup, the carrier shall be furnished with manifest or written shipping instructions showing the name of each consignor, the points of origin, and the kind and quantity of livestock in each component lot;
	(3) No split pickup shipment shall be accorded split delivery;
	(4) In the event a lower aggregate charge results from treating one or more component lots as a separate shipment, such lower basis may be applied.
	SPLIT DELIVERY
	The charge for a split delivery shipment, as defined in Item No. 10 series, shall be the charge applicable to the transportation of a single shipment of the same kind and quantity of livestock for a distance equal to one-half the shortest constructive highway route from point of origin and return thereto, via the several points of destination, plus an added charge as provided in Paragraph (1):
	(1) Table of added charges:
	Number of Deliveries Added Charge
140	2 150 cents 3 to and including 5 200 cents 6 to and including 10 250 cents 11 or more 25 cents per delivery
	(2) 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 points of destination, and the kind and quantity of livestock in each component lot;
	(3) No split delivery shipment shall be accorded split pickup;
	(4) In the event a lower aggregate charge results from treating one or more component lots as a separate shipment, such lower basis may be applied.
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Item   No.	SECTION NO. 1—RULES AND REGULATIONS (Concluded)
	ALTERNATIVE APPLICATION OF COMMON CARRIER RATES
150	(a) Common carrier rates may be applied in lieu of the rates provided in this tariff, when such common carrier rates produce a lower aggregate charge for the same transportation from the same point of origin to the same point of destination than results from the application of the rates herein provided. (See Note.)
	NOTE.—When a rail carload rate is subject to varying minimum weights, dependent upon the size of the car ordered or used, the lowest minimum weight obtainable under such minimum weight provisions may be used in applying the basis provided in this item,
	ALTERNATIVE APPLICATION OF COMBINATIONS WITH COMMON CARRIER RATES
	When lower aggregate charges result, rates provided in this tariff may be used in combination with common carrier rates for the same transportation as follows:
	(a) When point of origin is located beyond railhead and point of destination is located at railhead, add to the common carrier rate applying from any team track to point of destination the rate provided in this tariff for the distance from point of origin to the team track from which the common carrier rate used applies. (See Notes 1 and 2.)
i	(b) When point of origin is located at railhead and point of destination is located beyond railhead, add to the common carrier rate applying from point of origin to any team track the rate provided in this tariff for the distance from the team track to which the common carrier rate used applies to point of destination. (See Notes 1 and 2.)
160	(c) When both point of origin and point of destination are located beyond railhead, add to the common carrier rate applying between any railheads the rate provided in this tariff for the distance from point of origin to the team track from which the common carrier rate used applies, plus the rate provided in this tariff for the distance from the team track to which the common carrier rate used applies to point of destination. (See Notes 1 and 2.)
	NOTE 1.—If the route from point of origin to the team track or from the team track to point of destination is within the corporate limits of a single incorporated city, the rates provided in this tariff 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 point of origin to team track or from team track to point of destination, as the case may be.
	NOTE 2.—When a rail carload rate is subject to varying minimum weights, dependent upon the size of the car ordered or used, the lowest minimum weight obtainable under such minimum weight provisions may be used in supplying the basis provided in this item.

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Item No.	SE	ction n	O. 2	•			Ç	In Cents )		RATE:	
	MII	LES	CATTLE			SHEEP, LAMBS, GOATS, KIDS, CALVES			HOGS		
	Over	But not Over	Any Quan- tity	14,000	Min.Wt. 24,000 Pounds	Any Quan- tity	12,000	Min.Wt. 20,000 s Pounds	Any Quan- tity	16,500	Min.Wt. 24,000 Pounds
	0 3 5 10	3 5 10 15 20	24 25 26 27 28	4 4 <u>4 }</u> 5 <del>1</del> 6 <del>1</del> 7	31 4 43 5 51	24 25 26 27 28	6 7 8 9	5 6 6 7 7	สัสตาเล	4 5 5 <del>1</del> 6 <del>61</del>	3½ 4 4} 5 5
	20 25 30 35 40	25 30 35 40 45	29) 30 31 32 33	7½ 8 8½ 9	6 63 7 74 8	29 30 31 32 33	11 12 13 14 15	8 81 9 10	29 30 31 32 33	7 7 <del>1</del> 8 81 9	6 64 7 74 8
	45 50 60 70 80	50 60 70 80 90	34 36 38 40 41)	10 11½ 13 14½ 16	8½ 9 9½ 10½ 11½	34 36 38 40 41}	16 17½ 19 20½ 20	12 13 14 15	34 36 38 40 41}	10 113 123 14 153	8) 9 9) 10
	90 100 110 120 130	100 110 120 130 140	43 441 46 471 49	17½ 19 20 21½ 23	12½ 13½ 14½ 15½ 15½	43 44} 46 47} 49	28 <del>)</del> 26 <del>)</del> 28 28 29	17 18 19 20 21	43 44 <u>1</u> 46 47 <u>1</u> 49	16½ 18 19½ 20½ 22	11½ 12½ 13½ 14 15
170	140 150 160 170 180	150 160 170 180 190	50± 52 53± 53 55	244 26 27 244 30	17½ 18½ 19½ 20½ 21½	50½ 52 53½ 55 55 56}	31 32) 34 35) 27	81 83 44 44 45 45 44 44 45 45 45 45 45 45 45 45 45 45 45 4	50½ 52 53½ 55 56¾	23) 24) 26 27 28)	16 17 17 <del>1</del> 18 <del>1</del> 191
	190 200 220 240 260	200 220 240 260 280	58 61 64 67 70	31½ 34½ 37 40 43	22± 24± 26± 28± 30±	58 61 64 67 70	38½ 41½ 44½ 47½ 50½	27± 30 32± 35 37±	58 61 64 - 67 70	30 32½ 35 37½ 40	20± 22 24 26 28
	280 300 325 350 375	300 325 350 375 400	73 76± 80 83± 87	46 49 52 53 58	32½ 34½ 36½ 36½ 40½	73 763 80 833	53½ 57 60½ 04 67÷	40 42½ 45 47¾ 50	73 76 <del>1</del> 80 83 <u>1</u> 87	42) 45 48 51 54	30 32 34 36 38
	400 425 450 475 500	425 450 475 500 525	90) 94 97) 101 104)	61 64 67 70	424 444 464 484 504	90½ 94 97½ 101 104}	71 741 78 811 85	52½ 55 57¾ 60 62¾	90± 94 97± 101 104±	57 60 63 66 69	40 42 44 46 48
	525 550 575 600 625	550 575 600 625 650	108 1113 115 1183	76 79 82 85 88	523 543 564 583 603	108 1111 115 1183 122	91 94 97 100	65 674 70 724 75	108 111} 115 118} 122	72 75 78 81 84	50 52 54 56 58
	650 675	673 700	125) 129	91 94	62± 64±	125 <del>1</del> 129	103 106	77 <del>1</del> 80	125½ 129	87 90	60 62
	700 miles	nces over add for miles or thereof	34	3	2 ·	31	S	2}	3)	3	2

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