

Decision No. 34231

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Establishment of maximum or minimum, or maximum and minimum rates, rules and regulations of all common carriers as defined in the Public Utilities Act of the State of California, as amended, and all highway carriers as defined in Chapter 223, Statutes of 1935, as amended, for the transportation, for compensation or hire, of any and all commodities.

ORIGINAL

Case No. 4246

BY THE COMMISSION:

SUPPLEMENTAL OPINION AND ORDER

Transportation in straight shipments of butter, margarine and cheese has temporarily been exempted from the statewide minimum rates heretofore established in this proceeding. However, Highway Carriers' Tariff No. 2 (Appendix "D" to Decision No. 31606, as amended) in which the established rates have been incorporated, provides that charges on mixed shipments consisting of exempted and nonexempted commodities may be determined either by assessing the tariff rates against all of the property comprising the mixed shipment or by assessing rates otherwise applicable against one or more of the exempted commodities and the tariff rates against the remainder. By petition filed May 12, 1941, Valley Express Co. and Valley Motor Lines, Inc., common carriers required to maintain rates no lower than those provided by Highway Carriers' Tariff No. 2, request the establishment of fourth class ratings for butter, margarine and cheese transported in mixed shipments with nonexempted commodities.

In support of the proposed adjustment it is represented that petitioners have for some time maintained fourth class ratings for the commodities involved in both straight and mixed shipments;

that in the case of mixed shipments these ratings have been maintained through misapprehension and misinterpretation of the provisions of Highway Carriers' Tariff No. 2; and that petitioners' tariffs are being amended to provide the higher mixed shipment ratings.¹ It is also represented that competing radial highway common and highway contract carriers are free to transport straight shipments of the exempted commodities at any rate they may desire and that by reason thereof petitioners are threatened with loss of business not only in connection with the transportation of the exempted commodities but also in connection with the transportation of other commodities with which they move in mixed shipments. Fourth class ratings for the exempted commodities in such mixed shipments, according to petitioners, although not entirely competitive with the rate bases of other carriers, will enable petitioners to retain a fair share of the traffic. The proposed ratings are sought on a temporary or emergency basis pending the establishment of rates for the exempted commodities and without prejudice to any different finding or conclusion the Commission may reach on a more comprehensive record.

This is a matter in which a public hearing does not appear necessary. It is evident that, for the reasons that they have advanced, petitioners and others similarly situated are unable to compete effectively for the transportation of the commodities involved.

Their request that Highway Carriers' Tariff No. 2 be modified so as to permit them to establish the same ratings on the commodities in issue in mixed shipments as those they maintain for straight shipments, pending the fixation of rates by the Commission, appears reasonable and will be granted.

Minimum rates for the transportation of fresh fruits and vegetables between points in southern California and from southern

¹ This has since been done; the revised rates are published to become effective May 27, 1941.

California to San Francisco Bay points have been established by Decision No. 33977 of March 11, 1941, in Case No. 4293, in re Rates of Common and Highway Carriers for the transportation of Agricultural Products. Item No. 100 of Highway Carriers' Tariff No. 8, in which those rates have been promulgated, provides a basis for assessing charges on mixed shipments comprised of property to which the rates in that tariff are applicable and other property. In view of the application of the mixed shipment provisions of that tariff to commodities ratable under Highway Carriers' Tariff No. 2, the latter will be amended to provide that charges on such mixed shipments shall be determined in accordance with the provisions of the former.

First Revised Pages 27-A and 27-B of Highway Carriers' Tariff No. 2 were issued to cancel rules formerly in effect. This having been accomplished, maintaining these pages in the tariff now serves no useful purpose. They will be cancelled.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that Highway Carriers' Tariff No. 2 (Appendix "D" to Decision No. 31606, as amended, in this proceeding) be and it is hereby amended by substituting therein, to become effective July 1, 1941, the revised pages attached hereto and by this reference made a part hereof, which pages are numbered as follows:

Fifth Revised Page 4 cancels Fourth Revised Page 4,
 First Revised Page 27-A and First Revised Page 27-B
 Sixth Revised Page 5 cancels Fifth Revised Page 5
 Fifth Revised Page 7 cancels Fourth Revised Page 7
 Fifth Revised Page 17 cancels Fourth Revised Page 17
 Third Revised Page 37 cancels Second Revised Page 37

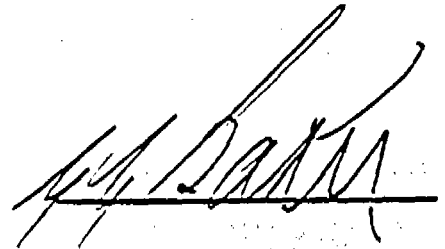
IT IS HEREBY FURTHER ORDERED that the tariff publications required to be made by common carriers as a result of the amendment herein of the aforesaid tariff shall be made effective on July 1, 1941, on not less than three (3) days' notice to the Commission and to the public; and that tariff publications which are not required to be made but which are herein authorized may be made effective not

earlier than July 1, 1941, and on not less than three (3) days' notice if published to become effective on that date.

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

The effective date of this order shall be twenty (20) days from the date hereof.

Dated at ~~Los Angeles~~ ^{San Francisco}, California, this 27th day of May, 1941.



Justice F. Garrison
Francis X. Hoover
Richard L. ...
Commissioners.

Fifth Revised Page 4
 Cancels
 Fourth Revised Page..... 4
 First Revised Page.....27-A
 and
 First Revised Page27-B

HIGHWAY CARRIERS' TARIFF NO. 2

INDEX OF COMMODITIES			
Only those articles which are named in commodity items or in Exceptions to the Western Classification and Exception Sheet are shown in the following list.			
COMMODITY	Item Number	COMMODITY	Item Number
Acid, Boracic	730	Book Cases	660,690
Adapters, Casing	365	Borax	730
Adjusters and Boards	365	Boxes, Well Dorrick or Stuffing	365
Air Compressors (M)	365	Brackets, Cornice	660,690
Ale	310,360,600	Brackets, Insulator	660,690
Ale, Ginger	600	Bran	652½,654
Alfalfa	652½,654	Bran, cottonseed (M)	652½,654
Anvils (M)	365	Bran, Rice	652½,654
Aprons, Window	660,690	Breads	(1)
Arms, wooden	365	Breakfast Nook Sets	660,690
Asphalt	723-727	Brewers' Flakes	652,652½,654
Astragals	660,690	Brewers' Grains	652,652½,654
Atmospheric Water Cooling Towers	(M)365,660,690	Brick, Fire	365
Bakery Goods	360	Brine	(1)
Balusters	660,690	Bronzing Liquids	377
Balustrade Work	660,690	Broths	(1)
Bark	660,690	Buckwheat	652,652½,654
Barley	652,652½,654	Buffets	660,690
Barrels, Pump Working	365	Built-in Fixtures	660,690
Bars, Grate	365	Butter, dairy (M)	315
Base Boards	660,690	Butter, Fruit	(1)
Beads, Angle, Corner, Cornice	660,690	Buttermilk	(1)
Beans, Mesquite	652½,654	Buttermilk, dried	652½,654
Beans and Pork	(1)	Buttermilk, powdered or flaked	(1)
Bee Hives	660,690	Butter, Peanut	(1)
Beer	310,360,600	Cabinets, Kitchen	660,690
Beer Tonic	310,360,600	Cabinets, Medicine	660,690
Boot Pulp	652½,654	Cabinets, Telephone	660,690
Bolts (M)	365	Cake, Babassu Nut	652½,653,654
Beverage Containers	600	Cake, Coconut	652½,653,654
Beverage Preparations	360	Cake, Copra	652½,653,654
Beverages	310,360,600	Cake, Corn Germ	652½,653,654
Bits, Drilling	365	Cake, Corn Oil (M)	652½,654
Blacksmith's Rotary Blowers (M)	365	Cake, Cottonseed	652½,653,654
Blinds (Shutter)	660,690	Cake, Flaxseed	653,654
Blocks (Base, Center, Corner, Head)	660,690	Cake, (Grain)	652,652½,654
Blocks, Casing, Crown or Underreamer Dressing	365	Cake, Hemp Seed	652½,653,654
Blocks, Wooden Paving	660,690	Cake, Kapok Seed	652½,653,654
Blowers, Blacksmith's Rotary (M)	365	Cake, Linseed	652½,653,654
Boards, Base	660,690	Cake, Mesquite (M)	652½,654
Boards, Ironing	660,690	Cake, Palm	652½,653,654
		Cake, Palm Kernel	652½,653,654
		Cake, Peanut	652½,653,654
		Cake, Perilla	653,654
		Cake, Perilla Seed	652½,653,654

Boiler Flues	365	Cake, Rape Seed	652 $\frac{1}{2}$, 653, 654
Boiler Fronts (M)	365	Cake, Safflower Seed	653, 654
Boiler Parts (M)	365	Cake, Sesame Seed	652 $\frac{1}{2}$, 653, 654
Boilers (M)	365	Cake, Soya Bean	652 $\frac{1}{2}$, 653, 654
Boiler Tubes	365	Cake, Sunflower Seed	652 $\frac{1}{2}$, 653, 654
Bolts, wooden	660, 690	Cake, Tucum Nut	652 $\frac{1}{2}$, 653, 654
Bone, ground	652 $\frac{1}{2}$, 654	Cake, Velvet Bean	652 $\frac{1}{2}$, 653, 654

(1) See "Canned Goods and Other Articles as described in Item No. 610 series."

(M) Denotes articles on which application of rates is limited to mixed shipments.

EFFECTIVE JULY 1, 1941

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

Correction No. 202

INDEX OF COMMODITIES (Continued)			
COMMODITY	Item Number	COMMODITY	Item Number
Candles (M)	723,727	Compound, radiator or cleaning (M)	723-727
Candy	360	Compound, rust preventing or removing (M)	723-727
Canned Goods and Other Articles as described in Item No. 610 series	320,360,610,620,630	Compound, type cleaning (M)	723-727
Carts, Wheel, wooden	660,690	Compound, waterproofing (M)	723-727
Carts, wooden	365	Condiments, prepared	(1)
Caps, Column	660,690	Confectionery	360
Caps, Sand Line	365	Containers, Beverage	600
Carriers (used packages)	330	Cooler Closets	660,690
Carriers, empty	631	Corn	(1),652,652½,654
Cases (Built-in Fixtures)	660,690	Corn Cobs	652,652½,654
Casing, Door and Window Panel	660,690	Cornice Brackets	660,690
Casing Shoes	365	Corn, Kaffir	652,652½,654
Castings, Swing Post	365	Corn Steep Water	652,652½,654
Catchers, Tubing	365	Countershafts, Oil Well	365
Catsup	(1)	Covers, Guy Wire	660,690
Cement, pipe fitting (M)	723-727	Covers, Thief Hole	365
Cereal and Nuts combined	360	Cow Peas	652½,654
Cereal Food	360	Cranes, Derrick	365
Cereal Food Preparations	655,656	Cross Arms, wooden	660,690
Cereals, cooked	655,656	Crystals, Citrus Fruit Juice	360
Chaff	652,652½,654	Cupboards	660,690
Charcoal (M)	652½,654	Cylinders, Well Pump	365
Cheese (including cottage and pot cheese) (M)	315	Darso	652,652½,654
Chests of Drawers	660,690	Derrick Cranes	365
Chili, ground	(1)	Derricks	365
China Closets	660,690	Dessert Preparations	360
Chloride of Lime Bleach	730	Disinfectants	730
Chocolate	360	Distillers' Grains	652,652½,654
Chocolate Coating	360	Doors	660,690
Chops	652,652½,654	Drain Pipe Solvent	730
Chowders	(1)	Dressing, Automobile Top (M)	723-727
Citrus Fruit Juice Powders or Crystals	360	Dressing, Belt (M)	723-727
Clamps	365	Dressing, Sealed	(1)
Clamps, Disconnecting, Drilling, Drive or Gas Packing	365	Drill Bitheads	365
Clay, Fire (M)	365	Dry Milk Solids	(1)
Clippings	652,652½,654	Durra	652,652½,654
Coating, Chocolate	360	Dust, Elevator	652,652½,654
Cocoa	360	Earth, Infusorial	650
Cocconut, prepared	(1)	Eggs, Shelled	360
Coffee	360	Egyptian Wheat	652,652½,654
Coffee Substitutes	360	Elevator Dust	652,652½,654
Colorings, Confectioners	360	Elevators, Pipe or Sucker Rod	365
Columns	660,690	Emmer	652,652½,654
Compound, anti-freeze (M)	723-727	Engines (M)	365
Compound, carbon removing (M)	723-727		

Compound, cleaning (M)	723-727	Ether (M)	723-727
Compounds, Cleaning, Scouring or Washing	730	Extorminators, vormin (M)	723-727
Compound, electrical in- sulating (M)	723-727	Extracts	360
Compounds, Flavoring	360	Extracts, Malt	600
Compounds, Food Curing, Preserving or Season- ing	360	Farina	652,652½,654
Compounds, Lard	360	Food, Animal	(1),652,652½,654
Compounds, Oil Well Drill- ing Mud	365	Food, Barley Hay	652½,654
Compound, paint thinning (M)	723-727	Food, Bean Straw (M)	652½,654

(1) See "Canned Goods and Other Articles as described in Item No. 610 series."

(M) Denotes articles on which application of rates is limited to mixed shipments.

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San Francisco, California

Correction No. 203

INDEX OF COMMODITIES (Continued)			
COMMODITY	Item Number	COMMODITY	Item Number
Limo, Chlorinated	730	Meal, Velvet Bean	652 $\frac{1}{2}$, 653, 654
Liners	365	Meats, cooked, cured or preserved	(1)
Liners, Polished Rod	365	Meat other than fresh	360
Lines; Measuring	365	Meat Substitutes	360
Links	365	Mechanics' Tools (M)	365
Liquid, cigar or cigarette lighter (M)	723-727	Medicine Cabinets	660, 690
Liquors, Malt	360, 600	Middlings	652, 652 $\frac{1}{2}$, 654
Liquors, Vinous	360, 650	Milk (condensed or evaporated) liquid	(1)
Lubricant, Grease Binder	723-727	Milk, dried	652 $\frac{1}{2}$, 654
Lumber	660, 690	Milk, Malted	360
Lye, Concentrated	730	Milk, sour skim	652 $\frac{1}{2}$, 654
Macaroni (M)	653, 654	Milo Maize	652, 652 $\frac{1}{2}$, 654
Macaroni, except canned	360	Minco Meat	(1)
Macaroni (prepared)	(1)	Molasses	(1), 652 $\frac{1}{2}$, 654
Machines, Oil Well Pulling	365	Molding, Carpenters'	660, 690
Machines, Rotary Drilling	365	Molding, Casing	660, 690
Maize	652, 652 $\frac{1}{2}$, 654	Mud Mixer Parts	365
Malt	652, 652 $\frac{1}{2}$, 654	Mustard	360
Malt Sprouts	652, 652 $\frac{1}{2}$, 654	Mustard (prepared)	(1)
Mantel Shelves	660, 690	Noodles	360
Margarine (M)	315	Noodles (M)	653, 654
Mash	652, 652 $\frac{1}{2}$, 654	Nuts, edible, shelled	360
Meal, Alfalfa	652 $\frac{1}{2}$, 653, 654	Oats	652, 652 $\frac{1}{2}$, 654
Meal, Babassu Nut	652 $\frac{1}{2}$, 653, 654	Oats, rolled	652, 652 $\frac{1}{2}$, 654
Meal, Bean Straw	652 $\frac{1}{2}$, 653, 654	Orfal	652, 652 $\frac{1}{2}$, 654
Meal, Clover	652 $\frac{1}{2}$, 653, 654	Oil, cooking	730
Meal, Coconut	652 $\frac{1}{2}$, 653, 654	Oil, Fish (M)	652 $\frac{1}{2}$, 654
Meal, Copra	652 $\frac{1}{2}$, 653, 654	Oil, Olive	(1)
Meal, Corn Germ	652 $\frac{1}{2}$, 653, 654	Oil, (other than medicinal) (M)	723-727
Meal, Corn Oil (M)	652 $\frac{1}{2}$, 654	Oil, petroleum medicinal (M)	723-727
Meal, Cottonseed	652 $\frac{1}{2}$, 653, 654	Oil, Salad	(1), 730
Meal, Fish	652 $\frac{1}{2}$, 653, 654	Olives	(1)
Meal, Flaxseed	653, 654	Onion Chips	(1)
Meal, Gluten	652, 652 $\frac{1}{2}$, 654	Onion Powder	(1)
Meal, (Grain)	652, 652 $\frac{1}{2}$, 654	Ornaments, Cable	660, 690
Meal, Hemp Seed	652 $\frac{1}{2}$, 653, 654	Outfits, insect destroying (M)	723-727
Meal, Kapok Seed	652 $\frac{1}{2}$, 653, 654	Outfits, Oil, Water or Gas Well	365
Meal, Linseed	652 $\frac{1}{2}$, 653, 654	Outfits, Wire Line Pumping	365
Meal, Meat	652 $\frac{1}{2}$, 654	Packers	365
Meal, Mosquito (M)	652 $\frac{1}{2}$, 654	Paint, asphaltic (M)	723-727
Meal, Palm	652 $\frac{1}{2}$, 653, 654	Paint, liquid (M)	723-727
Meal, Palm Kernel	652 $\frac{1}{2}$, 653, 654	Paint, liquid or paste	377
Meal, Peanut	652 $\frac{1}{2}$, 653, 654		
Meal, Perilla	653, 654		
Meal, Porilla Seed	652 $\frac{1}{2}$, 653, 654		
Meal, Rape Seed	652 $\frac{1}{2}$, 653, 654		
Meal, Rice	652 $\frac{1}{2}$, 654		
Meal, Safflower Seed	653, 654		
Meal, Sesame Seed	652 $\frac{1}{2}$, 653, 654		

Meal, Soya Bean	652 $\frac{1}{2}$, 653, 654	Paneling	660,690
Meal, Sunflower Seed	652 $\frac{1}{2}$, 653, 654	Parts, Boiler (M)	365
Meal, Tucum Nut	652 $\frac{1}{2}$, 653, 654	Parts, Mud Mixer	365
		Paste, Alimentary	360
		Paste, Confectioners'	360
		Paste, Tomato	(1)
		Peanut Butter	(1)

(1) See "Canned Goods and Other Articles as described in Item No. 610 series."
(M) Denotes articles on which application of rates is limited to mixed shipments.

EFFECTIVE JULY 1, 1941

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San Francisco, California.
Correction No. 204

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)
90-E Cancels 90-D	<p style="text-align: center;">MIXED SHIPMENTS</p> <p>1. Commodities for which rates are provided in this tariff:</p> <p>(a) When two or more commodities for which different ratings are provided, are shipped as a mixed shipment, without actual weights being furnished or obtained for the portions shipped under the separate ratings, charges for the entire shipment will be computed at the class or commodity rate applicable to the highest classed or rated commodity contained in such mixed shipment, subject to Item No. 80 series.</p> <p>(b) When two or more commodities are included in the same shipment and separate weights thereof are furnished or obtained, charges will be computed at the separate rates applicable to such commodities in straight shipments of the combined weight of the mixed shipment. The minimum weight shall be the highest provided for any of the rates used in computing the charges, subject to Item No. 80 series. In the event a lower charge results by considering such commodities as if they were divided into two or more separate shipments such lower charge shall apply.</p> <p>Ⓞ Paragraph 1 hereof will not apply to mixed shipments which are subject to the provisions of Item No. 365 series of this tariff.</p> <p>2. Commodities for which rates are provided herein, moving in mixed shipments containing commodities for which rates are provided in other effective tariffs of the Commission, or in mixed shipments containing commodities upon which no minimum rates or charges have been established by this Commission:</p> <p>*(a) When one or more commodities for which rates are not provided in this tariff are included in a shipment of one or more commodities for which rates are herein provided, the rate or rates applicable to the entire shipment may be determined as though all of the commodities were ratable under the provisions of this tariff; or one or more of the commodities for which rates are not provided in this tariff may be transported at the rates otherwise applicable. In the event the latter basis is used, the minimum charges provided in Item No. 150 series of this tariff shall apply to the entire shipment. (See Notes 1, 2 and 3.)</p> <p>Note 1.-The provisions of this rule will not apply to mixed shipments containing petroleum or petroleum products in bulk in tank trucks, tank trailers or tank semi-trailers for which rates are provided in tariff designated City Carriers' Tariff No. 5, Highway Carriers' Tariff No. 6 (Appendix "C" of Decision No. 32608, as amended, in Cases Nos. 4246 and 4434).</p> <p>Note 2.-The provisions of this rule will not apply to mixed shipments containing used property, viz.: household goods, personal effects and office and store fixtures and equipment, for which rates are provided in the</p>

tariff designated City Carriers' Tariff No. 3, Highway Carriers' Tariff No. 4 (Appendix "A" of Decision No. 32629, as amended, in Cases Nos. 4246 and 4434).

*Note 3.-The provisions of this rule will not apply to mixed shipments containing fresh fruits, fresh vegetables (including fresh mushrooms) or empty containers for which rates are provided in the tariff designated Highway Carriers' Tariff No. 8 (Appendix "C" of Decision No. 33977, as amended, in Case No. 4293).

3. Intrastate and Interstate Tonnage:

(a) When property consisting of part intrastate and part interstate tonnage is received as a single shipment, the intrastate portion may be charged for at the rate which would be applicable on such portion were the entire quantity intrastate in character. In no event shall the aggregate charge on the intrastate and interstate portions be less than the charge herein provided for an intrastate shipment of the same combined quantity.

*Change, Decision No.

EFFECTIVE JULY 1, 1941

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Correction No. 205 San Francisco, California.

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)	
	EXCEPTIONS TO WESTERN CLASSIFICATION AND EXCEPTION SHEET (Continued)	
	PACKING REQUIREMENTS	
300-A Cancel 300	Except as otherwise provided, articles will not be subject to the packing requirements of the Western Classification or Exception Sheet, but may be accepted for transportation in any container or any shipping form, providing such container or form of shipment will render the transportation of the freight reasonably safe and practicable.	
12-1-40	Except as otherwise provided, if two or more ratings are provided for an article in the form in which it is shipped (e.g., set up or knocked down, nested or not nested, compressed or not compressed, folded flat or not folded flat), subject to different packing requirements, the lowest of such ratings will apply.	
		Class Rating
310 8-7-39	Beverages, malt, viz.: Ale, Beer, Beer Tonic, Porter, Stout, less carload.....	4
*315 Added	Butter, dairy Cheese (including cottage cheese and pot cheese) Margarine (1) Applies only in connection with rates for mixed shipments determined under the provisions of Item 90 series.	(1)4
320-B Cancel 320-A 12-1-40	Canned Goods and Other Articles as described in and subject to the provisions of Item No. 610 series, less carload	90% of 4
330-A Cancel 330 12-1-40	Carriers (used packages), second-hand, empty, as described in and subject to the provisions of Item No. 300 series of the Exception Sheet: Less than carload ⊙Subject to minimum rate of 15 cents per 100 pounds or actual 4th class rate, whichever is lower. Carload: Minimum weight 12,000 pounds Minimum weight 30,000 pounds ⊙Not to exceed less than carload rate.	⊙One-half of 4 ⊙3 ⊙2
340 8-7-39	Flowers, fresh, cut, less carload	1

350 8-7-39	Fruit, dried, including Raisins, Prunes (dried), Figs (dried), and Fig Pulp or Fig Paste, less carload	90% of 4
*Reduction, Decision No.		EFFECTIVE JULY 1, 1941
<p style="text-align: center;">Issued by The Railroad Commission of the State of California, San Francisco, California.</p> <p>Correction No. 206</p>		