

Decision No. 34348

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Establishment of just, reasonable and nondiscriminatory maximum or minimum or maximum and minimum rates, rules, classifications and regulations for the transportation of property over the public highways in the Cities of San Diego, Chula Vista, Coronado, and National City.

Case No. 4135 ✓

In the Matter of the Investigation and Establishment of rates, charges, classifications, rules, regulations, contracts and practices, or any thereof, of Common Carriers of property between the Cities of San Diego, Chula Vista, Coronado and National City or any of them.

Case No. 4139

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 "K")

BY THE COMMISSION:

SUPPLEMENTAL OPINION AND ORDER

Minimum rates, rules and regulations for the transportation of property by for-hire carriers within the San Diego drayage area have been established by Decision No. 30021 of August 9, 1937, as amended, in these proceedings. These rates are not applicable to the transportation of sand, rock, gravel, road building material, excavated material, building materials, asphaltic concrete, decomposed granite and stabilizing materials in dump trucks nor to the transportation of used household goods, personal effects, furniture, musical instruments, radios and office and store fixtures and equipment.

That transportation was exempted from the rates established by Decision No. 30021 because at the time it was subject to minimum rates established in statewide investigations.<sup>1</sup> Subsequently, however, further inquiry disclosed that certain dump truck and household goods transportation services did not require special rate treatment and rates for that transportation were accordingly excluded from the minima theretofore prescribed.<sup>2</sup> This had the effect of leaving certain of this transportation without any minimum rates. Under the circumstances the dump truck and household goods exemptions from the San Diego drayage rates will be amended to correspond with the operations for which rates are now provided by outstanding orders of the Commission.

The one-half of fourth class rates established for the transportation of carriers (used packages), second-hand, empty returning, or shipped for a return paying load in San Diego drayage may not be less than 17 cents per 100 pounds. In numerous instances this basis produces higher charges than those which would accrue on empty second-hand containers which have not been or will not be transported by the drayman when filled. The one-half of fourth class rating was intended to provide lower rates than those normally applicable to used containers when the draymen had received or would receive compensation from the transportation of property shipped therein. The minimum rate of 17 cents will be canceled.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that Appendix "A" of Decision No. 30021, as amended, in the above entitled proceedings, be and it is

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<sup>1</sup> Decision No. 28625 (39 C.R.C. 617), as amended, had prescribed dump truck rates and Decision No. 28810 (40 C.R.C. 12) household goods rates.

<sup>2</sup> The changes in the dump truck rates were made by Decision No. 32566 (42 C.R.C. 272), as amended, those in the household goods rates by Decision No. 32325 (42 C.R.C. 119), as amended.

hereby further amended, effective August 1, 1941, as follows:

Section No. 1 - Rules and Regulations

Substitute for paragraphs (b) (1) and (2) of Rule No. 10 the following:

- (1) Used property, viz.: household goods, office and store fixtures and equipment, as described in and for which rates are provided in City Carriers' Tariff No. 3 - Highway Carriers' Tariff No. 4 (Appendix "A" of Decision No. 32629, of December 7, 1939, or as amended, in Cases Nos. 4246 and 4434), and used property as described therein transported for the United States, state, county or municipal governments.
- (2) Commodities as described in and for which rates are provided in City Carriers' Tariff No. 6 - Highway Carriers' Tariff No. 7 (Appendix "A" of Decision No. 32566 of November 14, 1939, or as amended, in Cases Nos. 4246 and 4434) when said commodities are transported in dump trucks.

Section No. 2 - Exceptions to Current Classification and Current Exception Sheet

Add the following:

<u>Item No.</u>	<u>Commodity</u>	<u>Class Rating</u>
235	Carriers (used packages), second-hand, empty, as described in and subject to the provisions of Item No. 300 series of the current Exception Sheet.	1/2 of 4

IT IS HEREBY FURTHER ORDERED that tariff publications required to be made by common carriers as a result of the amendment herein of the aforesaid appendix shall be made effective on August 1, 1941, on not less than five (5) 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 August 1, 1941, and on not less than five (5) days' notice if published to become effective on that date.

IT IS HEREBY FURTHER ORDERED that in all other respects said Decision No. 30021, 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 San Francisco, California, this 24<sup>th</sup> day of  
June, 1941.

W. B. Smith  
Carl L. Curry  
Justus P. Galloway  
Francis D. Havens  
Richard L. Hulse  
Commissioners