

ORIGINAL

Decision No. 4084

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Establishment of rates, rules, classifications and regulations for the transportation of property, exclusive of property transported in dump trucks, for compensation or hire, over the public highways of the City and County of San Francisco.

Case No. 4084

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")

In the Matter of the Establishment of maximum or minimum, or maximum and minimum rates, rules and regulations for the transportation of property, for compensation or hire, over the public highways, by all Radial Highway Common Carriers and Highway Contract Carriers between, and by all City Carriers within the cities of Oakland, Albany, Alameda, Berkeley, Emeryville and Piedmont, in the County of Alameda.

Case No. 4108

In the Matter of the Investigation and Establishment of Rates, charges, classifications, rules, regulations, contracts and practices, or any thereof, of EAST BAY DRAYAGE & WAREHOUSE CO., HASLETT WAREHOUSE COMPANY, INTER-URBAN EXPRESS CORPORATION, KELLOGG'S EXPRESS & DRAYING CO., MERCHANTS EXPRESS CORPORATION, PEOPLES EXPRESS, SPECIAL DELIVERY SERVICE CO., UNITED PARCEL SERVICE, UNITED TRANSFER COMPANY and WEST BERKELEY EXPRESS & DRAYING COMPANY, operating as Highway Common Carriers, for transportation of property, for compensation over the public highways of the State of California, between the cities of Oakland, Albany, Alameda, Berkeley, Emeryville and Piedmont, in the County of Alameda, and for accessorial services incident to such transportation.

Case No. 4109

In the Matter of the Establishment of )  
just, reasonable and non-discriminatory )  
maximum or minimum or maximum and mini- )  
mum rates, rules, classifications and )  
regulations for the transportation of )  
property for compensation or hire over )  
the public highways of the City of Los )  
Angeles. )

Case No. 4121

In the Matter of the Establishment of )  
just, reasonable and nondiscriminatory )  
maximum or minimum or maximum and mini- )  
mum 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, clas- )  
sifications, rules, regulations, con- )  
tracts 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 common carriers as defined in )  
the Public Utilities Act of the State )  
of California, as amended, and all )  
highway carriers as defined in Chapter )  
223, Statutes of 1935, as amended, for )  
the transportation for compensation or )  
hire, of any and all commodities. )

Case No. 4246

In the Matter of the Establishment of )  
maximum or minimum, or maximum and )  
minimum rates, rules and regulations )  
of all carriers as defined in the City )  
Carriers' Act of the State of Califor- )  
nia (Statutes 1935, Chapter 312, as )  
amended) for the transportation over )  
the public highways within any city or )  
city and county in the State of Cali- )  
fornia, for compensation or hire, of )  
any and all commodities. )

Case No. 4434

BY THE COMMISSION:

SUPPLEMENTAL OPINION AND ORDER

Good cause appearing,

IT IS HEREBY ORDERED that an exemption from the provisions  
of outstanding minimum rate orders in the above entitled proceedings  
reading "Commodities which consist of or contain materials essential

to National Defense and which have been donated to and are transported for the United States government, governmental agencies, or non-profit organizations acting for or in behalf of said government in the collection, assembly or transportation of said commodities in connection with the recovery of said essential materials from the commodities transported." be and it is hereby added to:

1. Exhibit "A" of Decision No. 28632, as amended, in Case No. 4084 as subparagraph 11 of Rule 5(a) of said Exhibit "A",

2. Appendix "A" to Decision No. 30021, as amended, in Cases Nos. 4088 Part "K", 4135 and 4139 as subparagraph (11) of Rule 10(b) of said Appendix "A",

3. Appendix "A" to Decision No. 29217, as amended, in Cases Nos. 4108 and 4109 as subparagraph (j) to Note 1, page 1, of said Appendix "A",

4. City Carriers' Tariff No. 4 - Highway Carriers' Tariff No. 5 (Appendix "A" to Decision No. 32504, as amended, in Case No. 4121), by substituting therein Fourth Revised Page 13 (Cancels Third Revised Page 13), attached hereto and by this reference made a part hereof,

5. Highway Carriers' Tariff No. 2 (Appendix "D" to Decision No. 31606, as amended, in Case No. 4246) by substituting therein, Ninth Revised Page 14 (Cancels Eighth Revised Page 14), attached hereto and by this reference made a part hereof,

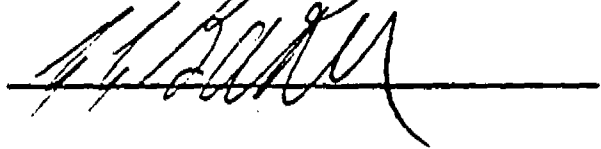
6. City Carriers' Tariff No. 3 - Highway Carriers' Tariff No. 4 (Appendix "A" to Decision No. 32629, as amended, in Cases Nos. 4246 and 4434) by substituting therein, First Revised Page 6 (Cancels Original Page 6), attached hereto and by this reference made a part hereof.

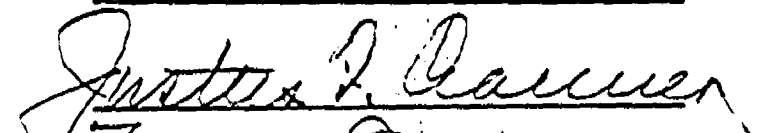
IT IS HEREBY FURTHER ORDERED that tariff filings herein authorized to be made by common carriers may be made effective on not less than one (1) day's notice to the Commission and to the public if published to become effective within thirty (30) days from the date hereof.

In all other respects said Decisions Nos. 28632, 30021, 29217, 32504, 31606 and 32629, as amended, shall remain in full force and effect.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 21<sup>st</sup> day  
of July, 1941.

  
\_\_\_\_\_

  
\_\_\_\_\_

  
\_\_\_\_\_

  
\_\_\_\_\_

Commissioners

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)		
<p>40-I Cancels 40-H</p>	<p style="text-align: center;">APPLICATION OF TARIFF - COMMODITIES (Items Nos. 40 and 41 Series)</p> <p>Rates in this tariff apply for the transportation of all commodities, except the following:</p> <table border="0" style="width: 100%;"> <tr> <td style="vertical-align: top; width: 50%;"> <p>Accessories, motion picture, Automobiles, set up, Baggage, Butter, dairy, Buttermilk, liquid (Subject to Note 2), Carriers (used packages), empty returning or forwarded for return loads (Subject to Note 1), Cement, portland (building), Cement Clinker, Cheese (including cottage cheese and pot cheese), Commodities transported in bulk in tank trucks, tank trailers, tank semi-trailers or a combination of such highway vehicles, Commodities when transported in dump trucks, for which rates are provided in Decision No. 32566 of November 14, 1939, as amended, in Case No. 4246, Commodities which consist of or contain materials essential to National Defense and which have been donated to and are transported for the United States government, governmental agencies, or non-profit organizations acting for or in behalf of said government in the collection, assembly or transportation of said commodities in connection with the recovery of said essential materials from the commodities transported. Cotton, Cream (Subject to Note 2), Directories, telephone, Eggs (other than shelled, desiccated or frozen), Fertilizers, as described in Items Nos. 535, 540 and 550 series of the Exception Sheet, Film, motion picture, Fodder, Bean, Cane, Corn or Pea (subject to Note 7), Fruit, dried, unmanufactured and unprocessed (Subject to Note 4),</p> </td> <td style="vertical-align: top; width: 50%;"> <p>Fruit, fresh (Subject to Note 3), Fungicides, agricultural, Hops, Ice Cream Mix, unflavored, Insecticides, agricultural, Leaves, Cactus, dried (Subject to Note 7), Live stock, Logs (wood), Margarine, Milk, liquid (Subject to Note 2), Newspapers (not scrap or waste), Nuts, edible, in the shell, Pits, fruit, Poultry, live or dressed, Sea Shells, crushed, ground, powdered or disintegrated (Subject to Note 5), Seed, cotton, Seeds, field, as described in Note 6, Shell Marl, crushed, ground or powdered, Straw (Subject to Note 7), Sulphur, Used Property, uncrated, viz.: household goods, personal effects, furniture, musical instruments, radios, and office and store fixtures and equipment, as described in and for which rates are provided in Decision No. 32629 of December 7, 1939, in Case No. 4246, Vegetables, fresh, Vegetables, dried, viz.: Beans, (except Mesquite), Lentils, Onions, Peas, (except Cow Peas), Pepper Pods, Voting Booths, Ballot Boxes, Election Texts and Election Supplies, when transported from or to polling places.</p> </td> </tr> </table> <p style="text-align: right;">(Continued in Item No. 41 Series)</p>	<p>Accessories, motion picture, Automobiles, set up, Baggage, Butter, dairy, Buttermilk, liquid (Subject to Note 2), Carriers (used packages), empty returning or forwarded for return loads (Subject to Note 1), Cement, portland (building), Cement Clinker, Cheese (including cottage cheese and pot cheese), Commodities transported in bulk in tank trucks, tank trailers, tank semi-trailers or a combination of such highway vehicles, Commodities when transported in dump trucks, for which rates are provided in Decision No. 32566 of November 14, 1939, as amended, in Case No. 4246, Commodities which consist of or contain materials essential to National Defense and which have been donated to and are transported for the United States government, governmental agencies, or non-profit organizations acting for or in behalf of said government in the collection, assembly or transportation of said commodities in connection with the recovery of said essential materials from the commodities transported. Cotton, Cream (Subject to Note 2), Directories, telephone, Eggs (other than shelled, desiccated or frozen), Fertilizers, as described in Items Nos. 535, 540 and 550 series of the Exception Sheet, Film, motion picture, Fodder, Bean, Cane, Corn or Pea (subject to Note 7), Fruit, dried, unmanufactured and unprocessed (Subject to Note 4),</p>	<p>Fruit, fresh (Subject to Note 3), Fungicides, agricultural, Hops, Ice Cream Mix, unflavored, Insecticides, agricultural, Leaves, Cactus, dried (Subject to Note 7), Live stock, Logs (wood), Margarine, Milk, liquid (Subject to Note 2), Newspapers (not scrap or waste), Nuts, edible, in the shell, Pits, fruit, Poultry, live or dressed, Sea Shells, crushed, ground, powdered or disintegrated (Subject to Note 5), Seed, cotton, Seeds, field, as described in Note 6, Shell Marl, crushed, ground or powdered, Straw (Subject to Note 7), Sulphur, Used Property, uncrated, viz.: household goods, personal effects, furniture, musical instruments, radios, and office and store fixtures and equipment, as described in and for which rates are provided in Decision No. 32629 of December 7, 1939, in Case No. 4246, Vegetables, fresh, Vegetables, dried, viz.: Beans, (except Mesquite), Lentils, Onions, Peas, (except Cow Peas), Pepper Pods, Voting Booths, Ballot Boxes, Election Texts and Election Supplies, when transported from or to polling places.</p>
<p>Accessories, motion picture, Automobiles, set up, Baggage, Butter, dairy, Buttermilk, liquid (Subject to Note 2), Carriers (used packages), empty returning or forwarded for return loads (Subject to Note 1), Cement, portland (building), Cement Clinker, Cheese (including cottage cheese and pot cheese), Commodities transported in bulk in tank trucks, tank trailers, tank semi-trailers or a combination of such highway vehicles, Commodities when transported in dump trucks, for which rates are provided in Decision No. 32566 of November 14, 1939, as amended, in Case No. 4246, Commodities which consist of or contain materials essential to National Defense and which have been donated to and are transported for the United States government, governmental agencies, or non-profit organizations acting for or in behalf of said government in the collection, assembly or transportation of said commodities in connection with the recovery of said essential materials from the commodities transported. Cotton, Cream (Subject to Note 2), Directories, telephone, Eggs (other than shelled, desiccated or frozen), Fertilizers, as described in Items Nos. 535, 540 and 550 series of the Exception Sheet, Film, motion picture, Fodder, Bean, Cane, Corn or Pea (subject to Note 7), Fruit, dried, unmanufactured and unprocessed (Subject to Note 4),</p>	<p>Fruit, fresh (Subject to Note 3), Fungicides, agricultural, Hops, Ice Cream Mix, unflavored, Insecticides, agricultural, Leaves, Cactus, dried (Subject to Note 7), Live stock, Logs (wood), Margarine, Milk, liquid (Subject to Note 2), Newspapers (not scrap or waste), Nuts, edible, in the shell, Pits, fruit, Poultry, live or dressed, Sea Shells, crushed, ground, powdered or disintegrated (Subject to Note 5), Seed, cotton, Seeds, field, as described in Note 6, Shell Marl, crushed, ground or powdered, Straw (Subject to Note 7), Sulphur, Used Property, uncrated, viz.: household goods, personal effects, furniture, musical instruments, radios, and office and store fixtures and equipment, as described in and for which rates are provided in Decision No. 32629 of December 7, 1939, in Case No. 4246, Vegetables, fresh, Vegetables, dried, viz.: Beans, (except Mesquite), Lentils, Onions, Peas, (except Cow Peas), Pepper Pods, Voting Booths, Ballot Boxes, Election Texts and Election Supplies, when transported from or to polling places.</p>		

Reduction, Decision No. 34434

EFFECTIVE *July 21, 1941*

Issued by The Railroad Commission of the State of California,

Correction No. 207

San Francisco, California.

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)
<p>40-C Cancels 40-B</p>	<p style="text-align: center;">APPLICATION OF TARIFF - COMMODITIES</p> <p>Rates in this tariff apply for the transportation of all commodities except the following:</p> <ul style="list-style-type: none"> <li>Accessories and Supplies, motion picture,</li> <li>Baggage, viz.: personal baggage and baggage containing sample merchandise, transported from or to a depot, dock or other point where passengers are discharged or received by common carriers,</li> <li>Buttermilk, in milk shipping cans or in bottles in cases or crates, Carriers (used packages), empty, returning from an outbound paying load, or being forwarded for a return paying load of traffic for which rates are not provided in this tariff (Subject to Rule No. 130 series of the Exception Sheet),</li> <li>Commodities weighing 100 pounds or less per package or per piece, delivered from retail stores,</li> <li>Commodities transported in bulk in tank trucks, tank trailers, tank semi-trailers, or a combination of such highway vehicles,</li> <li>Commodities picked up or delivered for common carriers as defined in the Public Utilities Act, or for radial highway common or highway contract carriers as defined in the Highway Carriers' Act, when the property is in the custody of such carriers for transportation from or to points not included in the zones described in Items Nos. 30, 31, 32 and 33 series, under rates which include pickup or delivery at points within the said zones,</li> <li>Commodities when transported in dump trucks, for which rates are provided in Decision No. 32566 of November 14, 1939, as amended, in Cases Nos. 4246 and 4434,</li> <li>Commodities which consist of or contain materials essential to National Defense and which have been donated to and are transported for the United States government, governmental agencies, or non-profit organizations acting for or in behalf of said government in the collection, assembly or transportation of said commodities in connection with the recovery of said essential materials from the commodities transported,</li> <li>Cream, in milk shipping cans or in bottles in cases or crates,</li> <li>Directories, telephone,</li> <li>Fertilizers, as described in Items Nos. 535, 540 and 550 series of the Exception Sheet,</li> <li>Film, motion picture,</li> <li>Furniture, household appliances and other home furnishings, transported from retail stores where they have been sold at retail by a retail merchant, or transported from retail customers to retail stores,</li> <li>Live stock,</li> <li>Milk, in milk shipping cans or in bottles in cases or crates,</li> <li>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,</li> <li>Voting Booths, ballot boxes, election tents and election supplies when transported from or to polling places.</li> </ul>
<p>Correction No. 22</p>	<p>↓ Reduction, Decision No. 34434</p> <p style="text-align: right;">EFFECTIVE <i>July 21, 1941</i></p> <p style="text-align: center;">Issued by The Railroad Commission of the State of California, San Francisco, California.</p>

Item No.	SECTION NO. 1 - RULES AND REGULATIONS (Continued)
40-A Cancela 40	<p style="text-align: center;">APPLICATION OF TARIFF - COMMODITIES</p> <p>(a) Except as otherwise provided by paragraph (b), rates in this tariff apply to the transportation of:</p> <p>(1) Used Household Goods, viz.: household or personal effects such as clothing, furniture, furnishings, radios, musical instruments, stoves and refrigerators;</p> <p>(2) Used Office and Store Fixtures and Equipment, such as furniture, furnishings and other appurtenances.</p> <p>(b) Rates in this tariff will not apply to the following:</p> <p>(1) Property transported from, to, or between the place or places of business of a dealer in or auctioneer of the property described in paragraph (a) hereof, in connection with such business;</p> <p>(2) Property transported for the United States, state, county or municipal governments. The transportation of such property, excluded from the provisions of this tariff by this exemption, shall not be subject to the rates provided in Highway Carriers' Tariff No. 2 (Appendix "D" of Decision No. 31606, as amended, in Case No. 4246);</p> <p>(3) Baggage, viz.: personal baggage and baggage containing sample merchandise, transported from or to a depot, dock or other point where passengers are discharged or received by common carriers;</p> <p>(4) Voting Booths, ballot boxes and election supplies when transported from or to polling places;</p> <p>↓ (5) Commodities which consist of or contain materials essential to National Defense and which have been donated to and are transported for the United States government, governmental agencies, or non-profit organizations acting for or in behalf of said government in the collection, assembly or transportation of said commodities in connection with the recovery of said essential materials from the commodities transported.</p>
50	<p style="text-align: center;">SHIPMENTS TO BE RATED SEPARATELY</p> <p>Each shipment shall be rated separately. Shipments shall not be consolidated or combined by the carrier.</p>
60	<p style="text-align: center;">GROSS WEIGHT</p> <p>The gross weight of the shipment shall be used in assessing charges stated on a weight basis. No allowance shall be made for the weight of containers.</p>
70	<p style="text-align: center;">RATES BASED ON VARYING MINIMUM WEIGHTS</p> <p>When the 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.</p>
<p>↓ Reduction, Decision No. 34434 <span style="float: right;">EFFECTIVE July 21, 1941</span></p>	
<p style="text-align: center;">Issued by The Railroad Commission of the State of California, San Francisco, California.</p> <p>Correction No. 5</p>	