

Decision No. 35064

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Establishment)
of just, reasonable and non-)
discriminatory maximum or minimum)
and maximum and minimum rates,)
rules, classifications and regu-)
lations 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 maximum or minimum, or maximum)
and minimum rates, rules and regu-)
lations 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 trans-)
portation, for compensation or)
hire, of any and all commodities.)

Case No. 4246

BY THE COMMISSION:

SUPPLEMENTAL OPINION

In these proceedings the Commission has established minimum rates, rules and regulations for the transportation of property by city, common, radial highway common and highway contract carriers. Rates applicable within the Los Angeles drayage area have been prescribed by Decision No. 32504 (42 C.R.C. 239), as amended, in Case No. 4121; and rates generally applicable on a state-wide basis have been prescribed by Decision No. 31606 (41 C.R.C. 671), as amended, in Case No. 4246. By petition, Frank J. Brown and Mascotte Ralston, co-partners doing business as A & B Garment Delivery under city and radial highway common carrier permits, and engaged in the transportation of garments, clothing and wearing apparel on garment hangers

between points in Los Angeles County, seek exemption of that transportation from the established minimum rates. Evidence relating to the proposal was received at a public hearing had at Los Angeles on February 10, 1942, before Examiner Bryant.

A witness for petitioners testified that finished garments suspended from hangers and encased in large cloth bags with an opening at the top for the hanger hooks are transported in volume from wholesale garment manufacturers to retail stores. He asserted that it is impracticable to weigh bags of these garments and to assess charges thereon on a weight basis in accordance with the rates provided by outstanding orders. According to petitioners, rates on a per-garment basis afford the only practicable means of assessing charges for the transportation in question.

Twentieth Century Delivery Company, a carrier engaged in rendering the same type of service as petitioners, opposed the sought exemption. A witness for this carrier testified that his company weighed the individual bags of garments on an inexpensive hand scale by attaching the scale hook to the hooks which extend from the bag and had had no difficulty in assessing charges on the prescribed weight bases. He said, moreover, that charges based on weight were fair to both shipper and carrier and eliminated difficulties which would be encountered in charging for mixed shipments of different garments at varying rates per garment.

Goodman Parcel Delivery and United Parcel Service, carriers engaged in transporting packaged shipments of garments, also opposed the sought exemption on the grounds that it would be prejudicial to carriers who are required to assess charges on packaged garments on a weight basis and would disturb the stability of the present rate structure.

Petitioners have failed to establish that it is impracti-

cable to weigh shipments of garments transported on hangers and to apply the prescribed rates thereto. On the contrary, the record shows that operations of this character have been successfully conducted under the prescribed rates based upon the weight of the shipment. The propriety of the established rates in other respects is not questioned. Upon consideration of all the facts of record, we are of the opinion and find that the proposed exemption from the rates prescribed by outstanding orders in these proceedings has not been justified on this record and that the petitions seeking said exemption should be denied.

O P I N I O N

Based upon the evidence of record and upon the conclusions and findings set forth in the preceding opinion,

IT IS HEREBY ORDERED that the petitions of Frank J. Brown and Mascotte Ralston, doing business as A & B Garment Delivery, be and they are hereby denied.

This order shall become effective twenty (20) days from the date hereof.

Dated at San Francisco, California, this 24th day of February, 1942.

Justus J. Caguen
Ray L. Kelley
M. B. M. T.
Francis R. Havens
Richard L. Baker
Commissioners