

Decision No. 35358**ORIGINAL**

## BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Suspension by the Commission on its Own Motion of various rates of the LOS ANGELES & SALT LAKE RAILROAD COMPANY, PACIFIC ELECTRIC RAILWAY COMPANY, SOUTHERN PACIFIC COMPANY, THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY, PACIFIC FREIGHT TARIFF BUREAU, F. W. GOMPE, AGENT, for the transportation of cement and cement clinkers, carloads from Colton, Crestmore, Victorville, Oro Grande, Monolith, Los Angeles and Wingfoot to points in Southern California.

Case No. 3961

In the Matter of the Investigation by the Commission on its own motion into the rates, rules, regulations and practices of every highway carrier doing business within the State of California, in so far as said rates, rules, regulations and practices relate to the transportation of cement and cement clinkers from Colton, Crestmore, Victorville, Oro Grande, Monolith, Los Angeles and Wingfoot, California, to points in Southern California.

Case No. 4071

In the Matter of the Establishment of just, 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.

Case No. 4121

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

CALIFORNIA PORTLAND CEMENT COMPANY, a corporation,

Complainant,

vs.

Case No. 4425

SOUTHERN PACIFIC COMPANY, a corporation, and PACIFIC ELECTRIC COMPANY, a corporation,

Defendants.

CALIFORNIA PORTLAND CEMENT COMPANY, a corporation,

Complainant,

vs.

Case No. 4464

UNION PACIFIC RAILROAD COMPANY, a corporation, and ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY, a corporation,

Defendants.

CALIFORNIA PORTLAND CEMENT COMPANY, a corporation,

Complainant,

vs.

Case No. 4501

SOUTHERN PACIFIC COMPANY, a corporation, UNION PACIFIC RAILROAD COMPANY, a corporation, PACIFIC ELECTRIC RAILWAY COMPANY, a corporation, and ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY, a corporation,

Defendants.

RIVERSIDE CEMENT COMPANY, a corporation,

Complainant,

vs.

Case No. 4511

SOUTHERN PACIFIC COMPANY, a corporation, UNION PACIFIC RAILROAD COMPANY, a corporation, PACIFIC ELECTRIC RAILWAY COMPANY, a corporation, and ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY, a corporation,

Defendants.

CALIFORNIA PORTLAND CEMENT COMPANY, a corporation,

Complainant,

vs.

Case No. 4512

SOUTHERN PACIFIC COMPANY, a corporation,

Defendant.

In the Matter of the Application of ASSOCIATED CONTRACT TRUCKERS, a corporation, and others, for an order establishing new minimum rates to be charged by any highway carriers for the transportation of cement within Southern California.

Application  
No. 21172

BY THE COMMISSION:

OPINION AND ORDER ON PETITIONS FOR REHEARING

Petitions for rehearing of Decision No. 35211 of March 31, 1942, in the above entitled proceedings having been filed by Monolith Portland Cement Company, Pacific Portland Cement Company, and Southwestern Portland Cement Company, the Commission having given careful consideration to said petitions and to each and every allegation therein contained, and being of the opinion that the territorial application of cement rates provided by said Decision No. 35211 should be redefined in accordance with revised tariff pages to Highway Carriers' Tariff No. 2, attached hereto, and being of the further opinion that, with the aforesaid change, no good cause for the granting of a rehearing is therein made to appear,

IT IS HEREBY ORDERED that ordering paragraph No. 6 of Decision No. 35211 of March 31, 1942, be, and it is hereby, amended by adding to Highway Carriers' Tariff No. 2, Tenth Revised Page 15 in lieu of Ninth Revised Page 15, and First Revised Page 49-B in lieu of Original Page 49-B, which revised pages are attached hereto and by this reference made a part hereof.

IT IS HEREBY FURTHER ORDERED that ordering paragraph No. 12 of Decision No. 35211 of March 31, 1942, be, and it is

hereby, amended by substituting therein "Decision No. 33494" for "Decision No. 34494," and that the opinion, findings, and order of said Decision No. 35211 shall stand as amended by this and the preceding ordering paragraph.

IT IS HEREBY FURTHER ORDERED that in all other respects said petitions be, and they are hereby, denied.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 12<sup>th</sup>  
day of May, 1942.

        
*Dr. L. Riley*  
        
*M. B. A. M.*  
        
*Frank R. Havenner*  
        
*Richard N. Hulse*  
Commissioners

| Item No.                               | SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)  |   |   |
|--|---|---|---|
| 41-G<br>Cancels<br>41-F<br>and<br>41-E | <p style="text-align: center;">APPLICATION OF TARIFF - COMMODITIES<br/>(Concluded)<br/>(Items Nos. 40 and 41 series)</p> <p>NOTE 1.-Includes only used empty carriers which are returning from an outbound paying load of traffic for which rates are not provided in this tariff, or which are being forwarded for a return paying load of traffic for which rates are not provided in this tariff (subject to Rule No. 130 of the Exception Sheet).</p> <p>NOTE 2.-Exemption applies only when commodities flagged subject to this note are shipped in milk shipping cans, in bottles in cases or crates, or in bulk in tanks.</p> <p>NOTE 3.-Exemption will not apply to transportation of fresh pears for which rates are provided in Item No. 651 series.</p> <p>NOTE 4.-Exemption applies only as to dried fruit in the natural state and which has not been cleaned, washed, stemmed or otherwise prepared for human consumption.</p> <p>NOTE 5.-Exemption does not apply to sea shells as described in Item No. 652<math>\frac{1}{2}</math> series.</p> <p>NOTE 6.-Exemption applies only to field seeds, viz.:</p> <table border="0" style="width: 100%;"> <tr> <td style="vertical-align: top;">           Adzuki,<br/>           Alfalfa,<br/>           Bahia grass,<br/>           Bean, field, horse, lima,<br/>               mat or mung,<br/>           Bect, field or sugar,<br/>           Bontgrass,<br/>           Bermuda grass,<br/>           Blugrass,<br/>           Bluestem,<br/>           Brome, bunch or smooth,<br/>           Carpet grass,<br/>           Chick pea (garbanzo),<br/>           Clover (except sweet clover),<br/>           Creeping bent,<br/>           Dallis grass,<br/>           Dog's tail, crested,<br/>           Dolichos,<br/>           Fenugreek,<br/>           Fescue grass,<br/>           Foxtail, meadow,<br/>           Guar,<br/>           Guinea grass,<br/>           Harding grass,<br/>           Kudzu,<br/>           Lespedeza,<br/>           Lupine,         </td> <td style="vertical-align: top;">           Medic, black,<br/>           Molasses grass,<br/>           Mustard (except wild mustard),<br/>           Napier grass,<br/>           Oatgrass, tall,<br/>           Orchard grass,<br/>           Poc, Austrian winter, Canadian,<br/>               field, Tangier or wedgo,<br/>           Popcorn,<br/>           Proso,<br/>           Rottop,<br/>           Rood canary grass,<br/>           Rescue grass,<br/>           Rodes grass,<br/>           Ryegrass,<br/>           Sainfoin,<br/>           Sand dropseed,<br/>           Sesbania,<br/>           Soybean,<br/>           Sudan grass,<br/>           Sweet vernalgrass,<br/>           Timothy,<br/>           Velvet bean,<br/>           Velvet bent,<br/>           Velvet grass,<br/>           Wheatgrass, crested or<br/>               slender.         </td> </tr> </table> <p>NOTE 7.-Exemption will not apply to transportation for which rates are provided in Items Nos. 657 and 658 series.</p> <p>NOTE 8.-Exemption will not apply to transportation for which rates are provided in Items Nos. 315 and 605 series.</p> <p>*NOTE 9.-Exemption will not apply to transportation of cement, portland (building) between points in California generally south of the following boundary, viz.: Beginning at the shoreline of the Pacific Ocean due south of Gaviota, thence northeasterly along a straight line to the point at which the boundaries of Santa Barbara, Ventura and Kern Counties</p> | Adzuki,<br>Alfalfa,<br>Bahia grass,<br>Bean, field, horse, lima,<br>mat or mung,<br>Bect, field or sugar,<br>Bontgrass,<br>Bermuda grass,<br>Blugrass,<br>Bluestem,<br>Brome, bunch or smooth,<br>Carpet grass,<br>Chick pea (garbanzo),<br>Clover (except sweet clover),<br>Creeping bent,<br>Dallis grass,<br>Dog's tail, crested,<br>Dolichos,<br>Fenugreek,<br>Fescue grass,<br>Foxtail, meadow,<br>Guar,<br>Guinea grass,<br>Harding grass,<br>Kudzu,<br>Lespedeza,<br>Lupine,           | Medic, black,<br>Molasses grass,<br>Mustard (except wild mustard),<br>Napier grass,<br>Oatgrass, tall,<br>Orchard grass,<br>Poc, Austrian winter, Canadian,<br>field, Tangier or wedgo,<br>Popcorn,<br>Proso,<br>Rottop,<br>Rood canary grass,<br>Rescue grass,<br>Rodes grass,<br>Ryegrass,<br>Sainfoin,<br>Sand dropseed,<br>Sesbania,<br>Soybean,<br>Sudan grass,<br>Sweet vernalgrass,<br>Timothy,<br>Velvet bean,<br>Velvet bent,<br>Velvet grass,<br>Wheatgrass, crested or<br>slender. |
|  | Adzuki,<br>Alfalfa,<br>Bahia grass,<br>Bean, field, horse, lima,<br>mat or mung,<br>Bect, field or sugar,<br>Bontgrass,<br>Bermuda grass,<br>Blugrass,<br>Bluestem,<br>Brome, bunch or smooth,<br>Carpet grass,<br>Chick pea (garbanzo),<br>Clover (except sweet clover),<br>Creeping bent,<br>Dallis grass,<br>Dog's tail, crested,<br>Dolichos,<br>Fenugreek,<br>Fescue grass,<br>Foxtail, meadow,<br>Guar,<br>Guinea grass,<br>Harding grass,<br>Kudzu,<br>Lespedeza,<br>Lupine,   | Medic, black,<br>Molasses grass,<br>Mustard (except wild mustard),<br>Napier grass,<br>Oatgrass, tall,<br>Orchard grass,<br>Poc, Austrian winter, Canadian,<br>field, Tangier or wedgo,<br>Popcorn,<br>Proso,<br>Rottop,<br>Rood canary grass,<br>Rescue grass,<br>Rodes grass,<br>Ryegrass,<br>Sainfoin,<br>Sand dropseed,<br>Sesbania,<br>Soybean,<br>Sudan grass,<br>Sweet vernalgrass,<br>Timothy,<br>Velvet bean,<br>Velvet bent,<br>Velvet grass,<br>Wheatgrass, crested or<br>slender. |   |

intersect, easterly along the northerly boundary of Ventura and Los Angeles Counties to a point due south of the community of Tehachapi, due north to Tehachapi, northeasterly along a straight line from Tehachapi to the point at which Highway U.S. 395 intersects the northerly boundary of Kern County, thence easterly along the northerly boundary of Kern and San Bernardino Counties to the California-Nevada line.

\*Change, Decision No. 35358

EFFECTIVE MAY 31, 1942.

Correction No. 262

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

Rates named on this Page are not subject to increased rates and charges contained in Supplement No. 1 of this Tariff, or Amendments thereof.

First Revised Page....49-B

Cancel

Original Page.....49-B

HIGHWAY CARRIERS' TARIFF NO. 2

| Item No.  | SECTION NO. 3   | COMMODITY RATES (Continued)<br>In Cents per 100 Pounds |                    |                                       |                    |                                       |                        |     |     |
|---|---|--|--------------------|---------------------------------------|--------------------|---------------------------------------|------------------------|-----|-----|
|   | CEMENT, PORTLAND (BUILDING)   |  |                    |                                       |                    |                                       |                        |     |     |
|   | <p>Rates named in this item apply only for the transportation of shipments from Colton, Crestmore, Glendale, Long Beach, Los Angeles (subject to Note), Monolith, Oro Grande or Victorville, to points in California generally south of the following boundary, viz.: Beginning at the shoreline of the Pacific Ocean due south of Gaviota, thence northeast-ly along a straight line to the point at which the boundaries of Santa Barbara, Ventura and Kern Counties intersect, easterly along the northerly boundary of Ventura and Los Angeles Counties to a point due south of the community of Tehachapi, due north to Tehachapi, north-easterly along a straight line from Tehachapi to the point at which Highway U.S. 395 intersects the northerly boundary of Kern County, thence easterly along the northerly boundary of Kern and San Bernardino Counties to the California-Nevada line.</p> <p>Provisions of Items Nos. 160, 170, 220 and 230 series will not apply in connection with rates named in this item.</p> <p>NOTE.-Application of rates from Los Angeles is restricted to ship-ments originating in Los Angeles Zone 1 as defined in Item No. 30 series of Appendix "A" of Decision No. 31605, as amended, or as may be amended, in Case No. 4088, Part "N", Case No. 4145 and Case No. 4246.</p> |  |                    |                                       |                    |                                       |                        |     |     |
| *635-A<br>Cancel<br>635   | MILES   | RATES  | MILES              | RATES                                 | MILES              | RATES                                 |                        |     |     |
|   | But<br>not<br>Over  | Minimum<br>Weight<br>38,000<br>Pounds                  | But<br>not<br>Over | Minimum<br>Weight<br>38,000<br>Pounds | But<br>not<br>Over | Minimum<br>Weight<br>38,000<br>Pounds |                        |     |     |
|   | 0   | 3  | 2                  | 90                                    | 100                | 9                                     | 260                    | 280 | 23  |
|   | 3   | 5  | 2½                 | 100                                   | 110                | 10                                    | 280                    | 300 | 24½ |
|   | 5   | 10   | 2½                 | 110                                   | 120                | 10½                                   | 300                    | 325 | 26½ |
|   | 10  | 15   | 2-3/4              | 120                                   | 130                | 11½                                   | 325                    | 350 | 28½ |
|   | 15  | 20   | 3½                 | 130                                   | 140                | 12                                    | 350                    | 375 | 30½ |
|   | 20  | 25   | 3½                 | 140                                   | 150                | 13                                    | 375                    | 400 | 32½ |
|   | 25  | 30   | 4                  | 150                                   | 160                | 13½                                   | 400                    | 425 | 34½ |
|   | 30  | 35   | 4½                 | 160                                   | 170                | 14½                                   | 425                    | 450 | 36½ |
|   | 35  | 40   | 4½                 | 170                                   | 180                | 15½                                   | 450                    | 475 | 38½ |
|   | 40  | 45   | 5                  | 180                                   | 190                | 16                                    | 475                    | 500 | 40½ |
|   | 45  | 50   | 5½                 | 190                                   | 200                | 17                                    | 500                    | 525 | 42½ |
|   | 50  | 60   | 6                  | 200                                   | 220                | 18                                    | 525                    | 550 | 44½ |
|   | 60  | 70   | 7                  | 220                                   | 240                | 20                                    | 550                    | 575 | 46½ |
| 70  | 80  | 7½   | 240                | 260                                   | 21½                | 575                                   | 600                    | 48½ |     |
| 80  | 90  | 8½   |                    |                                       |                    |                                       |                        |     |     |
| *Change, Decision No. 35358   |   |  |                    |                                       |                    |                                       |                        |     |     |
|   |   |  |                    |                                       |                    |                                       | EFFECTIVE MAY 31, 1942 |     |     |
| Issued by The Railroad Commission of the State of California,<br>San Francisco, California. |   |  |                    |                                       |                    |                                       |                        |     |     |
| Correction No. 263  |   |  |                    |                                       |                    |                                       |                        |     |     |