

Decision No. 37694

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Establishment
of maximum and minimum, or maximum
or minimum rates, rules and regula-
tions 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 Statutes 1935, Chapter 223, as
amended, for the transportation, for
compensation or hire, of any and all
agricultural products.

ORIGINAL

Case No. 4293

BY THE COMMISSION:

Appearances

- Roy B. Thompson and Berol and Handler by Edward M. Berol,
for The Truck Owners Association of California.
- Phil Jacobson, for Garabaldi Bros., Saul's Livestock
Transportation and Paul Alley.
- J. J. Deuel, for California Farm Bureau Federation.
- Dan McKinney, for California Cattlemen's Association.
- Earl Schlaman, for Pacific States Livestock Producers
Association.
- P. J. Arturo, for Swift and Company.
- Frank H. Sloss, John B. Harmon, Maurice Harband and
Carl R. Schulz, for Fred H. Vinson, Director,
Office of Economic Stabilization and for Chester
M. Bowles, Price Administrator, Office of Price
Administration.
- J. E. Lyons and M. G. Smith, for Southern Pacific Company.
- John E. Hennessey and J. L. Amos, Jr., for Western Pacific
Railroad Company, Sacramento Northern Railway and
Tidewater Southern Railway Company.
- George T. Hurst, for The Atchison, Topeka and Santa Fe
Railway and Santa Fe Transportation Company.
- A. H. Glickman, for Fehleley Truck Service,

INTERIM OPINION

The Truck Owners Association of California and the Cali-
fornia Farm Bureau Federation seek revision of minimum rates hereto-
fore established for the transportation of livestock by highway
carriers.

Public hearings were had at San Francisco, February 23,
1944, July 21, 1944 and February 7, 1945.

Minimum rates on livestock were first prescribed in 1939. They are published on a mileage basis. Less-than-truckload rates are the same for all classes of stock. Truckload rates vary according to the kind and quantity of stock shipped. Separate rates are provided on 14,000 and 24,000-pound minima for cattle; on 16,500 and 24,000-pound minima for hogs and on 12,000 and 20,000-pound minima for sheep. The minimum weights are on a per-shipment basis. Accordingly they are applied without regard to the number or size of equipment units ordered by the shipper or furnished by the carrier.

In 1940 the less-than-truckload rates initially established were drastically reduced; in 1942 the truckload rates were increased approximately 12½ per cent. Otherwise, there has been no material change in the original minimum rates.

Generally speaking, highway common carriers operate large equipment, engage chiefly in long haul transportation, and charge the established minimum rates. Most of the radial carriers operate smaller equipment, do more short haul business and charge rates higher than the minimum. There is no substantial movement by contract carriers.

The Truck Owners Association initiated this further inquiry into the propriety of the livestock rate structure. In February, 1944, it proposed (1) that hog rates be raised to the cattle level, that minimum weights for large equipment be established at 27,000 pounds for feeder cattle, 30,000 pounds for fat cattle and hogs and 23,000 pounds for sheep; (2) that when truck-trailer units are ordered by shippers these minimum weights be applied on an equipment-unit instead of a per-shipment basis; (3) that a charge be established for truck-trailer equipment ordered but not used, based upon the applicable rate and minimum weight from shipping point to the carrier's terminal; and (4) that an additional charge of \$5 per hour, minimum charge \$5, be prescribed for loading or unloading whenever it

is necessary to uncouple truck-trailer units to perform such service.

The revisions were proposed for the duration of the war and six months thereafter. It was represented that carriers and shippers were faced with an emergency partially induced by the war, that the proposals were designed to promote fuller use of available equipment and that their adoption was essential to the maintenance of reasonably satisfactory service. The Association's proposals were supported by California Farm Bureau Federation and other shipper interests.

In July 1944, the Farm Bureau urged that generally higher rates be established for reasons hereinafter set forth. The existing and proposed rates, for representative distances, are shown in the following tabulation:

MILES But not Over over		RATES IN CENTS PER 100 POUNDS								
		CATTLE AND HOGS								
		Less Truckload		TRUCKLOAD						
				MINIMUM WEIGHT IN POUNDS						
(1)	(2)	14,000 (1a)	16,500 (1b)	24,000 (1a)	24,000 (1b)	14,000 (2)	22,000 (2)	30,000 (2)		
5	10	13	13½	6	6	5	5	9	7½	6½
45	50	17	17½	11½	11½	9½	9½	13½	11½	10½
140	150	35	34	27½	26½	19½	18	30½	22½	20½
280	300	65	59	52	48	36½	34	54	41½	37½
575	600	113	107	92½	88	67½	61	95	77½	67½
MILES But not Over over		SHEEP								
		Less Truckload		TRUCKLOAD						
				MINIMUM WEIGHT IN POUNDS						
		(1)	(2)	12,000 (1)	20,000 (1)	14,000 (2)	23,000 (2)			
5	10	13	15	9	7½	10	8½			
45	50	17	19	17	13½	18	14½			
140	150	35	37	35	24½	36	25½			
280	300	65	67	60	45	59	45			
575	600	113	115	106	79	101	81			
Columns (1), (1a) and (1b) show existing rates; columns (1a) and (1b) are rates on cattle and hogs, respectively; columns (2) show proposed rates.										

It was proposed that these higher rates be established on a temporary or emergency basis and kept in effect only for the time necessary for determination of the proper level for "permanent" rates.

The Farm Bureau claimed that the level of the minimum rates was too low for proper operations under the then prevailing abnormal conditions and that adoption of the proposed rates was essential to the preservation of necessary service.

At the last hearing, the Farm Bureau submitted different proposals. It now recommends no change in less-than-truckload rates. For truckload traffic it proposes two rate schedules, one for cattle and hogs and the other for sheep. It also proposes single scales of truckload rates for each class of stock in the place of dual scales with varying minimum weights. The proposed rates are generally substantially higher than the 24,000-pound rates now in effect on cattle and hogs and the 20,000-pound rates on sheep. They are also generally higher than the rates previously recommended by the Farm Bureau. In the main, they are, however, materially lower than the established cattle, hog and sheep rates governed by 14,000, 16,500 and 12,000-pound minimum weights, respectively, and lower than those formerly recommended for corresponding minimum weights. For short hauls, the rates proposed approximate the rates now in effect for the smaller shipments.

Under the Farm Bureau's proposals, minimum weights would be on the basis of 90 per cent of the reasonable loading capacity of the vehicle ordered. The existing rates, for representative distances, are contrasted with those proposed in the following tabulations:

		Rates In Cents Per 100 Pounds.											
		CATTLE				HOGS				SHEEP			
		(1)	(2)	(3)	(4)	(1)	(2)	(3)	(4)	(1)	(2)	(3)	(4)
Over	But not Over	6	5	6½	6	6	5	6½	6	9	7½	8½	9
5	10	11½	9½	10½	11½	11½	9½	10½	11½	17	13½	14½	16
45	50	27½	19½	20½	23½	26½	18	20½	23½	35	24½	25½	29½
140	150	52	36½	37½	44	48	34	37½	44	60	45	45	54
280	300	575	63½	67½	76½	88	61	67½	76½	106	79	81	94½
575	600												

Columns (1) show the existing rates governed by minimum weights of 14,000, 16,500 and 12,000 pounds on cattle, hogs and sheep, respectively.

Columns (2) show the existing rates governed by a 24,000-pound minimum on cattle and hogs and a 20,000-pound minimum on sheep.

Columns (3) show the rates formerly recommended by the Farm Bureau to be governed by minimum weights of 30,000 pounds on cattle and hogs and 23,000 pounds on sheep.

Columns (4) show the proposed rates for which the Farm Bureau recommends the minimum weight be 90% of the capacity of the equipment ordered.

The Director of the Farm Bureau's Utilities Department testified that he had recently made a comprehensive investigation of the movement of livestock by highway carriers. For the past six months, he stated, shippers had found it impossible to get their stock hauled by radial carriers at rates lower than those now proposed. Some 75 per cent of these carriers, he said, had generally observed similar rates. He claimed that deviations from such rates had usually not amounted to more than 1½ cents per 100 pounds. The Director said that the remaining 25 per cent of the radial carriers had insisted upon still higher rates. A few of these carriers, he asserted, had "gouged" the shippers by exacting inordinately high rates. The recommended rates, he insisted, are not higher than necessary to secure service.

According to the Director, adoption of the recommended rates would, on an over-all basis, result in a reduction rather than in an increase in transportation charges. This, he predicted, would be brought about by the greater availability of highway common carrier service. These carriers, the witness said, had diverted some of their equipment to other operations because of the insufficiency of

California rates on livestock. He indicated that, when and if the proposed rates are established, the common carriers would recall this equipment and the opportunities for radial carriers to charge exorbitant rates would be drastically reduced if not eliminated.

The Farm Bureau's witness said that he had made no cost study. He also said, however, that he was confident that the rates proposed are fully justified in the face of the expenses now necessarily incurred by the carriers. The short-haul traffic, he testified, has been handled chiefly by small equipment units. He pointed out that the rates proposed are similar to those now in effect for small shipments. The operators of the smaller equipment, he said, also desire to participate in the long-haul traffic and are satisfied with the proposed rates. Thus far, he claimed, they have been prevented from participating in this traffic, notwithstanding a critical shortage of equipment, because the lower rate scales are subject to minimum weights far in excess of the carrying capacities of their equipment. The use of the smaller equipment in long-haul service was said to be urgently needed to supplement the service provided by means of larger equipment.

In addition to losses attributable to the exaction of exorbitant rates, livestock shippers assertedly have continued to suffer losses occasioned by their inability to secure transportation service when needed. Livestock, the Director testified, must be moved when it is ready for marketing or the producer suffers a material loss. Delays of as long as two or three weeks in receiving service, he said, have recently been experienced. He claimed that adoption of the Farm Bureau's proposals would be of material assistance to the shippers by making more equipment available and by thus obviating such delays.

Cost studies were submitted by a consulting engineer retained by three of the larger carriers involved and by a senior engineer of the Commission's staff. The consulting engineer also contrasted the costs he developed reflecting present conditions with those prepared in 1941 and submitted by another consulting engineer retained by The Truck Owners Association. Costs drawn from those studies and the proposed rates, for representative distances, follow:

Costs and Rates in Cents Per 100 Pounds							
CATTLE							
MILES	14,000-Pound Loads			Weight of Load in Pounds			(4)
	(1)	(2)	(3)	28,900	29,800	30,000	
	(1)	(2)	(3)	(1)	(2)	(3)	
10	5.9	6.8	5.9	4.4	4.2	3.6	6.0
50	13.3	17.1	16.3	9.5	10.4	10.0	11.5
150	32.2	*	42.6	21.7	*	25.6	23.5
300	60.6	80.3	81.4	39.9	49.3	49.1	44.0
600	121.0	160.0	161.2	78.0	97.1	97.2	76.5
HOGS							
MILES	16,500-Pound Loads			Weight of Load in Pounds			(4)
	(1)	(2)	(3)	29,100	29,000	34,000	
	(1)	(2)	(3)	(1)	(2)	(3)	
10	6.2	6.8	6.6	5.3	5.6	4.3	6.0
50	12.4	15.5	15.3	10.1	11.9	9.8	11.5
150	28.4	*	37.3	22.3	*	23.3	23.5
300	52.4	70.4	70.2	40.5	51.6	43.9	44.0
600	103.0	139.9	137.8	78.0	111.2	86.4	76.5
SHEEP							
MILES	12,000-Pound Loads			Weight of Load in Pounds			(4)
	(1)	(2)	(3)	24,000	26,300	25,000	
	(1)	(2)	(3)	(1)	(2)	(3)	
10	8.6	9.4	9.1	6.6	6.2	5.9	9.0
50	17.0	21.3	21.1	12.4	13.1	13.5	16.0
150	39.0	*	51.2	27.0	*	31.7	29.5
300	72.0	96.8	96.4	48.9	56.9	59.8	54.0
600	141.2	192.4	189.4	94.4	111.2	117.5	94.5

Columns (1) show the 1941 costs of the Association's engineer.
 Columns (2) show the current costs of the engineer retained by the three highway carriers.
 Columns (3) show the current costs of the Commission's engineer.
 Columns (4) show the proposed rates.
 The * indicates costs not shown in the study.

The current costs assertedly reflect sharp increases in various expense factors which were said to have been experienced since 1941. Drivers' wages, for example, were calculated on the basis of .95 cents per hour for short hauls and \$1.085 per hour for long hauls in the 1941-study. They are based on \$1.254 and \$1.275 per hour, regardless of distance, in the current studies of the consulting engineer and the Commission's engineer, respectively. In the 1941-study, running expenses were shown as 5.65 cents per mile for trucks and 8.48 for truck-trailer units. In the current studies, they are estimated as 7.74 by the consulting engineer and 7.82 by the Commission's engineer for trucks and as 11.04 and 10.98 for truck-trailer units. The indicated increase per mile in tire cost alone is more than 1½ cents for trucks and more than 2 cents for truck-trailer units.

Most of the carriers doing a substantial intrastate livestock hauling business also engage in interstate livestock hauling operations, in intrastate livestock hauling in other states, or in the transportation of other commodities in intrastate or interstate traffic. The cost witnesses said that while revenues are broken down in the carriers' books between California and other hauling for tax purposes, no corresponding segregations or allocations of expenses are made. They also indicated that exhaustive studies would be necessary to break down costs to ascertain operating results for the California livestock service. Information so secured, they suggested, would be of dubious value for cost-finding purposes without still further treatment.

To illustrate this situation, the consulting engineer submitted the 1944 income and profit and loss statement of a carrier who has limited his operations to California livestock traffic. It shows revenues of \$227,160, expenses of \$232,917 and indicates a loss of \$5,757. Other than some \$480, all of the revenue was produced from operations under the existing minimum rates. The engineer said that the statement fails to portray accurately the current costs reasonably and necessarily incurred by the carrier and that it required substantial modification in order to do so. He pointed out that no salary was paid the owner. He assigned a \$6,000 salary to the owner's administrative work. He pointed out further that the expenses did not take into account an increase in drivers' wages amounting to 12 per cent or \$5,344. He conceded that these increased wages had not yet been authorized by governmental authority but predicted, on the basis of the settlement of similar wage disputes, that an increase at least as great as that reflected by his 12-per cent figure would be granted. Tire expense, the engineer testified, had been grossly understated in the carrier's books and should be increased from \$17,085 to \$54,735 or \$37,650. He explained that the carrier's method was to charge the cost as it accrued and that the book figures were subject to wide fluctuations depending solely upon the purchases made during the period studied. Similarly, he said, depreciation had not been adequately treated for cost-finding and that he had therefore added \$8,562, raising the \$17,075 book figure to \$25,637. As so modified, expenses total \$290,473 and a loss of \$63,313, under current cost levels, is indicated.

Both cost witnesses expressed the opinion that, in connection with transportation services rendered by a group of highway carriers, operating ratios are a better test of operating results than rates of return figured on the carriers' depreciated rate bases. Both of their studies reflect costs expanded so as to produce an operating ratio of 93 per cent. It was pointed out that in I & S Docket No. M-2222, Increased Common Carrier Truck Rates in the East (42 M.C.C. 633), the Interstate Commerce Commission, in authorizing a 4 per cent general increase in rates, said, among other things, that this increase would produce an estimated operating ratio of 93 per cent and that this ratio appeared reasonable.

Expanding his costs for the carrier engaged exclusively in intrastate livestock transportation to reflect a 93 per cent operating ratio, the consulting engineer estimated that the revenue increase needed by that carrier would be from \$227,160 to \$312,337 or 37½ per cent. Counsel for this carrier and for two other large highway carriers said, however, that they would be satisfied with the 20-per cent increase generally indicated by the Farm Bureau's proposals. Some further increase, he indicated, could be anticipated as a result of the recommended adjustment of minimum weights.

In regard to this proposed truckload minimum weight (90 per cent of equipment capacity), neither carrier nor shipper representatives anticipated any difficulty in determining equipment capacities. They recommended that listings of each carrier's equipment be filed with the Commission, that these filings identify each

unit, and that they specify its carrying capacity for the different classes of stock. They also recommended that the carriers be required to stencil these capacities on the units themselves.

Under the minimum weight proposal, shippers would be required to order equipment of the type and capacity operated by the carrier. For two or more equipment units used for single shipments, the applicable minimum weight would be 90 per cent of the aggregate minimum weight. In those cases where equipment is ordered, and not used, the shipper would be required to pay charges based on the applicable rate and minimum weight from point of shipment to the carrier's terminal or, where it would produce a lower charge, to such point where the equipment is used for a revenue load. This alternative provision modifies the proposal initially made by the Truck Association relative to unused truck-trailer units.

The Association also modified its proposal concerning additional charges for loading and unloading operations necessarily involving uncoupling of truck-trailer units so as to make the \$5 per hour charge applicable only to loading or unloading time in excess of one hour. This, it was asserted, would make reasonable allowance for loading and unloading time under conditions not requiring uncoupling.

The proposals now before us are for so-called "permanent" rates. It was pointed out that when changed conditions or other circumstances indicated that other or different changes were neces-

sary the parties would submit further proposals. The Farm Bureau's present recommendations were strongly endorsed by California Cattle-men's Association and California Wool Growers Association, organizations also representing substantial livestock shipping interests. The secretaries of these associations stated that in all essential respects they agreed with the views expressed by the Farm Bureau's Director. The Farm Bureau's recommendations were likewise unequivocally supported by the Truck Owners Association and by such individual carriers as were represented at the hearings. The shipper interests also favored the Truck Association's proposals concerning unused equipment and the uncoupling of truck-trailer units. No one opposed adoption of any of the proposals. The Office of Price Administration asked, however, that only justified increases for essential service be authorized. At the close of the hearings, it was granted permission to file a written statement within 5 days but did not elect to do so.

The problems with which we are now confronted are essentially the same as those which we faced in 1942. At that time equipment had been diverted from livestock hauling, radial carriers were assessing rates higher than the then prevailing minimum rates and carriers and shippers were in agreement that rates must be increased substantially if adequate highway carrier facilities were to be kept available to livestock shippers. It is clear that the increase then granted is no longer adequate. There have been further diversions of equipment. Competition, which in 1942 restricted radial carriers from charging rates higher than the established minimum, has largely disappeared. The facilities now available are not sufficient to meet shipper needs.

The proposed rate scales are now generally being observed by radial highway carriers. Such increases as are involved are almost entirely confined to the rates of highway common carriers. The record

indicates that the service provided by these carriers would be materially increased if the increased rates are authorized. Offsetting reductions in rates of radial carriers, it appears, would be brought about by improved common carrier service.

Admittedly, the rates sought are not based on costs. When viewed in the light of the cost studies of record, however, they appear reasonable and necessary.

Unfortunately the record fails to provide any comprehensive current information relative to the operating results of the carriers. Operating ratios, another means of judging the propriety of a rate structure, are not necessarily a substitute for financial showings. The shipper interests are not, however, responsible for this deficiency of the record. It is their plight and the public interest in its broader aspects with which we must here primarily concern ourselves. The situation is undoubtedly critical. Prompt action is imperative.

Were the proposals now before us made under different circumstances, it would be advisable for us to insist upon more specific showings of operating results before passing upon the propriety of the sought increases. However, the record leaves little, if any, doubt that the carriers involved render an essential service, that their present rates are inequitable, that increased rates are necessary to avoid further impairment of service, and that carriers and shippers would suffer substantial hardships were we to decline to adjust the present rate structure. In the face of all the circumstances of record, the rate proposals appear justified and should be adopted.

The carriers should be required to file listings of all of their equipment units showing the loading capacities thereof, to stencil or otherwise prominently display the carrying capacities on the vehicles themselves, and to keep their equipment lists open for

public inspection. For administrative purposes, it will also be necessary that the shipping order or other document signed by carrier and shipper prior to or at the time of shipment show whether truckload or less-than-truckload service has been ordered and the capacity of equipment when truckload transportation is ordered.

The foregoing requirements are made necessary by the nature of the truckload minimum weight proposal. This proposal is a radical departure from our past practices in highway carrier rate-making. We entertain considerable doubt as to the adequacy of a single scale of truckload rates based on equipment capacity for other than temporary use. Experience has indicated that, ordinarily, for-hire highway carrier operations require multiple rate scales varying with the weight of the shipment rather than the capacity of equipment ordered or used. We believe, moreover, that determinations of carrying capacities will not be as easily made and as free from controversy as the parties anticipate. However, in view of the urgency of the matter and as it may be necessary to review the livestock rate structure when changed conditions prevail, we consider adoption of the minimum weight proposal and the requirements thereunder warranted.

The proposals of the Truck Owners Association relative to uncoupling of truck-trailer units required to load or unload the stock, and relative to charges on equipment ordered and not used, remain to be considered. In regard to the former, it appears that the change proposed is justified by the increased expenses involved. It also appears that the adoption of this proposal would tend to correct those situations where the shipper at nominal expense can rearrange his loading and unloading facilities and eliminate loading

and unloading delays. This is highly desirable in view of the equipment shortage. Likewise, the charges proposed for equipment furnished and not used appear to be reasonable and proper. The adoption of this proposal should tend to avoid unnecessary and wasteful use of equipment.

Upon consideration of all the facts of record, we are of the opinion and find (1) that the proposed revisions of the established rates and minimum weights for the transportation of livestock by highway carriers have been justified and should be prescribed; (2) that highway common carriers should be authorized to establish corresponding rates and minimum weights in their tariffs on not less than five days' notice to the Commission and to the public; (3) that highway common carriers should be required to file, in tariff form, a complete listing of their equipment used to transport livestock and the carrying capacities thereof for cattle, hogs and sheep and other livestock taking the same rates which shall be made effective concurrently with the rates herein authorized and, thereafter, shall be amended as equipment may be added to or withdrawn from service, or as their capacities may be changed; (4) that radial highway common and highway contract carriers should be required to file listings of their equipment on or prior to the effective date of the increased minimum rates covering all equipment operated in livestock hauling and showing the capacities thereof and to amend their filings thereafter as equipment is added to or withdrawn from service or as capacities may be changed; (5) that all highway carriers should be required to keep listings of their equipment open for public inspection and to stencil or otherwise prominently display the loading capacities on the equipment; (6) that all

highway carriers should be required to show on the shipping order or other shipping document signed by the consignor or his agent in advance of or at the time of shipment whether truckload or less-than-truckload service has been ordered and if truckload service is involved the capacity of the equipment ordered; (7) that the proposals relating to uncoupling of truck-trailer units of equipment and equipment ordered but not used have been justified and should be adopted; and (8) that in all other respects the petition of The Truck Owners Association of California has not been justified and should be denied.

INTERIM ORDER

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

IT IS HEREBY ORDERED that Highway Carriers' Tariff No. 3 (Appendix "C" of Decision No. 31924, as amended) be and it is hereby amended by substituting therein, to become effective April 16, 1945, the original and revised pages attached hereto and by this reference made a part hereof, which pages are numbered as follows:

Third Revised Page 2 Cancels Second Revised Page 2
 Third Revised Page 4 Cancels Second Revised Page 4
 Original Page 4-A
 Fourth Revised Page 10 Cancels Third Revised Page 10
 Second Revised Page 5 Cancels First Revised Page 5

IT IS HEREBY FURTHER ORDERED that all radial highway common carriers, highway contract carriers and highway common carriers shall compile lists of their equipment used in transporting livestock designating each piece of equipment by number or

other appropriate means and showing the carrying capacity for cattle, hogs and sheep and other commodities grouped therewith for rate-making purposes; that said lists of equipment shall be filed by all highway common carriers as amendments to their tariffs concurrently with tariff amendments stating rates governed by minimum weights based upon the carrying capacities of equipment; that all radial highway common carriers and highway contract carriers shall file their equipment lists not later than April 16, 1945; that thereafter all of said highway carriers shall amend their equipment lists, on not less than 5 days' notice to the Commission, when equipment is placed in or withdrawn from service or its carrying capacities are changed; that said lists shall be kept open for public inspection by the carriers; and that the carrying capacities shall be stenciled or otherwise prominently displayed on the equipment.

IT IS HEREBY FURTHER ORDERED that, except to the extent indicated in the preceding ordering paragraph, the tariff publications to be made by highway common carriers as a result of the amendment of the aforesaid Highway Carriers' Tariff No. 3 shall be made on or before April 16, 1945, on not less than five (5) days' notice to the Commission and the public.

IT IS HEREBY FURTHER ORDERED that all radial highway common carriers, highway contract carriers and highway common carriers shall show on shipping orders or other written documents signed by the consignor or his agent in advance of or at the time of shipment whether truckload or less-than-truckload service has been ordered and in the case of truckload service the capacity of the equipment unit or units ordered by the shipper.

IT IS HEREBY FURTHER ORDERED that in all other respects the aforesaid Decision No. 31924, as amended, shall remain in full

force and effect:

IT IS HEREBY FURTHER ORDERED that in all respects other than those covered by the preceding ordering paragraphs the petition of The Truck Owners Association of California, filed September 30, 1943, in this proceeding, be and it is hereby denied.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 27th day of February, 1945.

Harold Oudman
Justice J. Calmes
Richard Lusk

Jan St. Lucille
Commissioners

Third Revised Page:::2

Cancels

Second Revised Page:::2

HIGHWAY CARRIERS' TARIFF NO. 3

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<p style="text-align: right;">EFFECTIVE April 16, 1945.</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)
20 11-7-39	<p style="text-align: center;">APPLICATION OF TARIFF - CARRIERS</p> <p>Rates provided in this tariff are minimum rates, established pursuant to the Highway Carriers' Act (Chapter 223, Statutes of 1935, as amended) and apply for transportation of livestock by radial highway common carriers and highway contract carriers, as defined in said Act.</p> <p>When livestock in continuous through movement is transported by two or more carriers, the rates provided herein shall be the minimum rates for the combined transportation.</p>
30-B 1-1-43	<p style="text-align: center;">APPLICATION OF TARIFF - TERRITORIAL</p> <p>Rates in this tariff apply for transportation of shipments of livestock between all points within the State of California, except:</p> <p>(a) Shipments having both point of origin and point of destination within the same incorporated city.</p> <p>(b) Shipments having both point of origin and point of destination within the Los Angeles Drayage Area, as described in Items Nos. 30 to 33 series, inclusive, of City Carriers' Tariff No. 4 and Highway Carriers' Tariff No. 5 (Appendix "A" of Decision No. 32504, as amended, in Case No. 4121).</p> <p>(c) Shipments having point of origin or destination at Harris & Fish, Inc. feed lot, 5440 Southern Avenue, Southgate, on the one hand and point of destination or origin within the Los Angeles Drayage Area referred to in exception (b) of this item on the other.</p>
40-B Cancels 40-A	<p style="text-align: center;">APPLICATION OF TARIFF - COMMODITIES</p> <p>Rates in this tariff apply for the transportation of livestock, viz.: Bucks, Bulls, Calves, Cattle, Cows, (1) Dairy Cattle, Ewes, Goats, Hogs, (2) Horses, Kids, Lambs, Oxen, Pigs, Sheep, Sheep Camp Outfits, Sows, Steers, Stage, or Swine.</p> <p>Note 1.-Cattle rates apply on: Bulls, Cattle, Cows, Dairy Cattle, Oxen, Steers.</p> <p>Note 2.-Sheep Rates apply on: Bucks, Calves, Ewes, Goats, Kids, Lambs, Sheep, Sheep Camp Outfits (Subject to Item No. 110 series).</p> <p>Note 3.-Hog Rates apply on: Hogs, Pigs, Sows, Stags, Swine.</p> <p>(1) For specific rates on Dairy Cattle, see Section 3 of this tariff.</p> <p>(2) For application of rates on Horses, see Item No. 70 series.</p>
*45. Added	<p style="text-align: center;">ORDERING EQUIPMENT</p> <p>(a) Carriers shall require that shippers place orders for equipment in advance of shipment and that these orders designate whether truckload service (exclusive use of equipment) or less-truckload service is desired. When truckload service is desired, carriers shall also require that shippers specify the carrying capacity and type of equipment wanted. In the event carriers fail to secure equipment orders in advance of shipment, shipments weighing 14,000 pounds or more shall be considered as having been transported in truckload service and shipments of lesser weight shall be considered as having been transported in less-truckload service.</p> <p>(b) The carrying capacities and types of carriers' equipment are those designated in their equipment lists filed with the Commission.</p>

(c) Carriers shall not accept orders specifying carrying capacities which cannot be filled from equipment shown in their equipment lists. In the event such orders are inadvertently accepted, the capacity of the equipment ordered shall be considered as the capacity of equipment included in the carrier's equipment list, either of greater or lesser capacity, which is nearest to the capacity actually specified in the shipper's order. When the same difference exists between the capacity specified by the shipper and the greater and lesser carrying capacities determined from the carrier's equipment list, the lesser carrying capacity shall be considered as that ordered.

(d) For charges on equipment ordered for truckload service but not used see paragraph (b) of Item No. 60 series of this tariff.

SHIPMENTS TO BE RATED SEPARATELY

50-A
7-15-40

Each shipment shall be rated separately. Shipments shall not be consolidated or combined by the carrier, except that component parts of split pickup or split delivery shipments, as defined in Item No. 10 series may be combined under the provisions of Items Nos. 130 and 140 series.

*Change,
▲Change; neither increase nor reduction) Decision No. 37694

EFFECTIVE April 16, 1945.

Correction No: 19 Issued by The Railroad Commission of the State of California,
San Francisco, California.

Item No.	SECTION NO. 1 - RULES AND REGULATIONS (Continued)
*55 Added	<p style="text-align: center;">APPLICATION OF LESS-TRUCKLOAD RATES</p> <p>(a) Except as otherwise provided in paragraphs (b) and (c) hereof, less-truckload rates apply for transportation of shipments weighing less than 90 per cent of the carrying capacity of the equipment used or less than 14,000 pounds.</p> <p>(b) Truckload rates and minimum weights may be observed on shipments transported in less-truckload service when they produce lower charges than those determined under paragraph (a) hereof.</p> <p>(c) Less-truckload rates do not apply on shipments transported in truckload service.</p>
60-A Cancels 60	<p style="text-align: center;">APPLICATION OF TRUCKLOAD RATES</p> <p>(a) Truckload rates and minimum weights apply on all shipments transported in truckload service and on shipments transported in less-truckload service to the extent indicated in paragraph (b) of Item No. 55 series of this tariff.</p> <p>(b) When equipment ordered for truckload service is not used, a charge shall be made for the unused equipment based either (1) on the truckload rate and minimum weight applicable from the loading point specified by the shipper to the carrier's terminal, or (2) in the event the equipment is forwarded to another loading point instead of being returned to the carrier's terminal, and the truckload rate and the minimum weight applicable between the loading points produces a lower charge, on the rate and minimum weight applicable between loading points.</p>
*65 Added	<p style="text-align: center;">TRUCKLOAD MINIMUM WEIGHTS</p> <p>(a) Except as otherwise provided in paragraph (b) hereof, truckload minimum weights shall be based on the carrying capacity of the equipment used as shown in the carrier's equipment list. For single equipment units the minimum weight shall be 90 per cent of carrying capacity but not less than 14,000 pounds; for two or more units the minimum weight shall be 90 per cent of aggregate carrying capacity but not less than a minimum weight based on 14,000 pounds for each equipment unit furnished.</p> <p>(b) If carriers furnish equipment of greater carrying capacity than that ordered the minimum weight shall be the same as that applicable for the equipment wanted, provided the shipment could have been loaded in equipment of the carrying capacity ordered.</p>
*Change, Decision No. 37694	
EFFECTIVE April 16, 1945	
Issued by The Railroad Commission of the State of California, San Francisco, California.	

Correction No. 20

Item No.	SECTION NO. 1 - RULES AND REGULATIONS (Continued)
<p>70-A 7-15-40</p>	<p style="text-align: center;">MIXED SHIPMENTS</p> <p>Rates on mixed shipments of livestock shall be assessed in accordance with the following:</p> <p>(a) Mixed shipments of cattle with calves, sheep, goats or hogs shall be subject to the rate and minimum weight applicable to cattle in straight shipments.</p> <p>(b) Mixed shipments of sheep or goats (or sheep and goats) with hogs shall be charged for at the rate and minimum weight applicable to hogs in straight shipments.</p> <p>(c) Mixed shipments of calves and hogs shall be charged for at the rate and minimum weight applicable to hogs in straight shipments.</p> <p>(d) Horses or other animals for which rates are not provided in this tariff, when shipped in mixed shipments with cattle, calves, sheep, goats or hogs, shall be charged for according to the type of stock with which they are included (cattle, calves, sheep, goats or hogs, as the case may be).</p> <p>(e) Mixed shipments of dairy cattle with other classes of livestock transported within or between zones described in Items Nos. 210 and 220 series, shall be subject to the rate and minimum weight provided in this tariff for cattle in straight shipments.</p>
<p>80-A 7-15-40</p>	<p style="text-align: center;">COMPUTATION OF DISTANCES</p> <p>Distances to be used in connection with distance rates named herein shall be the shortest resulting mileage via any public highway route computed in accordance with the method provided in Distance Table No. 3 (Appendix "A" of Decision No. 31605, as amended, in Case No. 4088, Part "N", Case No. 4145 and Case No. 4246).</p>
<p>90-A Cancels 90</p>	<p style="text-align: center;">LOADING AND UNLOADING</p> <p>(a) Rates include service of driver only for loading into and unloading from carrier's equipment. See Item No. 100 series for charges for additional help.</p> <p>(b) When it is necessary to uncouple truck-trailer equipment units at a point short of point of origin or point of destination in order to effect loading or unloading, an additional charge of \$5.00 per hour shall be assessed for the time in excess of 1 hour each truck-trailer unit is uncoupled while engaged in loading or unloading operations. The minimum additional charge for such loading or unloading operations shall be \$5.00.</p>
<p>100 11-7-39</p>	<p style="text-align: center;">ACCESSORIAL CHARGES</p> <p>An additional charge of \$1.00 per man per hour, minimum charge 50 cents, shall be made for helpers for loading or unloading, or any accessorial or incidental service which is not authorized to be performed under the rates named in this tariff or for which a charge is not otherwise provided.</p> <p>The following additional charges shall be made for the performance of bedding service and/or the furnishing of bedding material incidental to the transportation of shipments of livestock on which rates, carrying a minimum weight of 12,000 pounds or greater, are assessed:</p> <p style="padding-left: 40px;">75 cents per truck unit, single deck; 100 cents per truck unit double deck</p> <p style="padding-left: 40px;">100 cents per single deck truck and trailer unit</p> <p style="padding-left: 40px;">100 cents per single deck tractor and semi-trailer unit</p>

	<p>150 cents per double deck truck and trailer unit 150 cents per double deck tractor and semi-trailer unit</p>
<p>110-B Cancels 110-A</p>	<p style="text-align: center;">SHEEP CAMP OUTFITS</p> <p>Rates provided in this tariff for the transportation of sheep will also apply to sheep camp outfits, as described in Note 1, when said outfits accompany shipments of sheep. (See Exception.)</p> <p>Note 1.-Sheep camp outfits include wagons, dogs, horses, mules, burros, camp equipment comprising tents, stoves, cooking utensils, cots, bedding, harness and other appurtenances in use at camp, but do not include hay, grain, food, merchandise, groceries or clothing.</p> <p>▲ Exception.-The provisions of this item will not apply in connection with shipments transported at less-truckload rates.</p>
<p>◆ Increase, Decision No. 37694 ▲ Change, neither increase nor reduction.</p>	
<p>EFFECTIVE April 16, 1945.</p>	
<p>Correction No. 21</p>	<p>Issued by The Railroad Commission of the State of California, San Francisco, California.</p>

Fourth Revised Page...10

Cancel

Third Revised Page...10

HIGHWAY CARRIERS' TARIFF NO. 3

Item No.	SECTION NO. 2		RATES (In Cents per 100 Pounds)			
	MILES Over	But not over	▲ Less Truckload	◆ Truckload	▲ Less Truckload	◆ Truckload
	For Application of Rates, (Commodities) See Notes 1, 2 and 3 of Item No. 40 series and for Application of Less-Truckload and Truckload Rates, see Items Nos. 55 and 60 series..					
	0	3	12	5½	12	8
	3	5	12½	5½	12½	8
	5	10	13	6	13	9
	10	15	13½	6½	13½	9½
	15	20	14	7½	14	10
	20	25	14½	8½	14½	11
	25	30	15	9	15	12
	30	35	15½	9½	15½	13
	35	40	16	10	16	14
	40	45	16½	11	16½	15
	45	50	17	11½	17	16
	50	60	18	12	18	17½
	60	70	19	12½	19	19
	70	80	21	14	21	20½
	80	90	23	15½	23	21½
	90	100	25	17	25	23
	100	110	27	18½	27	24½
	110	120	29	20	29	26
170-D	120	130	31	21	31	27
Cancel	130	140	33	22	33	28½
170-C	140	150	35	23½	35	29½
	150	160	37	25	37	31
	160	170	39	26½	39	32
	170	180	41	28	41	33½
	180	190	43	29	43	35
	190	200	45	30½	45	37
	200	220	49	33	49	40½
	220	240	53	36	53	44
	240	260	57	38½	57	47½
	260	280	61	41½	61	50½
	280	300	65	44	65	54
	300	325	69	47	69	57½
	325	350	73	49½	73	60½
	350	375	77	52	77	64
	375	400	81	54½	81	67½
	400	425	85	57½	85	71
	425	450	89	60	89	74½
	450	475	93	63	93	77½
	475	500	97	65½	97	81
	500	525	101	68	101	84½
	525	550	105	71	105	87½
	550	575	109	74	109	91
	575	600	113	76½	113	94½
	600	625	117	79	117	98
	625	650	121	81½	121	101½

	650	675	125	84½	125	104½
	675	700	129	87	129	108
For distances over 700 miles add for each 25 miles or fraction thereof			3½	3	3½	3½
Change, neither increase nor reduction Increase Reduction				Decision No. 37694		
EFFECTIVE April 16, 1945						
Issued by The Railroad Commission of the State of California, San Francisco, California.						
Correction No. 22						