

Decision No. 37711

ORIGINAL

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 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 Statutes 1935,)
Chapter 223, as amended, for the trans-)
portation, for compensation or hire, of)
any and all agricultural products.)

Case No. 4293

BY THE COMMISSION:

SUPPLEMENTAL OPINION AND ORDER

By Decision No. 37694 in the above entitled proceeding, the Commission established, among other things, minimum weights for live stock on the basis of 90 per cent of the loading capacity of the vehicles ordered, but not less than 14,000 pounds per equipment unit.

The California Farm Bureau Federation, upon whose representations the 14,000-pound minimum was established, The Motor Truck Association of Southern California, and certain other interested parties now request that in so far as sheep are concerned the minimum weight be changed to 12,000 pounds. In support of this request they represent that in many instances it is physically impossible to load 14,000 pounds of sheep into a single equipment unit and that unless the minimum is reduced, it will seriously disturb the normal traffic flow of this commodity.

It appears that this is a matter in which a public hearing is not necessary and that the request has been justified. We so find.

Therefore, good cause appearing,

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 revised pages attached hereto and by this reference made a part hereof, which pages are numbered as follows:

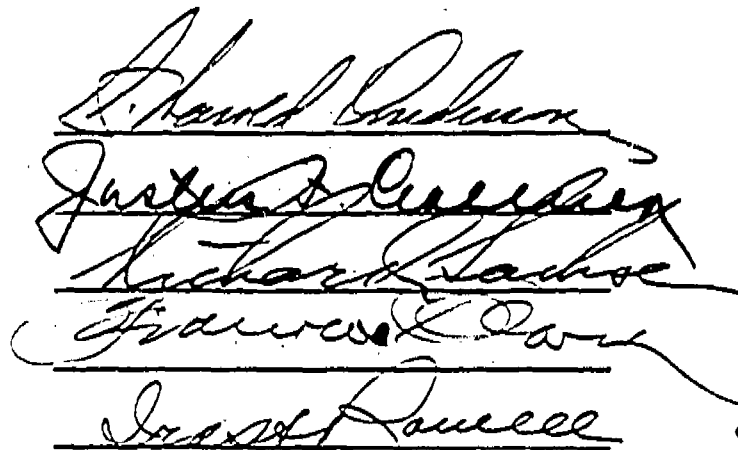
4th Revised Page 4 cancels 3rd Revised Page 4 and 2nd Revised Page 4
1st Revised Page 4-A cancels Original Page 4-A

IT IS HEREBY FURTHER ORDERED that 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 one (1) day's notice to the Commission and to the public.

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

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 13th day of March, 1945.


Commissioners

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.:</p> <p>Bucks, Bulls, Calves, Cattle, Cows, (1) Dairy Cattle, Ewes, Goats, (2) Horses, Kids, Lambs, Oxen, Pigs, Sheep, Sheep Camp Outfits, Sows, Steers, Stags, 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-A Cancels 45	<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 of cattle and hogs weighing 14,000 pounds or more and shipments of sheep weighing 12,000 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>

(b) The carrying capacities and types of carriers' equipment are those designated in their equipment lists filed with the Commission.

(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.

● Reduction,

▲ Change, neither increase nor reduction

} Decision No.

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EFFECTIVE APRIL 16, 1945

Correction No. 23

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

Item No.	SECTION NO. 1 - RULES AND REGULATIONS (Continued)
55-A Cancels 55	<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 for cattle and hogs and 12,000 pounds for sheep.</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-A Cancels 65	<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 cattle and hogs and 12,000 pounds for sheep; 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 cattle and hogs and 12,000 pounds for sheep 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>
Reduction, Change,	Decision No. 37711
<p>EFFECTIVE APRIL 16, 1945</p>	
<p>Issued by The Railroad Commission of the State of California, San Francisco, California.</p> <p>Correction No. 24</p>	