

ORIGINAL

Decision No. 41743

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation)	
into the rates, rules, regulations,)	
charges, allowances and practices)	Case No. 4808
of all common carriers, highway)	
carriers and city carriers relating)	
to the transportation of property.)	

Appearances

Russell Bevans, Aaron H. Glickman,
 E. H. Hart, William Larimore, and
 Charles C. Miller, for various carriers,
 carrier associations, and tariff publish-
 ing agents.

J. J. Douel and Alex Meyer, for
 California Farm Bureau Federation.

S. A. Moore for Permanente Cement Company.

SUPPLEMENTAL OPINION AND ORDER

State-wide minimum rates for the transportation of fresh fruits and vegetables by radial highway common and highway contract carriers have been promulgated in Highway Carriers' Tariff No. 8 (Appendix "C" to Decision No. 33977, as amended, in Case No. 4293). Rules and regulations governing the application of these rates have been made a part of the tariff. Other rules and regulations established by outstanding orders but which do not directly affect the application of the rates have not been incorporated in the tariff. Upon due notice to interested parties, an adjourned public hearing was scheduled for the receipt of evidence relative to the advisability of doing so. This hearing was had at San Francisco on June 8, 1948, before Examiner Mulgrew.

¹
 The hearing also involved the receipt of similar evidence in Cases Nos. 4034, 4108, 4109, 4121, 4246 and 4434 with regard to other minimum rate tariffs. This evidence is treated in decisions issued today which deal with each of these tariffs.

A rate expert employed by the Commission introduced an exhibit consisting of proposed tariff amendments. These tariff provisions, he said, were no different in their scope or effect than the present provisions of the orders, and that the changes in language, he explained, were made merely for the purpose of adapting the requirements of the orders to tariff publication. The proposals involve provisions relating to the issuance of shipping documents and prohibiting the use of rates in units of measurement different from those in which minimum rates are stated. By the tariff rule method, the witness asserted, interested parties could, by reference to the tariff, be fully informed with respect to the requirements which must be observed. He testified that the service of rate orders on the carriers and other interested parties would be simplified by using the tariff process.

Interested parties offered no objections; however, some of them alleged that it is impractical for carriers to furnish shipping documents with all the required entries filled in at the time of the tender of shipments. It was suggested that the carriers be permitted to furnish rates and weights subsequent to the receipt of shipments and to use bills of lading supplemented by subsequently issued freight bills. It was also suggested that a rule be published setting forth the requirement that common and highway carriers file copies of pickup and delivery contracts with the Commission. One of the parties recommended that common carriers subject to the Public Utilities Act be required to publish rules similar to those proposed here for inclusion in the minimum rate tariffs because of the asserted failure of certain common carriers to issue proper shipping papers from which the propriety of the charges may be determined.

Outstanding orders relating to the issuance of shipping documents do not require that these documents be completed at the time of the tender of shipments to the carriers. They contain a "suitable and proper" combined shipping order and freight bill. Other forms may be used, provided they supply all of the required information concerning the transportation involved. In these circumstances the suggested changes in shipping document requirements do not appear to be necessary.

The filing of copies of pickup and delivery contracts by common and highway carriers has been required by Decision No. 32377 in Case No. 4403, Commission Investigation into Pickup and Delivery Practices of Common and Highway Carriers. The contracts so filed are not subject to public inspection except on order of the Commission. They do not contain rates to be paid by shippers. A tariff rule covering their filing has not been shown to be desirable or necessary.

Likewise it seems unnecessary to require common carriers to publish rules in their tariffs corresponding to those under consideration here. It is not claimed that the billing procedures of these carriers is generally unsatisfactory, the contention being that in a few instances the failure to issue proper bills has prevented determination of freight charges under filed tariffs. Specific complaints may be directed against the practices of these carriers.

Decision No. 33977, supra, provides, in addition to the requirements included in the witness' proposals regarding the issuance of shipping documents, that the type of container used in the transportation of fresh fruits and vegetables be shown. The proposed rule will be broadened to include this requirement.

It appears that the amendments to Highway Carriers' Tariff No. 8 proposed by the rate expert will enable more ready determination

of the requirements of outstanding orders and at the same time permit improvement in procedures in the service of rate orders. The tariff will be amended accordingly.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that Decision No. 33977, as amended, in Case No. 4293, be and it is hereby further amended by incorporating in Highway Carriers' Tariff No. 8 (Appendix "C" of said Decision No. 33977, as amended), the original and revised pages attached hereto and by this reference made a part hereof, which pages are numbered as follows:

- Fourth Revised Page 2 cancels Third Revised Page 2.
- First Revised Page 3 cancels Original Page 3.
- Fifth Revised Page 8 cancels Fourth Revised Page 8.
- Second Revised Page 21 cancels First Revised Page 21.
- Second Revised Page 44 cancels First Revised Page 44.
- Original Page 45.
- Original Page 46.

In all other respects the aforesaid Decision No. 33977, as amended, shall remain in full force and effect.

This order shall become effective thirty (30) days from the date hereof.

Dated at San Francisco, California, this 22nd day of June, 1948.

R. J. [Signature]
Justice P. [Signature]
[Signature]
[Signature]
[Signature]
 Commissioners

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Change, Decision No. 41743

EFFECTIVE July 22, 1948

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San Francisco, California.
Correction No. 60

ARRANGEMENT OF TARIFF

This is a loose-leaf tariff consisting of five sections.

SECTION NO. 1 contains rules and regulations.

SECTION NO. 2 contains commodity rates.

SECTION NO. 3 contains estimated weights, descriptions and specifications of containers.

SECTION NO. 4 contains routings applicable in connection with rates in Section No. 2.

*SECTION NO. 5 contains form of shipping document.

* Change, Decision No. 41743

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Correction No. 61

Item No.	SECTION NO.1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)
40-D Cancels 40-C R-25-47	<p style="text-align: center;">APPLICATION OF TARIFF - COMMODITIES</p> <p>Rates in this tariff apply to transportation of the following commodities (See Exception): Fruits, fresh or green; Vegetables, fresh or green, including Mushrooms, fresh; Containers, empty, second-hand, returning from an outbound paying load or forwarded for a return paying load, subject to Note 1.</p> <p>NOTE 1.- Highway carriers must determine before accepting shipment that said containers were moved filled and are being returned by the same carrier or carriers to consignor or the filled containers; or that containers shipped for return paying load will, when filled, move by the same carrier or carriers to the consignor of the original empty containers.</p> <p>EXCEPTION.- Rates in this tariff do not apply to transportation of: (a) Fresh or green fruits, fresh or green vegetables, or mushrooms; when the point of destination of the shipment is a cannery, packing plant, packing shed, precooling plant, winery or processing plant; nor to the empty containers used or shipped out for use in connection with such transportation. (b) Citrus fruits when the point of destination of the shipment is within the Los Angeles Drayage Area, as referred to in Item No. 30 series; nor to the empty containers used or shipped out for use in connection with such transportation. (c) Sugar beets when the point of destination of the shipment is a beet sugar factory or a railroad loading dump.</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 nor combined by the carrier. Component parts of split pickup or split delivery shipments, as defined in Item No. 11 series, may be combined under the provisions of Items Nos. 170 and 180 series.</p>
60	<p style="text-align: center;">GROSS WEIGHT</p> <p>Charges shall be assessed on the gross weight of the shipment. No allowances shall be made for the weight of containers. (See Items Nos. 80 and 81 series.)</p>
*65 Added	<p style="text-align: center;">UNITS OF MEASUREMENT IN QUOTATION OF RATES AND CHARGES</p> <p>Rates or accessorial charges shall not be quoted or assessed by carriers based upon a unit of measurement different from that in which the minimum rates and charges in this tariff are stated.</p>

* Change, Decision No. 41743

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San Francisco, California.
Correction No. 62

Cancel

SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)

Item No. 250-A 8-25-47	<p style="text-align: center;">ACCESSORIAL SERVICES NOT INCLUDED IN COMMON CARRIER RATES</p> <p>In the event under the provisions of Items Nos. 210 to 240 series, inclusive, a rate of a common carrier is used in constructing a rate for highway transportation, and such rate does not include accessorial services performed by the highway carrier, the following charges for such accessorial services shall be added:</p> <ol style="list-style-type: none"> (1) For tailgate loading or tailgate unloading - no additional charge; (2) For loading or unloading other than tailgate loading or tailgate unloading - 2½ cents per 100 pounds; (3) For C.O.D. service - charges provided in Item No. 190 series; (4) For other accessorial services - charges provided in Item No. 150 series; (5) Split pickup or split delivery shall not be accorded unless included in the common carrier rate. (See Items Nos. 230 and 240 series for exceptions.)
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*255 Added	<p style="text-align: center;">ISSUANCE OF SHIPPING DOCUMENT</p> <p>A shipping document (either in individual or manifest form) shall be issued by the carrier to the shipper for each shipment received for transportation. The shipping document shall show the following information:</p> <ol style="list-style-type: none"> (a) Name of shipper. (b) Name of consignee. (c) Point of origin. (d) Point of destination. (e) Description of the shipment. (f) Description of type of container used. (g) Weight of the shipment. (h) Rate and charge assessed. (i) Such other information as may be necessary to an accurate determination of the applicable minimum rate and charge. <p>The form of shipping document in Item No. 510 series will be suitable and proper.</p> <p>A copy of each shipping document shall be retained and preserved by the issuing carrier, subject to the Commission's inspection, for a period of not less than three years from the date of its issuance.</p>
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San Francisco, California.

Correction No. 63

Item
No.

SECTION NO. 4 - ROUTING

ROUTES

When applied via the following highway routes, rates making specific reference to this item are intermediate in application. They apply at all points located within a distance of one mile by highway on either side of the highway route and at all points located within incorporated cities through which the highway route passes.

(The following routes apply in either direction)

Route No. 1: From San Francisco Territory, as described in Item No. 283 series, via Highway U.S. 40 to its junction with unnumbered highway near Crockett, thence unnumbered highway generally paralleling Southern Pacific Company right-of-way located along the shore line of Carquinez Strait and Suisun Bay to Martinez, county road generally paralleling Southern Pacific Company right-of-way through Port Chicago to its junction with State Route 4 four miles west of Pittsburg, State Route 4 to its junction with county road 1.6 miles north of Byron, said county road through Byron to its junction with Highway U.S. 50 3.9 miles west of Tracy, Highway U.S. 50 to its junction with State Route 120 5.0 miles west of Manteca, State Route 120 to Manteca, thence via Highway U.S. 99 to Los Angeles Territory, as described in Item No. 281 series.

Route No. 2: From San Francisco Territory, as described in Item No. 283 series, via Highway U.S. 50 to its junction with State Route 120 5.0 miles west of Manteca, State Route 120 to Manteca, thence via Highway U.S. No. 99 to Los Angeles Territory, as described in Item No. 281 series.

500-A
6-25-47

Route No. 3: From San Francisco Territory, as described in Item No. 283 series, via Niles Canyon Highway to Sunol, State Route 21 and unnumbered county road through Pleasanton and Livermore to its junction with Highway U.S. 50 east of Livermore, Highway U.S. 50 to its junction with State Route 120 5.0 miles west of Manteca, State Route 120 to Manteca, thence via Highway U.S. 99 to Los Angeles Territory, as described in Item No. 281 series.

Route No. 4: From San Francisco Territory, as described in Item No. 283 series, via Highway U.S. No. 101 to Gilroy, State Route 152 through Los Banos to its junction with Highway U.S. 99 north of Madera, thence via Highway U.S. 99 to Los Angeles Territory, as described in Item No. 281 series.

Route No. 5: From Sacramento Territory as described in Item No. 282 series via Highway U.S. 99 to Los Angeles Territory, as described in Item No. 281 series.

Route No. 6: From San Francisco Territory, as described in Item No. 283 series, via Highway U. S. 101 to its junction with State Route 118 4.0 miles southeast of Ventura, thence via (a) State Route 118 through Chatsworth, or (b) Highway U. S. 101 through Girard, or (c) Highway U. S. 101 to its junction with Highway U. S. 101 - Alternate at El Rio, thence via Highway U. S. 101 - Alternate through Oxnard, to Los Angeles Territory, as described in Item No. 281 series.

Route No. 7: From San Francisco Territory, as described in Item No. 283 series, via Routes 1, 2 or 3 to the junction of Highway U. S. 50 and State Route 33, 3 miles east of Tracy; thence via State Route 33 to Los Banos; thence via State Route 152 to its junction with Highway U. S. 99 north of Madera; thence via Routes 1, 2 or 3 beyond to Los Angeles Territory, as described in Item No. 281 series.

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*Change; words "~~41748~~ Tariff" eliminated.
Decision No. 41748

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San Francisco, California.

Correction No. 64

*SECTION NO. 5

FORM OF SHIPPING DOCUMENT
TO WHICH REFERENCE IS MADE IN
ITEM NO. 255 SERIES

* Change, Decision No. 41743

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San Francisco, California.
Correction No. 65

SECTION NO. 5 - FORM OF SHIPPING DOCUMENT

* Item No. 510 Added

SHIPPING ORDER AND FREIGHT BILL

Bill No. _____

Permit No. _____

Name of Carrier _____
 (Carrier's name must agree with name on permit)

Point of Origin _____ Date _____, 194_____

Shipper _____ Consignee _____

Street Address _____ Street Address _____

City _____ City _____

Packages	Kind (1)	Description of Commodities	Weight (2)	Rate	Charges (3)

Shipper _____	Check here					
By _____ (Show name in full)	Origin		Destination		C.O.D.	
	Terminal	Store Door	Terminal	Store Door		
Received by Carrier in good condition except as noted					C.O.D. Fee	
By _____ Driver (show name in full)					Advances (4)	
					Other Charges (4)	
Received by Consignee in good condition except as noted	When certified weights are used show here Certificate No. _____				Prepaid	
By _____ (Show name in full)						

- (1) When fresh fruits and fresh vegetables are shipped at authorized estimated weights, the container number shown in Highway Carriers' Tariff No. 8 may be indicated in this column.
- (2) Show how weight obtained. The following symbols may be used: (A) for Actual gross weight; (C) for Certified Weight; (E) for Estimated Weight.
- (3) Explain all charges not based on weight and rate.
- (4) Explain what each charge represents.

END OF TARIFF

* Change, Decision No.

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Correction No. 66