

Decision No.

44478

**ORIGINAL**

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 )  
of all common carriers, highway )  
carriers and city carriers relating )  
to the transportation of property. )

Case No. 4808

Appearances

- Marquam C. George, for Timber Truckers Association of California.
- Clair W. MacLeod and Charles A. Strong, for Union Lumber Co.
- Fred C. Leonard, for Associated Lumber Truckers.
- A. Larsson, for California Redwood Association.
- Larry M. Fites and Frank M. Chandler, for Truck Owners Association of California.
- H. A. Lincoln and George E. Stoodley, for Fibreboard Products, Inc.

INTERIM OPINION

This phase of the above-entitled proceeding concerns the establishment of minimum rates, rules and regulations for the transportation of logs (wood) between points in California by radial highway common and highway contract carriers.

Public hearings were had at San Francisco before Examiner Jacopi.

The transportation of logs is performed primarily from timber cutting locations in the forests or from log storage areas to sawmills.<sup>1</sup> The logs are hauled in specially designed motor vehicle equipment consisting of tractors and trailers. The trailers are equipped with so-called bunks which may be extended to accommodate long logs. The

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<sup>1</sup> There is also an occasional movement between other points.

tractors are equipped with means for carrying the trailer when traveling without a load. The sources of supply are generally situated in remote mountainous areas. The transportation to the sawmills involves a substantial amount of movement over private dirt roads within the forests in order to reach the nearest public highways. Operations are seldom conducted for more than nine months per year because the forest roads are usually impassable during the winter season. The logs are loaded by the consignor and unloaded by the consignee by means of mechanical equipment. The transportation in question is exempted from the state-wide minimum rates heretofore prescribed by the Commission<sup>2</sup> for the movement of general commodities.

Timber Truckers Association of California, representing carriers in Del Norte, Humboldt and Mendocino Counties, sought the establishment of minimum rates for the transportation of logs between points in these counties.<sup>3</sup> The secretary of the Association testified that logging operations in other areas, particularly in Oregon and Washington, were often temporarily curtailed; that during these periods carriers from the other areas sought work in the three counties in question; and that this practice resulted in excess supply of equipment and keen competition for the available log hauls. In the absence of minimum rates, these conditions were said to have enabled shippers to force the going rates to noncompensatory levels. Assertedly, the carriers' financial

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The state-wide minimum rates are set forth in Highway Carriers' Tariff No. 2 (Appendix "D" of Decision No. 31606, as amended, in Case No. 4246). The exemption from the minimum rates of logs and other commodities is provided for by Item No. 40 series of the tariff.

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The Association has a membership of over 100 carriers, about 90 percent of which are exclusively engaged in the transportation of logs.

position has steadily deteriorated under these conditions to a point where most of them have been unable to meet operating expenses. The secretary said that the establishment of minimum rates was needed to stabilize the log transportation industry and to assure maintenance of adequate for-hire transportation facilities in the territory in question.

A transportation engineer from the Commission's staff testified that he had found it impractical to develop costs designed for the establishment of log rates on either a weight or a footage basis. In his field investigation, he developed that weighing facilities were not available in the logging areas; that the weight per foot of timber of the same type varied widely; and that the private forest roads used for the movements of the logs were seldom identifiable on maps of the areas. The engineer asserted that under these conditions the development of reasonably accurate estimated weights for logs was not feasible and that the proper application of rates based on distance would be extremely difficult.

The engineer submitted exhibits purporting to show the estimated average hourly cost of transporting logs. His calculations indicated that the direct and indirect costs amounted to \$8.79 per hour. These cost estimates were based upon the operation by a reasonably efficient carrier of a unit of equipment consisting of a 3-axle heavy duty tractor of about 150 horsepower and a 2-axle trailer, which the engineer selected as being particularly suitable for the service involved. The engineer asserted that his calculations were predicated upon an estimated use factor of 1,900 hours per year and upon consideration of the costs experienced by some 30 log carriers under varying operating conditions.<sup>4</sup> He pointed out that provision was not made in the cost for wages of helpers because they are not used in the movement of logs.

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<sup>4</sup> About 150 carriers were contacted by the engineer. Studies and analyses were made of the 1948 operations of several of the carriers selected on the basis of operating efficiency, suitability of equipment, and scope of operation.

The engineer further testified that his examination of the carriers' books disclosed that their financial position was unfavorable. He attributed this condition primarily to the keen competition prevailing when temporarily unemployed log haulers from other areas were operating in the territory. He stated that this competition had forced the going log rates to levels below the cost of the service.

Individual members of the Association testified in opposition to the establishment of permanent minimum rates on an hourly basis. They pointed out that the lumber industry was universally conducted on a footage basis in the purchase of timber and the sale of lumber; that the log haulers had always been paid on that basis; and that any attempt to maintain permanent hourly rates would undoubtedly encourage proprietary operations by the mills. They urged that the Commission undertake further studies for the purpose of establishing permanent minimum rates that would be geared to long-established industry practices. In the meantime, the witnesses said, it was imperative that some form of minimum rates be prescribed to avoid further deterioration of the carriers' financial position. They asserted that continuance of cut-throat competition would undoubtedly result in the discontinuance of service by the majority of the carriers. In the absence of any other basis in this record, they urged the temporary establishment of minimum rates on an hourly basis. The witnesses contended that this action would serve to curb unrestrained competition and would enable the carriers to meet their obligations and maintain the service.

The traffic manager of Fibreboard Products, Inc., requested exemption from the minimum rates of pulpwood logs transported to pulpwood mills. The reasons underlying the request were not disclosed and the testimony of the Association's secretary indicated that there was no truck movement of this commodity in the territory in question.

The record is convincing that the establishment of minimum rates is necessary to avoid rate-cutting practices which threaten the financial ability of the carriers to continue to provide needed service for the transportation of logs between points in Del Norte, Humboldt and Mendocino Counties. No one urged the establishment of minimum rates for other California logging areas and no appearances were entered at the hearings by or in behalf of any carriers or shippers operating therein. On this record it appears that permanent minimum rates on an hourly basis are not desirable. Nevertheless, it is evident that the temporary establishment of some form of minimum rates is essential if the carriers are to avoid further serious operating losses which the record indicates they cannot afford to bear. This record comprises only hourly costs for developing the rates and the necessary data for converting such costs into footage or weight bases are not available. Under these circumstances, it appears that hourly rates should be adopted as a temporary measure towards stabilization of the log transportation industry in the three counties in question. For this purpose, rates based upon the evidence of record appear to be appropriate.

Upon being informed that the data for the establishment of minimum rates on logs on a more desirable basis are available, the Commission will schedule a public hearing.

Upon consideration of all the facts and circumstances of record, we are of the opinion and hereby find that minimum rates for the transportation of logs (wood) have been justified to the extent hereinbefore indicated and as provided by the order herein.

INTERIM ORDER

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

IT IS HEREBY ORDERED,

1. That Highway Carriers' Tariff No. 2 (Appendix "D" of Decision No. 31606, as amended, in Case No. 4246), be and it is hereby further amended by incorporating therein to become effective August 1, 1950, the revised and original tariff pages attached hereto and by this reference made a part hereof, which pages are numbered as follows

Seventeenth Revised Page 14 cancels Sixteenth Revised Page 14  
Fifteenth Revised Page 15 cancels Fourteenth Revised Page 15  
Third Revised Page 27-A cancels Second Revised Page 27-A  
Original Page 56-A  
Original Page 68-C

2. That the rates, charges, rules and regulations set forth in said Highway Carriers' Tariff No. 2, be and they are hereby established and approved effective August 1, 1950, as the just, reasonable and nondiscriminatory minimum rates and charges to be assessed, charged and collected and the rules and regulations to be observed by any and all radial highway common carriers and highway contract carriers, as defined in the Highway Carriers' Act, for the transportation of logs (wood) between the points for which rates and charges are provided in said tariff.

3. That all radial highway common carriers and highway contract carriers, as defined in the Highway Carriers' Act, be and they are hereby ordered and directed to cease and desist effective August 1, 1950, and thereafter abstain from assessing, charging or collecting rates or charges lower in volume or effect than those set forth in said Highway Carriers' Tariff No. 2, and from observing rules or regulations lower in volume or effect than those set forth or referred to therein.

4. That all radial highway common carriers and highway contract carriers as defined in the Highway Carriers' Act be and they

are hereby ordered and directed to cease and desist effective August 1, 1950, and thereafter abstain from quoting, assessing, charging or collecting rates upon a unit of measurement different from that in which the rates and charges herein established as minimum are stated.

5. That all radial highway common carriers and highway contract carriers subject to the Highway Carriers' Act be and they are and each of them is hereby ordered and directed to issue a shipping document for each shipment of logs received for transportation, showing thereon the names of the shipper and consignee, the points of origin and destination, the rate and charge assessed, and such other information respecting each of the factors entering into the computation of the charge as may be necessary to verify the lawfulness of such rate and charge under the provisions of said Highway Carriers' Tariff No. 2; and shall retain and preserve a copy of said shipping document, subject to the Commission's inspection, for a period of not less than three (3) years from the date of its issuance; that the form of shipping document set forth in said tariff will be suitable and proper.

In all other respects said Decision No. 31606, as amended, shall remain in full force and effect.

The effective date of this order shall be twenty (20) days after the date hereof.

Dated at San Francisco, California, this 27<sup>th</sup> day of June, 1950.

R. E. Anderson  
Robert F. Powell  
Harold P. Kulis

Commissioners

Cancels

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)		
	<p style="text-align: center;">APPLICATION OF TARIFF - COMMODITIES (Items Nos. 40 and 41 Series)</p> <p>Rates in this tariff apply for the transportation of all commodities, except the following:</p> <table border="0"> <tr> <td style="vertical-align: top; width: 50%;"> <p>Accessories, motion picture, Automobiles, set up,</p> <p>Baggage, Butter, dairy (Subject to Note 8), Buttermilk, liquid (Subject to Note 2),</p> <p>Carriers (used packages), empty returning or forwarded for return loads (Subject to Note 1), Cement, portland (Building) (Subject to Note 9), Cement Clinker, Cheese (including cottage cheese and pot cheese) (Subject to Note 8), Commodities transported under the vehicle unit rates, rules and regulations of City Carriers' Tariff No. 4 - Highway Carriers' Tariff No. 5, applicable within Los Angeles and Orange Counties, Commodities transported in bulk in tank trucks, tank trailers, tank semi-trailers or a combination of such highway vehicles, Commodities of abnormal size or weight which because of such size or weight require the use of and are transported on low-bed trailers, Commodities weighing 100 pounds or less per package or piece when delivered from retail stores, or when returned to the original retail store shipper via the carrier which handled the out-bound movement (Subject to Note 3), Commodities when transported in dump trucks, for which rates are provided in Decision No. 32566 of November 14, 1939, as amended, in Case No. 4246, Commodities which consist of or contain materials essential to National Defense and which have been donated to and are transported for the United States Government, governmental agencies, or nonprofit organizations acting for or in behalf of said government in the collection, assembly or transportation of said commodities in connection with the recovery of said essential materials from the commodities transported,</p> </td> <td style="vertical-align: top; width: 50%;"> <p>Fodder, Bean, Cane, Corn or Peas (Subject to Note 7), Fruit, dried, unmanufactured and unprocessed (Subject to Note 4), Fruit, fresh, Fungicides, agricultural, Furniture, household appliances and other home furnishings, transported from retail stores where they have been sold at retail by a retail merchant, or transported from retail customers to retail stores (Subject to Note 3), Hops, House Trailers, set up, Ice Cream Mix, unflavored, Insecticides, agricultural, Leaves, Cactus, dried (Subject to Note 7), Livestock, *Logs (wood) (Subject to Note 10), Margarine (Subject to Note 8), Milk, liquid (Subject to Note 2), Newspapers; newspaper supplements, sections or inserts; (not scrap or waste), Nuts, edible, in the shell, Pits, fruit, Poultry, live or dressed, Sea Shells, crushed, ground, powdered or disintegrated (Subject to Note 5), Seed, cotton, Seeds, field, as described in Note 6, Shell Marl, crushed, ground or powdered, Straw (Subject to Note 7), Sulphur, Used Property, viz.: household goods, personal effects, furniture, musical instruments, radios, and office and store fixtures and equipment, as described in and for which rates are provided in Decision No. 32629 of December 7, 1939, as amended, in Case No. 4246, and such used property transported for the United States, state, county or municipal governments but excluded from the provisions of said Decision No. 32629, as amended, by the exception of that property therein contained,</p> </td> </tr> </table>	<p>Accessories, motion picture, Automobiles, set up,</p> <p>Baggage, Butter, dairy (Subject to Note 8), Buttermilk, liquid (Subject to Note 2),</p> <p>Carriers (used packages), empty returning or forwarded for return loads (Subject to Note 1), Cement, portland (Building) (Subject to Note 9), Cement Clinker, Cheese (including cottage cheese and pot cheese) (Subject to Note 8), Commodities transported under the vehicle unit rates, rules and regulations of City Carriers' Tariff No. 4 - Highway Carriers' Tariff No. 5, applicable within Los Angeles and Orange Counties, Commodities transported in bulk in tank trucks, tank trailers, tank semi-trailers or a combination of such highway vehicles, Commodities of abnormal size or weight which because of such size or weight require the use of and are transported on low-bed trailers, Commodities weighing 100 pounds or less per package or piece when delivered from retail stores, or when returned to the original retail store shipper via the carrier which handled the out-bound movement (Subject to Note 3), Commodities when transported in dump trucks, for which rates are provided in Decision No. 32566 of November 14, 1939, as amended, in Case No. 4246, Commodities which consist of or contain materials essential to National Defense and which have been donated to and are transported for the United States Government, governmental agencies, or nonprofit organizations acting for or in behalf of said government in the collection, assembly or transportation of said commodities in connection with the recovery of said essential materials from the commodities transported,</p>	<p>Fodder, Bean, Cane, Corn or Peas (Subject to Note 7), Fruit, dried, unmanufactured and unprocessed (Subject to Note 4), Fruit, fresh, Fungicides, agricultural, Furniture, household appliances and other home furnishings, transported from retail stores where they have been sold at retail by a retail merchant, or transported from retail customers to retail stores (Subject to Note 3), Hops, House Trailers, set up, Ice Cream Mix, unflavored, Insecticides, agricultural, Leaves, Cactus, dried (Subject to Note 7), Livestock, *Logs (wood) (Subject to Note 10), Margarine (Subject to Note 8), Milk, liquid (Subject to Note 2), Newspapers; newspaper supplements, sections or inserts; (not scrap or waste), Nuts, edible, in the shell, Pits, fruit, Poultry, live or dressed, Sea Shells, crushed, ground, powdered or disintegrated (Subject to Note 5), Seed, cotton, Seeds, field, as described in Note 6, Shell Marl, crushed, ground or powdered, Straw (Subject to Note 7), Sulphur, Used Property, viz.: household goods, personal effects, furniture, musical instruments, radios, and office and store fixtures and equipment, as described in and for which rates are provided in Decision No. 32629 of December 7, 1939, as amended, in Case No. 4246, and such used property transported for the United States, state, county or municipal governments but excluded from the provisions of said Decision No. 32629, as amended, by the exception of that property therein contained,</p>
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\*40-2  
Cancels  
40-2



Cotton,  
Cream (Subject to Note 2),

Directorios, telephone,

Eggs (other than shelled,  
desiccated or frozen),

Fertilizers, as described in  
Items Nos. 535, 540 and 550  
series of the Exception Sheet,  
Film, motion picture,

Vegetables, fresh,  
Vegetables, dried, viz.:

Beans, (except Mosquito),

Lentils,

Onions,

Peas, (except Cow Peas),

Peppor Pods,

Voting Booths, Ballot Boxes,  
Election Tents and Election  
Supplies, when transported from  
or to polling places.

(Continued in Item No. 41 Series)

\* Change, Decision No.

**44478**

EFFECTIVE AUGUST 1, 1950

Issued by the Public Utilities Commission of the State of California,  
San Francisco, California.

Correction No. 402

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)
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## APPLICATION OF TARIFF - COMMODITIES

(Concluded)

(Items Nos. 40 and 41 series)

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).

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.

NOTE 3.-Exemption applies only when the distance between point of origin and destination does not exceed 35 miles, computed in accordance with the provisions of Item No. 100 series.

NOTE 4.-Exemption applies only as to dried fruit in the natural state and which has not been cleaned, washed, stemmed or otherwise prepared or partially prepared for human consumption.

NOTE 5.-Exemption does not apply to sea shells as described in Item No. 652 series.

NOTE 6.-Exemption applies only to field seeds, viz.:

\*41-L  
Cancels  
41-K

Adzuki, Alfalfa, Bahia grass, Bean, field, horse, lima, mat or mung, Beet, field or sugar, Bentgrass, Bermuda grass, Bluegrass, Bluestem, Bromo, bunch or smooth, Carpet grass, Chick pea (garbanzo), Clover (except sweet clover), Creeping bent, Dallis grass, Dog's-tail, crested, Doliches, Fenugreek, Fescue grass, Foxtail, meadow, Guar, Guinea grass, Harding grass, Kudzu, Lespedeza, Lupine, Medic, black,	Molasses grass, Mustard (except wild mustard), Napier grass, Oatgrass, tall, Orchard grass, Pea, Austrian winter, Canadian field, Tangier or wedge, Popcorn, Proso, Redtop, Reed canary grass, Rescue grass, Rhodes grass, Ryegrass, Safflower, Sainfoin, Sand dropseed, Sesbania, Soybean, Sudan grass, Sweet vernalgrass, Timothy, Velvet bean, Velvet bent, Velvet grass, Wheatgrass, crested or slender.
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NOTE 7.-Exemption will not apply to transportation for which rates are provided in Items Nos. 657 and 658 series.

NOTE 8.-Exemption will not apply to transportation for which rates are provided in Items Nos. 315 and 605 series.

NOTE 9.-Exemption will not apply to transportation of cement, port-land (building),

(a) Between points in California generally south of the following boundary, viz.: Beginning at the shoreline of the Pacific Ocean due south of Caviota, thence northeasterly 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, 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; or

(b) Between points in California generally north of the following boundary, viz.: Beginning at the shoreline of the Pacific Ocean due south of Caviota, thence northeasterly 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, thence northeasterly along a straight line 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.

\* NOTE 10.-Exemption will not apply to transportation for which rates are provided in Item No. 700 series.

\* Change, Decision No.

44478

EFFECTIVE

AUGUST 1, 1950

Issued by the Public Utilities Commission of the State of California,  
San Francisco, California.

Correction No. 403

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)
<p>*255-A Cancels 255</p>	<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> <ul style="list-style-type: none"> <li>(a) Name of shipper.</li> <li>(b) Name of consignee.</li> <li>(c) Point of origin.</li> <li>(d) Point of destination.</li> <li>(e) Description of the shipment (in terms of the Western Classification or Exception Sheet or as provided in this tariff).</li> <li>(f) Weight of the shipment (or other factor or measurement upon which charges are based).</li> <li>(g) Rate and charge assessed.</li> <li>(h) Such other information as may be necessary to an accurate determination of the applicable minimum rate and charge.</li> </ul> <p>The forms of shipping document in Items Nos. 910 and 911 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>
257	<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>
	<p>*Change, Decision No.</p> <p style="text-align: center;">44478</p>
EFFECTIVE AUGUST 1, 1950	
<p>Issued by the Public Utilities Commission of the State of California, San Francisco, California.</p> <p>Correction No. 404</p>	



SECTION NO. 5 - FORM OF SHIPPING DOCUMENT

\*Item No. 911 Added

SHIPPING ORDER AND FREIGHT BILL  
(For Use with Hourly Rates on Logs)

Date \_\_\_\_\_ Bill No. \_\_\_\_\_  
 Truck No. \_\_\_\_\_ Permit No. \_\_\_\_\_  
 Shipper's No. \_\_\_\_\_

NAME OF CARRIER \_\_\_\_\_  
 (Name of carrier must be the same as shown on permit)

NAME OF SHIPPER \_\_\_\_\_

POINT OF ORIGIN \_\_\_\_\_

NAME OF CONSIGNEE \_\_\_\_\_

POINT OF DESTINATION \_\_\_\_\_

Service	Starting Time	Ending Time	Elapsed Time	Deductions (1)	Time for Computation of Charges	Rate	Charges
First Trip		xxx	xxx	xxx	xxx		
Last Trip Running				xxx	(2)		
Last Trip Unloading				xxx			
Total					(3)		

Driver's Signature \_\_\_\_\_ Other Charges \_\_\_\_\_  
 \_\_\_\_\_ Prepaid \_\_\_\_\_  
 Received by \_\_\_\_\_ Total to Collect \_\_\_\_\_  
 Consignee Receipt

- (1) Show time not chargeable, such as time for meals, and failure of equipment. Any deduction must be fully explained.
- (2) Show double the running time of the last trip.
- (3) Show double the running time of the last trip plus the time from starting of first trip to starting of last trip plus unloading time of last load.

This record to be retained for a period of not less than three (3) years.

END OF TARIFF

\* Change, Decision No. **44478**

EFFECTIVE AUGUST 1, 1950

Issued by the Public Utilities Commission of the State of California,  
 San Francisco, California.

Correction No. 401