

ORIGINAL

Decision No. 48319

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)	Case No. 4808
carriers and city carriers relating)	
to the transportation of property.)	

Additional Appearances

Edward M. Berol, for Common Carrier Conference
of the Truck Owners Association, Valley
Express Company, Valley Motor Lines, Inc.,
and Delta Lines, Inc.
William F. McCann, for Pabco Products, Inc.

OPINION ON REHEARING

Based upon the record made at a public hearing certain provisions governing the transportation of single shipments in multiple units of equipment under the minimum rates established in Highway Carriers' Tariff No. 2 were ordered by Decision No. 46778 of February 19, 1952, in this proceeding. Common carriers which had opposed the provisions, thereupon sought and were granted a rehearing.¹ By Decision No. 46844 of March 11, 1952, the provisions involved were suspended pending final disposition of the matter.²

Rehearing was held at San Francisco, on October 8, 1952, before Examiner Lake.

The provisions ordered by Decision No. 46778 in general require that shipments tendered in excess of the quantity that can

¹ The Common Carrier Conference of the Truck Owners Association, Valley Express Company, Valley Motor Lines, Inc., and Delta Lines, Inc., filed one of the petitions. The other was filed by Southern Pacific Company and Pacific Motor Trucking Company.

² The suspended rule is set forth in Item 85 of Highway Carriers' Tariff No. 2.

be loaded in or on the carrier's equipment shall be picked up by the carrier within a period of five days after the date of the first pickup, if the rates applicable to the composite shipment are to apply.

The petitioners for rehearing contended that the portion of the suspended rule relating to the time within which the property must be removed from the premises of the shipper "leaves the door open for carriers to engage in discriminatory practices." They pointed out that the time period allowed in the rule in question would result in the transportation of any-quantity lots of property at volume rates. In addition it was contended that the proposed rule would: (1) create disputes between carriers and shippers, (2) permit portions of shipments for which bills of lading or shipping orders had been executed by carriers to remain in actual possession of the shipper, (3) result in discrimination as between intrastate and interstate commerce, because laws and regulations relating to the latter do not permit such handling as would be allowed under Item No. 85, (4) permit improper rate concessions wherein increased rates had been authorized but not yet made effective and (5) be discriminatory as between common carriers by highway and common carriers by railroad.

At the rehearing the highway carrier petitioners stated that they believe no rule of this nature should be established but that if there is to be such a rule the time for picking up shipments should be not more than 2 days for shipments weighing 30,000 pounds or more or weighing as much as, or more than, the minimum carload weight prescribed in the Western Classification.³

A witness for the Southern Pacific Company and Pacific Motor Trucking Company was of the opinion that carriers should be

³ The specific proposal is contained in Exhibit No. 1064 in Case No. 4808.

required physically to take possession of the shipper's freight within a one-day period. According to the witness, this would conform with the time allowed on interstate traffic and would eliminate many unlawful practices which would occur under a five-day period. He stated further that a one-day period would discourage the use of carrier facilities for storage purposes, pending pickup of all of the property.

This witness stated that although they did not oppose the suggestion of the highway carriers they believed that the acceptance of freight should be confined strictly within the one-day period.

Shippers opposed adoption of a two-day limitation within which shipments must be picked up. They stated that a five-day period would be more advantageous to both shippers and carriers in that it would permit consolidation of shipments, produce lower freight charges and be convenient and economical for the carriers. The handling of single shipments in more than one unit of the carrier's equipment is an arrangement of necessity required to permit an equality of competitive opportunity between carriers operating different types and sizes of equipment. Such an arrangement is unilateral and is not a privilege accorded to shippers. The definition of the term shipment does not permit the shipper to elect when the carrier shall transport that part of the shipment not handled in the first unit of equipment.⁴ In the circumstances the position of the shippers appears to be untenable.

The Commission has carefully considered all of the evidence adduced in this phase of the above-entitled proceeding and is of the opinion and hereby finds that it has not been demonstrated

⁴ SHIPMENT means a quantity of freight tendered by one shipper on one shipping document at one point of origin at one time for one consignee at one point of destination.

that provisions relating to the time within which shipments should be picked up should not be established.

It is apparent, however, that a shorter period of time than the 5-day period now under suspension should prevail. The proposal of the highway carriers which would accord a 2-day period for picking up a shipment appears to be reasonable. However, their proposal limiting the application of the rule to shipments weighing not less than the carload minimum weight prescribed in the Western Classification but in no event less than 30,000 pounds has not been justified. It has not been shown on this record that the time limitation should not apply to shipments of all weights. In the circumstances the highway carriers' proposal without the weight limitation will be adopted.

Upon consideration of the evidence of record, we are of the opinion and hereby find that modification of the existing rates, rules and regulations is justified to the extent hereinbefore indicated and as provided by the order which follows.

ORDER ON REHEARING

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

IT IS HEREBY ORDERED that Highway Carriers' Tariff No. 2 (Appendix "D" to Decision No. 31606 as amended) be and it is hereby further amended by incorporating therein, to become effective April 15, 1953, the following supplement and revised pages attached hereto and by this reference made a part hereof:

Supplement No. 21 cancels Supplements Nos. 16 and 20.
Twelfth Revised Page 3 cancels Eleventh Revised Page 3.
First Revised Page 16-A cancels Original Page 16-A.

IT IS HEREBY FURTHER ORDERED that common carriers subject to the Public Utilities Code be and they are hereby authorized, but not required, to establish in their tariffs the provisions of this order in connection with the transportation of articles for which minimum rates have not been established by the Commission.

IT IS HEREBY FURTHER ORDERED that tariff publications required or authorized to be made by common carriers as a result of the order herein may be made effective on not less than five days' notice to the Commission and to the public.

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

This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this 24th day of February, 1953.

A. J. [Signature]
 President

Justus F. [Signature]

Harold P. [Signature]

[Signature]

[Signature]
 Commissioners

SUPPLEMENT NO. 21
(Cancels Supplements Nos. 16 and 20)

(Supplement No. 21 contains all changes)

TO

HIGHWAY CARRIERS' TARIFF NO. 2

NAMING

MINIMUM RATES, RULES AND REGULATIONS

FOR THE

TRANSPORTATION OF PROPERTY OVER THE

PUBLIC HIGHWAYS WITHIN THE

STATE OF CALIFORNIA

BY

RADIAL HIGHWAY COMMON CARRIERS

HIGHWAY CONTRACT CARRIERS

AND

HOUSEHOLD GOODS CARRIERS

NOTE

Pages suspended by Supplement No. 16 of this tariff have been canceled heretofore or will be canceled and superseded concurrently with the effective date hereof.

Decision No. 48310

EFFECTIVE APRIL 15, 1953

Issued by the
PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
State Building, Civic Center
San Francisco, California

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EFFECTIVE APRIL 15, 1953	
Issued by the Public Utilities Commission of the State of California, San Francisco, California.	
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Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)
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SHIPMENTS TRANSPORTED IN MULTIPLE LOTS

(a) When a carrier is unable to pick up an entire shipment, including a split delivery shipment, at the time of the initial pickup, or when a carrier at its option and for its operating convenience picks up a shipment in more than one vehicle or at more than one time, the following provisions shall apply in addition to other applicable rules and regulations:

1. The entire shipment shall be tendered at one time and shall be available to the carrier for immediate transportation at the time of the first pickup.
2. A single shipping document for the entire shipment tendered shall be issued prior to or at the time of the first pickup.
3. The date, quantity, kind and weight of the property in each pickup shall be shown on the single shipping document as it is separately picked up, or in lieu thereof, an additional shipping document may be issued for each pickup which shall give reference to the single shipping document covering the entire shipment and shall be attached to and become a part thereof.
4. The entire shipment shall be picked up by the carrier within a period of 2 days computed from 12:01 a.m. of the date on which the first pickup commences, excluding Saturdays, Sundays and legal holidays. (See Exception.)
5. The separate pickups made in accordance with the foregoing provisions shall constitute a composite shipment which shall be subject to the rates named or provided for in this tariff, including Items Nos. 200, 210, 220 and 230 series, in effect on the date of the first pickup, for the transportation of a single shipment of like kind and quantity of property picked up or transported on a single vehicle.

(b) Any property separately picked up without complying with the foregoing provisions shall constitute a separate shipment and shall be subject to the rates, rules and regulations applicable thereto.

Exception:-Will not apply to split pickup shipments.
See Paragraph (1) of Item No. 11 series.

085-A
Cancels
85

◇ Increase, Decision No. 48319

** Original Page 16-A was suspended by Supplement No. 16.

EFFECTIVE APRIL 15, 1953

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

Correction No. 541