

Decision No. 50595**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation)
of rates, rules, regulations, charges,)
allowances and practices, of all common)
carriers, highway carriers and city) Case No. 5432
carriers relating to the transportation) Petitions for Modification
of general commodities (commodities for) Nos. 36, 39 and 42
which rates are provided in Highway)
Carriers' Tariff No. 2).)

J. Richard Townsend, for Garden City Transportation Co., Ltd., petitioner in Petition No. 36 and interested party in Petitions Nos. 39 and 42.

Marvin Handler, for R. Cali & Bro.; Frank F. Cancilla, Jr., (Frank Cancilla Trucking); Bernard J. Facchino (Facchino Freight Lines); R. H. Geoffroy, Joseph Geoffroy, Margaret Geoffroy, August Geoffroy and George Geoffroy (R. H. Geoffroy Company); Giacomazzi Bros. Transportation Co.; Vincent Lippolis and David L. Ditto (V. Lippolis Drayage Co.); Rudolph L. Nelson and N. Everett Nelson (Nelson Bros. Trucking Co.); and Frank Panella and B. Panella (B. Panella Drayage Co.), petitioners in Petition No. 39 and interested parties in Petitions Nos. 36 and 42.

L. E. Osborne, for California Manufacturers Association, petitioner in Petition No. 42 and interested party in Petitions Nos. 36 and 39.

Frank Loughran, for California State Brewers Institute, intervenors in support of Petitions Nos. 36, 39 and 42.

Frank Feliz and J. H. Morrison, for Northern California Ports and Terminals Bureau; M. J. Ratazzi, for Port of Oakland; *Eugene A. Read, for Oakland Chamber of Commerce; Walter A. Rhoda, for San Francisco Chamber of Commerce, interested parties.

*Robert D. Boynton, Frank F. Terramorse by R. D. Boynton, *Frederick E. Fuhrman and Charles W. Burkott, Lester M. Grainger, J. C. Kaspar, *Maurice A. Owens, Arlo D. Poe, Bertram S. Silver and Edward M. Berol, for various carriers and carrier organizations, interested parties.

R. F. Ahern, A. D. Carleton, R. C. Chamberlain, E. R. Chapman, *Arthur T. Cochrane, *Richard P. Cottor, W. R. Donovan, E. Nicholas Forretta, B. W. Gerko, *C. E. Grizard, *Noe V. Jacquemont, *John Richard Jones, P. N. Kujachich, *P. Steele Labagh, William M. Larimore, H. W. Lincoln, W. F. McCann, J. R. McNicoll, *S. A. Moore, Herman H. Parsons, *Allen K. Pentilla, Paul Porton, *James L. Roney, P. J. Ryan, *Jack P. Sanders, A. F. Schumaker, *J. C. Vollmer, Milton A. Walker, R. L. Whitehead and *Louie H. Wolters, for various shippers and shipper organizations, interested parties.

Grant L. Malquist, *John Nance, William Campana and *William E. Turpen, for the Commission staff.

* Appearances entered in Petitions 36 and 39 only:

INTERIM OPINION

On June 11, 1954, Garden City Transportation Co. filed Petition for Modification No. 36 in Case No. 5432. In this petition, petitioner, a certificated highway common carrier, requests authority to depart from the minimum rates, rules and regulations prescribed by the Commission in Highway Carriers' Tariff No. 2, in connection with the transportation of commodities on elevating truck pallets or platforms or lift truck skids (hereinafter referred to together for convenience as pallet boards) and in connection with the transportation of empty returning pallet boards, by providing in its tariff that no charge will be made on the weight of pallet boards when used for loading and transporting paying shipments and when returning empty to the point of origin of the original shipment. Said petitioner on July 9, 1954, filed an amendment limiting the application of the proposed modification to certain specified commodities which are those which said petitioner has handled on pallet boards.

On June 22, 1954, R. Cali & Bro.; Frank F. Cancilla, Jr., (Frank Cancilla Trucking); Bernard J. Facchino (Facchino Freight Lines); R. H. Geoffroy, Joseph Geoffroy, Margaret Geoffroy, William Geoffroy, August Geoffroy, and George Geoffroy (R. H. Geoffroy Company); Giacomazzi Bros. Transportation Co.; Vincent Lippolis and David L. Ditto (V. Lippolis Drayage Co.); Rudolf L. Nelson and N. Everett Nelson (Nelson Bros. Trucking Co.); and Frank Panella and B. Panella (B. Panella Drayage Co.) filed Petition for Modification No. 39 in Case No. 5432 requesting that Highway Carriers' Tariff No. 2 be modified so as to permit the free transportation of pallet boards between all points in the Counties of Alameda, Contra Costa, Fresno, Madera, Marin, Merced, Monterey, Napa, Placer, Sacramento, San Benito, San Francisco, San Joaquin,

San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus and Yolo. The requested modifications would provide that no charge would be made for the weight of pallets when used in loading and transporting paying shipments and when returning empty to the point of origin provided both the points of origin and destination were within said counties. All of said petitioners hold permits from this Commission as radial highway common carriers and highway contract carriers, except R. H. Geoffroy Company which holds a permit as a highway contract carrier.

On July 29, 1954, the California Manufacturers Association filed Petition for Modification No. 42 in Case No. 5432. In this petition said petitioner seeks modification of the provisions of Highway Carriers' Tariff No. 2 so as to permit free transportation on a statewide basis of pallet boards, both when used in loading and transporting paying loads and when returning empty.

Petitions Nos. 36 and 39 were consolidated for hearing, and public hearings on these two petitions were held before Examiner Wilson E. Cline in San Francisco on August 3 and 4, 1954. Hearings on these petitions were adjourned to September 1, 1954, in San Francisco at which time Petitions Nos. 36 and 39 were consolidated with Petition No. 42. Further public hearing was held on the three petitions in San Francisco on September 2, 1954.

Motions made August 4, 1954, by the petitioners to Petitions Nos. 36 and 39 for interim orders granting the relief requested therein were opposed on the ground that any relief granted should be on a statewide basis, as well as on other grounds. These motions were denied at the hearing on September 1, 1954.

At the close of the hearing on September 2, the petitioner California Manufacturers Association moved that an interim order be issued by the Commission modifying Highway Carriers' Tariff No. 2

so as to permit on a statewide basis the free transportation of pallet boards used in transporting paying loads of 20,000 pounds or more when the palletized shipments are both loaded on and unloaded from the carrier's vehicle with power equipment. Said petitioner further requested that the Commission instruct the Commission staff to make a complete study on a statewide basis of the various proposals relating to the modification of provisions of Highway Carriers' Tariff No. 2 pertaining to charges for the transportation of pallet boards and that this study be presented along with other evidence at further hearings on these three petitions. This motion for an interim order was supported by numerous parties to the proceedings. No one opposed the motion.

Petitioners in Petition No. 39 further moved that the proposed interim order also provide for modification of Highway Carriers' Tariff No. 2 to permit the free return of empty pallets when the distance of the movement is less than 200 miles and when the return is made at the convenience of the carrier. This latter motion was opposed by the Motor Truck Association of California.

Petitioners presented evidence designed to show that in many instances the cost to the carriers of loading and unloading shipments by hand is considerably more than the cost of loading and unloading palletized shipments with power equipment. They also presented other evidence to the effect that the waiting time at the points of origin and destination is often less when pallets and power equipment are employed in handling shipments. In certain instances the saving in time has been sufficient to enable the carrier to make more trips than if the shipments were not palletized. ✓

There is evidence in the record that unless the pallets are shipped free some shippers may require the carriers to hand-load

from the pallets onto the truck to avoid paying for the weight of the pallets. Other shippers are considering proprietary operations if some relief from the provisions of Highway Carriers' Tariff No. 2 respecting palletized shipments is not granted.

The present record supports the granting of the motion of the petitioner California Manufacturers Association and similarly supports the granting of interim relief where either the loading or unloading is performed with power equipment. The interim order below provides that such relief be granted.

The staff will make an investigation and be prepared to submit a study at the further hearings in this proceeding respecting the proposed modifications of Highway Carriers' Tariff No. 2 as set forth in Petitions 36, 39 and 42, together with any alternative proposals in connection therewith into which the staff may deem it advisable to inquire.

While the record is persuasive that pending further investigation the foregoing relief should be granted, it is not complete enough at this stage with respect to the proposals relating to the free shipment of empty pallets to dispose of these matters. The motion of the petitioners in Petition No. 39 for further interim relief is hereby denied.

At the hearing the question was posed whether pallet boards used in connection with interstate shipments are subject to Highway Carriers' Tariff No. 2. This Commission is of the opinion that returning empty pallets previously used in connection with interstate shipments are intrastate traffic when the return movement is wholly within the State of California and are, therefore, subject to the provisions of Highway Carriers' Tariff No. 2. The question was also posed whether pallet boards used in connection with the shipment of exempt commodities as defined in Item 40 Series of Highway Carriers'

Tariff No. 2 are subject to said tariff. To accord equality of treatment with respect to the movement of empty pallets and empty containers the tariff is herein being revised to make clear that pallet boards previously used in connection with the shipment of exempt commodities as defined in said Item 40 Series are likewise exempt.

The record shows that some carriers heretofore have been complying with the provisions of Highway Carriers' Tariff No. 2 and the corresponding provisions of their own tariffs respecting charges for pallet boards whereas other carriers have not been so complying. Notice is hereby given to all carriers and to interested shippers that the Commission will require compliance throughout the State of California with the established provisions, as modified by this decision, relating to charges for pallet boards.

In the interest of tariff simplification, the title of Highway Carriers' Tariff No. 2 will be changed to Minimum Rate Tariff No. 2, and it will be provided by general rule that reference to item numbers include references to such numbers with letter suffixes and references to tariffs include reference to amendments and successive issues of such tariffs.

INTERIM ORDER

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

IT IS HEREBY ORDERED:

(1) That Highway Carriers' Tariff No. 2 (Appendix "D" to Decision No. 31606 as amended) be and it is hereby further amended by changing the title thereof to Minimum Rate Tariff No. 2 and by incorporating therein to become effective October 20, 1954, Fifth ✓

Revised Title Page Cancels Fourth Revised Title Page, Twenty-ninth Revised Page 14 Cancels Twenty-eighth Revised Page 14, and Fifth Revised Page 16 Cancels Fourth Revised Page 16, which pages are attached hereto and by this reference made a part hereof.

(2) That any reference in Commission orders or tariffs to Highway Carriers' Tariff No. 2, shall also be deemed to be a reference to Minimum Rate Tariff No. 2.

(3) That tariff publications to be made by common carriers pursuant to this order may be made effective not earlier than October 20, 1954, and on not less than five days' notice to the Commission and to the public. ✓

(4) That in all other respects the aforesaid 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 28th day of September, 1954.

John E. Mitchell
President
Justin J. Craemer
Kenneth Patten
Jessie Deagguis
Raylo Intereiner
Commissioners

C. 5432 *
Fifth Revised Title Page
Cancels
Fourth Revised Title Page

*MINIMUM RATE TARIFF NO. 2
(Formerly 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

*Important Notice

Reference in this or other tariffs to Highway Carriers' Tariff No. 2 shall be construed as referring to Minimum Rate Tariff No. 2.

The original tariff contains rates, rules and regulations established in Decision No. 31606, in Case No. 4246. Changes contained in subsequent orders will be made by reissuing the pages on which the changes occur or by issuing supplements showing the corrected items.

Governed, except as otherwise provided herein, by the Western Classification and by the Pacific Southcoast Freight Bureau Exception Sheet referred to in Items Nos. 10 and 11.

*Change, Decision No. 50595

Correction No. 626

EFFECTIVE OCTOBER 20, 1954
(Original tariff effective
August 7, 1939)

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

Item No.	SECTION NO. 1-RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)
	<p>APPLICATION OF TARIFF - COMMODITIES (Items Nos. 40 and 41)</p> <p>Rates in this tariff apply for the transportation of all commodities, except the following:</p>
	<p>Accessories, motion picture, Automobiles, set up, Automobile parts, accessories, and related articles in secondary movement by Truckaway Service when subject to the rates, rules and regulations set forth in Minimum Rate Tariff No. 12, Baggage, Butter, dairy (Subject to Note 8), Buttermilk, liquid (Subject to Note 2), *Carriers (used packages), as described in Item No. 300 of Exception Sheet, empty returning or forwarded for return loads (Subject to Note 1), Cement, hydraulic, masonry, natural or Portland—also lime, common (including magnesium lime, hydrated or hydraulic lime, quick or slaked), cement flue dust, and/or limestone, powdered, shipped in mixed shipments with cement—when transported in shipments of 40,000 pounds or more, or when transported in shipments of lesser weights subject to the rates, rules and regulations, including the minimum charge computed on a minimum weight of 40,000 pounds, which are set forth in City Carriers' Tariff No. 8 - Highway Carriers' Tariff No. 10, 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 of abnormal size or weight which because of such size or weight require the use of and are transported on low-bed trailers, Film, motion picture,</p>
	<p>Fodder, Bean, Cane, Corn or Peas (Subject to Note 7), Fruit, dried, unmanufactured and unprocessed (Subject to Note 4), Fruit, fresh or green (not cold pack nor frozen), 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), Furniture, uncrated, new, as described in and for which rates are provided in Minimum Rate Tariff No. 11-A, and furniture, uncrated, new, for the United States, State, County or Municipal Governments, Hops, House Trailers, set up, Ice Cream Mix, unflavored, Insecticides, agricultural, Jewelry transported from or to wholesale houses in packages weighing 10 pounds or less, Leaves, Cactus, dried (Subject to Note 7), Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semi-trailers or a combination of such highway vehicles, 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, Optical goods transported from or to wholesale houses in packages weighing 10 pounds or less, Pits, fruit, Poultry, live or dressed, Property shipped to or from producers of motion pictures or television shows when transported subject to the rates, rules and regulations provided by Decision No. 33226, in Cases Nos. 4246 and 4434, as amended,</p>

*40-CC
Cancel
40-BB

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 outbound movement (Subject to Note 3),
 Commodities when transported in dump trucks, for which rates are provided in City Carriers' Tariff No. 6 - Highway Carriers' Tariff No. 7,
 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,
 Concrete transported in motor vehicles equipped for mechanical mixing in transit,
 Cotton,
 Cream (Subject to Note 2),
 Directories, telephone,
 Eggs (other than shelled, desiccated or frozen),
 Fertilizers, as described in Items Nos. 535, 540 and 550 of the Exception Sheet,

Sea Shells, crushed, ground, powdered or disintegrated (Subject to Note 5),
 Seeds, Cotton,
 Seeds, field, as described in Note 6,
 Shell Marl, crushed, ground or powdered,
 Straw (Subject to Note 7),
 Sulphur,
 United States mail transported for the Post Office Department under contract,
 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 City Carriers' Tariff No. 3-A - Highway Carriers' Tariff No. 4-A, and used property as described therein transported for the United States, state, county or municipal governments,
 Vegetables, fresh or green (not cold pack nor frozen),
 Vegetables, dried, viz: Beans, (except Mesquite),
 Lentils,
 Onions,
 Peas, (except Cow Peas),
 Pepper Pods,
 Voting Booths, Ballot Boxes, Election Tents and Election Supplies, when transported from or to polling places.

(Continued in Item No. 41)

*Change, Decision No. **50595**

EFFECTIVE OCTOBER 20, 1954

Issued by the Public Utilities Commission of the State of California,
 San Francisco, California.
 Correction No. 630

Item No.	SECTION NO. 1-RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)
50-B Cancels 50-A	<p style="text-align: center;">APPLICATION OF WESTERN CLASSIFICATION AND EXCEPTION SHEET</p> <p>(a) This tariff is governed to the extent shown herein by the Western Classification and the Exception Sheet.</p> <p>(b) Where the ratings, rules and regulations or other provisions or conditions provided in the Western Classification or Exception Sheet are in conflict with those provided in this tariff, the provisions of this tariff will apply.</p>
#55	<p style="text-align: center;">REFERENCES TO ITEMS AND OTHER TARIFFS</p> <p>Unless otherwise provided, references herein to item numbers in this or other tariffs include references to such numbers with letter suffix, and references to other tariffs include references to amendments and successive issues of such other tariffs.</p>
60-B Cancels 60-A	<p style="text-align: center;">SHIPMENTS TO BE RATED SEPARATELY</p> <p>Each shipment shall be rated separately. Shipments shall not be consolidated or combined by the carrier. (Component parts of split pickup or split delivery shipments, as defined in Item No. 11 may be combined under the provisions of Items Nos. 160, 170, 220 and 230.)</p>
*70-D Cancels 70-C	<p style="text-align: center;">GROSS WEIGHT</p> <p>Charges shall be assessed on the gross weight of the shipment. No allowance shall be made for the weight of containers. (See Exception)</p> <p>⊕ EXCEPTION-When palletized shipments subject to a minimum weight of 20,000 pounds or more are loaded or unloaded by power-loading device, the weight of the pallets (elevating truck pallets or platforms or lift truck skids) shall not be used in determining the weight of the shipment nor the charges thereon. This exception is not applicable to shipments of empty pallets.</p>
80	<p style="text-align: center;">RATES BASED ON VARYING MINIMUM WEIGHTS</p> <p>When charges accruing on a shipment based upon actual weight exceed the charges computed upon a rate based upon a greater minimum weight, the latter shall apply. For the purpose of applying this item to a mixed shipment, deficiency between actual weight of the shipment and the greater minimum weight shall be computed at the rate applicable to the lowest rated commodity in the shipment.</p>
<p>* Change) ⊕ Reduction) Decision No. 50595</p>	
<p>EFFECTIVE OCTOBER 20, 1954</p>	
<p>Issued by the Public Utilities Commission of the State of California, San Francisco, California.</p>	
<p>Correction No. 629</p>	