

ORIGINALDecision No. 53236

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of Western Classification Com-) Application No. 37238
mittee for approval of changes)
in classification provisions.)

Charles W. Burkett, Jr., and Wm. Meinhold, for
George H. Dumas, agent, Western Classifica-
tion Committee, applicant.
Arlo D. Poe and J. C. Kaspar, for California
Trucking Associations, Inc.
Herman C. Kuhnert, for Western Motor Tariff Bureau
and Leonard V. Cox, for Barclay Traffic
Service, interested parties.
Robert A. Lane, for the Commission's staff.

O P I N I O N

George H. Dumas, as chairman of the Western Classification Committee, is agent for railroads and other common carriers in the publication and filing of classification ratings, rules and regulations governing rates published by said carriers. Class rates in Minimum Rate Tariff No. 2 and in the various drayage tariffs containing minimum rates established by the Commission are subject to ratings named in the Western Classification No. 75, Cal. P.U.C. W.C. No. 8, of George H. Dumas, agent. By application filed August 20, 1955, applicant sought to make applicable within California a number of classification changes resulting variously in increases, reductions and technical adjustments. In its interim opinion and order in Decision No. 51987, dated September 27, 1955, the Commission granted the application except as to Items Nos. 7272-A (wooden partitions), 17181 (fish feed), 17635-A (firearms), 18722 (potatoes with cheese), 25367 (steel cleats), 27770-C (carburetors), 35156 (wood-fibre pads) and 43033 (blow-torches). The Commission ordered that the application be held

for further consideration upon receipt of further evidence respecting the matters specified above.

Public hearing was held in the instant proceeding, together with other applications¹ of George H. Dumas, agent, on October 13 and 14, 1955 before Examiner J. E. Thompson in San Francisco. The matter was submitted on November 3, 1955 following the filing of memoranda of points and authorities by the applicant and by the California Trucking Associations, Inc.

At the hearing and in the memoranda of points and authorities filed by the parties, issues were raised regarding the elements and factors to be shown by the applicant and considered by the Commission in matters involving a change in the Western Classification. The Commission's conclusions respecting these issues are discussed in its Decision No. 52870, dated April 10, 1956, in Application No. 36857 and need not be repeated herein. The Commission in determining the matters herein will follow its conclusions set forth in said decision.

The proposals will be discussed individually.

Item No. 7272-A

This is a proposed new item providing ratings on wooden or wood and fabric building partitions or partition sections. The ratings proposed are 2, L.C.L. and 3, C.L. minimum weight 15,000 pounds subject to Rule 34.

The applicant testified that the item is designed to cover prefabricated partitions which are custom made. Inasmuch as the sizes, shapes and materials vary because of individual requirements there is a fluctuation of weight per cubic foot and value per pound. The applicant stated that past experience shows that

¹ Applications Nos. 36857, 36745, 36619, 36999 and 37075.

the average density is 23 pounds per cubic foot and the usual value is around 65 cents per pound.

According to the applicant there is controversy at present regarding the ratings applicable to the articles. The Western Classification Committee has not made any determination of the applicable rating under the classification as it now stands and has proposed the item here under consideration as a solution.

Item No. 17181

This proposal contemplates the establishment of a new item providing ratings of 4, L.C.L. and B, C.L. minimum weight 40,000 pounds, on fish feed, consisting of dried skim milk, fish meal, cottonseed meal, flour middlings, fish solubles and salt, when shipped in bags. The ingredients and the transportation characteristics of the commodity are comparable to animal or poultry feed for which similar ratings as proposed here are provided in Item No. 17180.

Item No. 17635-A

It is proposed to reduce the carload rating on firearms and parts from second class to fourth class with no change in the less than carload rating and the minimum weight of 30,000 pounds. The applicant testified that to his knowledge the only carload movement of firearms in the United States is on behalf of the United States Government. The government has very high standards on the packing of firearms.

The transportation characteristics of firearms are comparable with articles under the generic heading of Ordnance, which are classified fourth class, carload, minimum weight 30,000 pounds.

Item No. 18722

It is proposed to provide a new item under the general heading of "Foodstuffs" to apply on potatoes and cheese with sauce

in glass or metal containers. The proposed ratings are 4, L.C.L. and 5, C.L. minimum weight 36,000 pounds. The proposed ratings are the same as those prescribed in the Western Classification for canned fruits and vegetables. The applicant testified that the density of the articles is 46½ pounds per cubic foot and the value per pound is 45 cents.

With respect to minimum rates, the proposed ratings are no lower than exception ratings applicable to spaghetti with cheese, in cans or glass, and cooked potatoes in cans.

Item No. 25367

This is a proposed new item providing ratings of 4, L.C.L. and 5, C.L. minimum weight 40,000 pounds, on steel strap anchoring plates or cleats. The articles are not specified by name in the classification and are subject to ratings of 3, L.C.L. and 4, C.L. minimum weight 30,000 pounds prescribed for steel hardware NOIBN. The articles are used in connection with steel box strapping which is subject to the same ratings as proposed herein. The applicant testified that they have a density of 144 pounds per cubic foot and a value of from 12 to 17 cents per pound.

Item No. 27770-C

Two things are sought here. It is proposed to amend the description to read, "carburetors or carburetion conversion assemblies", and also to reduce the carload rating from fourth class, minimum weight 24,000 pounds, to Class "A", minimum weight 30,000 pounds. According to the applicant, carburetors have a density of 23.26 pounds per cubic foot and a value of 80 cents per pound. The conversion assemblies have a density of 29.17 pounds per cubic foot and a value of \$2.64 per pound. The transportation characteristics of the articles are similar to those subject to the same ratings as proposed here, such as automobile parts, NOIBN, and carburetors and manifolds, combined.

Item No. 35156

Applicant proposes the establishment of a new item providing ratings of 1, L.C.L. and 4, C.L. minimum weight 20,000 pounds on pads or padding made from wood fibre combined with cotton waste, jute waste or wool waste. At present this new type padding is subject to ratings of 1, L.C.L. and 2, C.L. minimum weight 20,000 pounds as provided in Item No. 35147 applicable to pads or padding, NOIBN.

The transportation characteristics of the article appear to be similar to pads or padding, cotton, jute or sisal combined, for which the same ratings as those proposed are prescribed in Item No. 35135.

Item No. 43033

This is a proposed new item covering compressed gas blow-torches. The article is of comparatively recent development and is different from the gasoline blow-torch in that the fuel is contained in a cartridge which is a part of the unit. The fuel is usually propane or butane. The proposed ratings are 2, L.C.L. and 4, C.L. minimum weight 30,000 pounds.

The applicant testified that the compressed gas torch is heavier than the gasoline torch, having a density of 28 pounds as compared to 17 pounds per cubic foot. The fuel and its container represent the bulk and the greater part of the weight of the article. Liquefied petroleum gas, NOIBN, in steel containers is subject to ratings of 3, L.C.L. and 4, C.L. minimum weight 30,000 pounds.

On consideration of all of the facts and circumstances of record, the Commission is of the opinion and finds that the changes in classification sought herein are justified and that the proposed ratings provide reasonable, just and nondiscriminatory minimum rates for the transportation by common carriers, highway carriers and city carriers within this state.

O R D E R

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

IT IS ORDERED:

1. That the authorities sought as to Items Nos. 7272-A, 17181, 17635-A, 18722, 25367, 27770-C, 35156 and 43033 as set forth in the application of George H. Dumas, agent, be and they are hereby granted.
2. That the ratings, rules and regulations authorized in paragraph 1 of this order be and they are hereby approved to govern minimum rates established by the Commission in Decisions Nos. 31606, 41362, 41363, 32504 and 35055, as amended.
3. That the applicant be and he is hereby authorized to depart from the provisions of Article XII, Section 21 of the Constitution of the State of California and from the provisions of Section 460 of the Public Utilities Code with respect to the ratings, rules and regulations authorized in paragraph 1 hereof insofar as said ratings, rules and regulations govern nonintermediate rates.
4. That supplements containing the changes authorized herein shall bear a notation that they are issued under authority of this decision.

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

Dated at San Francisco, California, this 17th day of June, 1956.

[Signature]
President

[Signature]
Justus S. Calmer

[Signature]
Raymond L. Winter

[Signature]
Commissioners