

ORIGINAL

Decision No. 56761

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 ) Case No. 5441  
 of property in the City and County of )  
 San Francisco and the Counties of Alameda, )  
 Contra Costa, Marin, Monterey, Napa, )  
 Santa Clara, Santa Cruz, San Benito, San )  
 Mateo, Solano and Sonoma. )

SUPPLEMENTAL OPINION AND ORDER

On March 3, 1958, the Supreme Court of the United States in Public Utilities Commission of the State of California, vs. The United States, 2 L. ed. 2d, 470, held that the state may not infringe upon the right of the Federal Government to obtain transportation at such rates as it may negotiate. This decision finally disposed of the case of United States of America, Plaintiff, vs. Public Utilities Commission of the State of California, Defendant, Civil Action No. 35101, in the United States District Court for the Northern District of California, Southern Division.

In the circumstances, City Carriers' ~~Tariff No. 2-A-Highway~~ Carriers' Tariff No. 1-A will be amended to exempt clearly the transportation of property of the United States.

Therefore, good cause appearing,



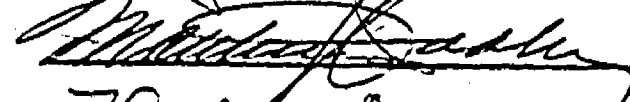
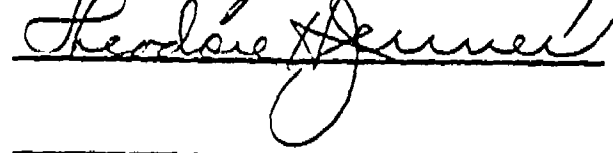
IT IS ORDERED that City Carriers' Tariff No. 2-A-Highway Carriers' Tariff No. 1-A (Appendix "A" of Decision No. 41362, as amended) be and it is hereby further amended by incorporating therein to become effective June 20, 1958, Tenth Revised Page 12, which revised page is attached hereto and by this reference made a part hereof.

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In all other respects said Decision No. 41362, as amended, shall remain in full force and effect.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 27<sup>th</sup> day of May, 1958.

  
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President  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners

Item No.	SECTION NO. 1 - RULES AND REGULATIONS (Continued)
	<p data-bbox="619 405 1263 443" style="text-align: center;">APPLICATION OF TARIFF - COMMODITIES</p> <p data-bbox="381 468 1428 539">Rates named in this tariff apply for the transportation of all commodities except the following:</p> <p data-bbox="381 531 1445 624">NOTE 1.- The minimum rates, rules, regulations and classification named in this tariff do not apply to the transportation of:</p> <ul style="list-style-type: none"><li data-bbox="442 624 1428 851">(a) Used Property, viz.: household goods, office and store fixtures and equipment, as described in and for which rates are provided in Minimum Rate Tariff No. 4-A, amendments thereto or reissues thereof, and used property as described therein transported for the United States, state, county or municipal governments.</li><li data-bbox="442 902 1412 1053">(b) Commodities as described in and for which rates are provided in Minimum Rate Tariff No. 7, amendments thereto or reissues thereof, when said commodities are transported in dump trucks.</li><li data-bbox="442 1053 1395 1204">(c) 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.</li><li data-bbox="442 1204 1445 1254">(d) Property transported by special messenger service.</li><li data-bbox="442 1254 1445 1393">(e) Pickup and delivery of shipments for common carriers, transported from or to points outside the area named herein under through pickup and delivery rates.</li><li data-bbox="442 1406 1379 1481">(f) Telephone directories, new, distributed to subscribers, and old, picked up from subscribers.</li><li data-bbox="442 1506 1412 1582">(g) Unloading and distribution of freight forwarders' cars originating at points outside the State.</li><li data-bbox="442 1595 1379 1695">(h) Voting booths, ballot boxes, election tents and election supplies, when transported from or to polling places.</li><li data-bbox="442 1721 1412 2010">(i) 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 non-profit 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.</li></ul> <p data-bbox="442 2023 492 2048" style="text-align: left;">***</p>

\*30-J  
Cancels  
30-X



- (k) 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 Minimum Rate Tariff No. 10, amendments thereto or reissues thereof.
- (l) 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.
- (m) Commodities weighing 100 pounds or less per piece or package when delivered from retail stores, or, when returned to the original retail store shipper via the carrier which handled the outbound movement.
- (n) 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.
- (o) Automobiles, 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, amendments thereto or reissues thereof.
- (p) Motor vehicles when towed by a tow car.
- \*(q) Property transported for the United States Government.

<input checked="" type="checkbox"/> * Change <input type="checkbox"/> # Addition <input type="checkbox"/> *** Paragraph eliminated	Decision No. 56761
EFFECTIVE JUNE 20, 1958	
Issued by the Public Utilities Commission of the State of California, San Francisco, California.	
Correction No. 178	