

ORIGINAL

Decision No. 55260

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 livestock and related items (com- )  
modities for which rates are provided )  
in Minimum Rate Tariff No. 3-A). )

Case No. 5433

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, Minimum Rate Tariff No. 3-A will be amended to exempt clearly the transportation of property of the United States.

Therefore, good cause appearing,



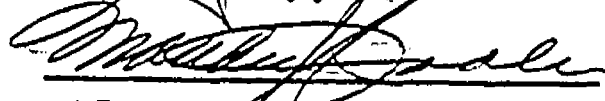
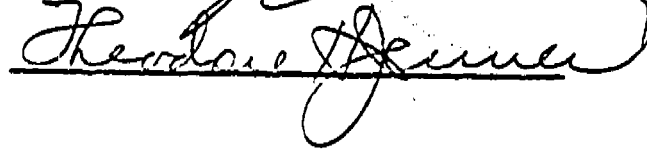
IT IS ORDERED that Minimum Rate Tariff No. 3-A (Appendix "A" of Decision No. 55587) be and it is hereby amended by incorporating therein to become effective June 20, 1958, First Revised Page 5, which revised page is attached hereto and by this reference made a part hereof.

C. 5433-AC

In all other respects said Decision No. 55587 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  
  
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\_\_\_\_\_  
Commissioners

SECTION NO. 1-RULES AND REGULATIONS (Continued)	Item No.
<p style="text-align: center;"><b>APPLICATION OF TARIFF-CARRIERS</b></p> <p>Rates provided in this tariff are minimum rates, established pursuant to the Highway Carriers' Act and apply for transportation of livestock by radial highway common carriers and highway contract carriers, as defined in said Act.</p> <p>When livestock in continuous through movement is transported by two or more carriers, the rates provided herein shall be the minimum rates for the combined transportation.</p> <p>Rates, rules and regulations named in this tariff shall not apply to transportation by independent-contractor subhaulers when such transportation is performed for other carriers. This exception shall not be construed to exempt from the tariff provisions carriers for whom the independent contractors are performing transportation service.</p>	20
<p style="text-align: center;"><b>APPLICATION OF TARIFF-TERRITORIAL</b></p> <p>Rates in this tariff apply for transportation of shipments of livestock between all points within the State of California, except:</p> <p>(a) Transportation service all of which is rendered in territory within the exterior boundaries of a city.</p> <p>(b) Shipments having both point of origin and point of destination within the Los Angeles Drayage Area, as described in Minimum Rate Tariff No. 5, amendments thereto and reissues thereof.</p> <p>(c) Shipments having point of origin or destination at Corn Fed Cattle Co. feed lot, 5440 Southern Avenue, South Gate, on the one hand and point of destination or origin within the Los Angeles Drayage Area referred to in exception (b) of this item on the other.</p>	30
<p style="text-align: center;"><b>APPLICATION OF TARIFF-COMMODITIES</b></p> <p>*Rates in this tariff apply for the transportation of livestock, (See Exception) viz.:</p> <p>Barrows, Boars, Bulls, Butcher Hogs, Calves, Cattle, Cows, (1) Dairy Cattle, Ewes, Feeder Pigs, Gilts, Goats, Heifers, Hogs, Kids, Lambs, Oxen, Pigs, Rams (Bucks), Sheep, (2) Sheep Camp Outfits, Sows, Steers, Stags, Wethers, or Wethers.</p> <p>(1) For specific rates on Dairy Cattle, see Section 3 of this tariff.</p> <p>(2) For application of rates on Sheep Camp Outfits, see Item No. 120.</p> <p>#EXCEPTION - Rates do not apply to the transportation of property for the United States Government.</p>	*40-A Cancels 40
<p>*Change }          #Addition } Decision No. 56763</p>	
<p>EFFECTIVE JUNE 20, 1958</p>	
<p>Issued by the Public Utilities Commission of the State of California,          San Francisco, California.</p> <p>Correction No. 1</p>	