

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)
of property in Los Angeles and Orange)
Counties (transportation for which)
rates are provided in Minimum Rate)
Tariff No. 5).)

Case No. 5435

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. 5 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. 5 (Appendix "A" of Decision No. 32504, as amended) be and it is hereby further amended by incorporating therein to become effective June 20, 1958, Eighteenth Revised Page 13, which revised page is attached hereto and by this reference made a part hereof.

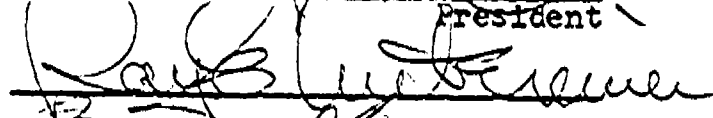
C. 5435-AC

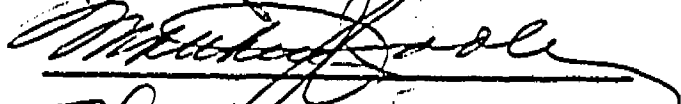
In all other respects said Decision No. 32504, as amended, shall remain in full force and effect.

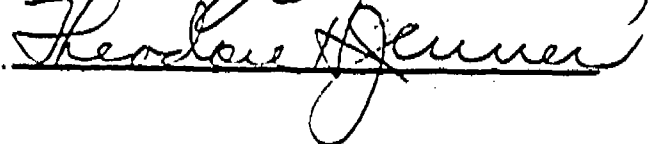
This order shall become effective on the date hereof.

Dated at San Francisco, California, this 27th day of May, 1958.



President






Commissioners

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)
	<p style="text-align: center;">APPLICATION OF TARIFF-COMMODITIES</p> <p>Rates in this tariff apply for the transportation of all commodities except the following:</p> <p>Accessories and Supplies, motion picture, 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, Baggage, viz.: personal baggage and baggage containing sample merchandise, transported from or to a depot, dock or other point where passengers are discharged or received by common carriers, Buttermilk, in milk shipping cans or in bottles in cases or crates, Carriers (used packages), empty, returning from an outbound paying load, or being forwarded for a return paying load of traffic for which rates are not provided in this tariff (Subject to Rule No. 180 of the Exception Sheet), 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, Cement, Portland (building), when transported in bulk, Commodities weighing 100 pounds or less per package or per piece, delivered from retail stores, Commodities transported in bulk in tank trucks, tank trailers, tank semi-trailers, or a combination of such highway vehicles, Commodities picked up or delivered for common carriers as defined in the Public Utilities Act, or for radial highway common or highway contract carriers as defined in the Highway Carriers' Act, when the property is in the custody of such carriers for transportation from or to points not included in the zones described in Items Nos. 30, 31, 32 and 33, under rates which include pickup or delivery at points within the said zones, Commodities when transported in dump trucks, for which rates are provided in Minimum Rate 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, Cream, in milk shipping cans or in bottles in cases or crates, Directories; telephone, Fertilizers, as described in Items Nos. 535, 540 and 550 of the Exception Sheet, Film, motion picture, Fruit, fresh or green (not cold pack nor frozen), 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,</p>

*40-Q
Cancels
40-P

Jewelry transported from or to wholesale houses in packages weighing 10 pounds or less,
 Livestock,
 Milk, in milk shipping cans or in bottles in cases or crates,
 Motor vehicles when towed by a tow car,
 Newspapers; newspaper supplements, sections or inserts; (not scrap or waste),
 Optical goods transported from or to wholesale houses in packages weighing 10 pounds or less,
 #Property transported for the United States Government.
 *Property transported to a United States Post Office for mailing and United States mail transported from a post office to the addressee thereof, ✓

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,
 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, 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),
 Voting Booths, ballot boxes, election tents and election supplies when transported from or to polling places.

* Change)
 # Addition) Decision No. 56764

EFFECTIVE JUNE 20, 1958

Issued by the Public Utilities Commission of the State of California,
 San Francisco, California.
 Correction No. 243