

C. 5438-AC

Decision No. 56767

ORIGINAL

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 fresh or green fruits and vegetables )  
and related items (commodities for which )  
rates are provided in Minimum Rate )  
Tariff No. 8). )

Case No. 5438

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 rights 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. 8 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. 8 (Appendix "C" of Decision No. 33977, as amended) be and it is hereby further amended by incorporating therein to become effective June 20, 1958, Eleventh Revised Page 8, which revised page is attached hereto and by this reference made a part hereof.

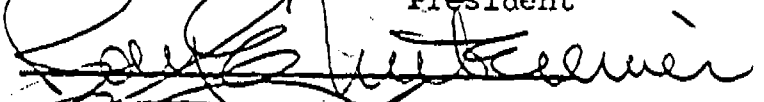
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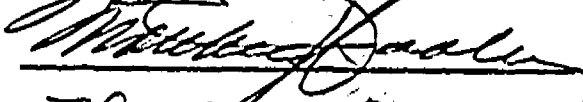
In all other respects said Decision No. 33977, as amended, shall remain in full force and effect.

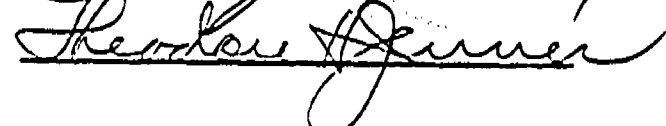
This order shall become effective on the date hereof.

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

  
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President

  
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Carl J. Keener

  
\_\_\_\_\_  
Michael J. Doolan

  
\_\_\_\_\_  
Theodore J. Turner

\_\_\_\_\_  
Commissioners

Cancel

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)
<p>*40-I Cancel 40-H</p>	<p style="text-align: center;">APPLICATION OF TARIFF - COMMODITIES</p> <p>Rates in this tariff apply to transportation of the following commodities (See Exception):</p> <p style="padding-left: 40px;">Fruits, fresh or green (not cold pack nor frozen); Vegetables, fresh or green (not cold pack nor frozen), including mushrooms, fresh; Containers, empty, second-hand, returning from an outbound paying load, of commodities for which rates are provided herein or forwarded for a return paying load, of commodities for which rates are provided in this tariff, subject to Note 1.</p> <p>NOTE 1.-Highway carriers must determine before accepting shipment that said containers were moved filled and are being returned by the same carrier or carriers to consignor of the filled containers; or that containers shipped for return paying load will, when filled, move by the same carrier or carriers to the consignor of the original empty containers.</p> <p>EXCEPTION.-Rates in this tariff do not apply to transportation of:</p> <p style="padding-left: 40px;">(a) Fresh or green fruits, fresh or green vegetables, or mushrooms, as described herein, when the point of destination of the shipment is a cannery, packing plant, packing shed, precooling plant, winery or processing plant; nor to the empty containers used or shipped out for use in connection with such transportation.</p> <p style="padding-left: 40px;">(b) Citrus fruits when the point of destination of the shipment is within the Los Angeles Drayage Area, as described in Minimum Rate Tariff No. 5; nor to the empty containers used or shipped out for use in connection with such transportation.</p> <p style="padding-left: 40px;">(c) Sugar beets when the point of destination of the shipment is a beet sugar factory or a railroad loading dump.</p> <p style="padding-left: 40px;">#(d) Property for the United States Government.</p>
<p>50</p>	<p style="text-align: center;">SHIPMENTS TO BE RATED SEPARATELY</p> <p>Each shipment shall be rated separately. Shipments shall not be consolidated nor 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. 170 and 180.</p>
<p>60-A Cancel 60</p>	<p style="text-align: center;">GROSS WEIGHT</p> <p>Charges shall be assessed on the gross weight of the shipment, including container icing, if any. No allowance shall be made for the weight of containers.</p>

UNITS OF MEASUREMENT IN QUOTATION OF RATES AND CHARGES

65

Rates or accessorial charges shall not be quoted or assessed by carriers based upon a unit of measurement different from that in which the minimum rates and charges in this tariff are stated.

\*Change  
#Addition

)  
)

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EFFECTIVE JUNE 20, 1958

Issued by the Public Utilities Commission of the State of California,  
San Francisco, California.

Correction No. 218