

ORIGINAL

Decision No. 58025

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. 5438
of fresh or green fruits and vegetables)	
and related items (commodities for which)	
rates are provided in Minimum Rate Tariff)	
No. 8).)	

SUPPLEMENTAL OPINION AND ORDER

Minimum rates, rules and regulations for the transportation of fresh fruits and vegetables within California are prescribed in Minimum Rate Tariff No. 8. Item No. 60 of the tariff requires that charges be assessed on the gross weight of the shipment and requires under some circumstances that the actual gross weight of the shipment shall be confirmed by a public weighmaster's certificate. Under alternative rate application provisions of the tariff, highway permit carriers may assess rail carload rates if such rates provide lower charges for the same transportation.

On or about November 24, 1958, there was distributed to known interested parties a proposed exhibit prepared by a rate expert of the Commission staff. The exhibit recommended adoption of designated weights to be used in connection with the transportation of onions and potatoes in sacks. The parties were requested to submit any comments or suggestions on or before December 18, 1958, and were informed that, in the absence of substantial objection or request for public hearing, consideration would be given to the issuance of an ex parte order revising Minimum Rate Tariff No. 8 in accordance with the staff recommendation as contained in the report of the rate expert.

No objection or request for public hearing has been received. The staff report has been made a part of the record in this proceeding, identified as Exhibit D-1.

According to the staff exhibit, onions and potatoes are generally shipped in sacks of standard capacities. The standard sacks are freely used in the trade for packing and invoicing purposes, and in many instances the invoiced net weights are marked clearly on the sacks.

The staff report states that misunderstandings between shippers and carriers have occurred in applying truckload rates on onions and potatoes by reason of the fact that actual gross weights must be obtained and applied when the rates in Minimum Rate Tariff No. 8 are used, whereas different weights are applicable when rail carload rates are used by highway carriers. Misunderstandings have developed also by reason of the additional fact that highway common carriers, as distinguished from highway permit carriers, may not apply rail rates or weights except as published in the highway common carriers' tariffs.

The report shows that transportation weights specified in the following table have been used to govern rail transportation for many years. The weights thus specified conform within close limits to the actual gross weights of onions and potatoes shipped in the sacks of the standard capacities.

<u>Packed and Invoiced Weight Per Sack</u>	<u>Transportation Weight Per Sack</u>
10 pounds	10½ pounds
15 pounds	15½ pounds
25 pounds	25½ pounds
50 pounds	50½ pounds
100 pounds	101 pounds
5-10 pound consumer paper bags	51-¾ pounds

It is the staff recommendation that Item No. 60 of Minimum Rate Tariff No. 8 be amended by incorporating into the item the weights set forth in the foregoing table.

Because of the close conformity between actual scale weights and the suggested transportation weights, little or no change in the total transportation charges would result. The recommended tariff changes will simplify the determination of transportation charges, will tend to reduce misunderstandings between shippers and carriers concerning transportation weights and charges, and will have the further advantage of obviating the necessity of obtaining weight certificates.

In the circumstances, it appears, and the Commission finds, that the modifications proposed in Exhibit D-1 in this proceeding are justified and that the minimum rates, rules and regulations as so modified are and will be just, reasonable and nondiscriminatory minimum rates for the transportation of onions or potatoes packed and invoiced in sacks of standard capacities. Minimum Rate Tariff No. 8 will be revised accordingly. This is a matter in which a public hearing is not necessary.

Therefore, good cause appearing,

IT IS ORDERED:

(1) That Minimum Rate Tariff No. 8 (Appendix "C" of Decision No. 33977, as amended) is hereby further amended by incorporating therein to become effective April 10, 1959, Thirteenth Revised Page 8, which revised page is attached hereto and by this reference made a part hereof.

(2) That tariff publications required to be made by common carriers as a result of the order herein may be made effective

not earlier than the effective date hereof on not less than five days' notice to the Commission and to the public, and that such tariff publications shall be made effective not later than April 10, 1959.

(3) That in all other respects said Decision No. 33977, as amended, shall remain in full force and effect.

This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this 17th day of February, 1959.

S. L. Fox
President
Robert L. Gifford
Malcolm H. Deady
Theodore A. Turner
Conrad T. Rags
Commissioners

Item No.	SECTION NO. 1-RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)
40-J Cancels 40-I	<p data-bbox="667 393 1193 427" style="text-align: center;">APPLICATION OF TARIFF-COMMODITIES</p> <p data-bbox="387 460 1414 528">Rates in this tariff apply to transportation of the following commodities (See Exception):</p> <p data-bbox="449 557 1304 820">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 out-bound 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 data-bbox="387 851 1479 1041">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 data-bbox="467 1072 1503 1106">EXCEPTION.-Rates in this tariff do not apply to transportation of:</p> <p data-bbox="387 1137 1487 1302">(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, accumulation station, cold storage plant, precooling plant, or winery, nor to the empty containers used or shipped out for use in connection with such transportation, subject to Note 2.</p> <p data-bbox="387 1333 1462 1497">(b) Fresh or green fruits, fresh or green vegetables or mushrooms, as described herein, when transported from the field or point of growth to a packing plant, or a packing shed, nor to empty containers used or shipped out for use in connection with such transportation, subject to Notes 2 and 3.</p> <p data-bbox="387 1528 1479 1661">(c) 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 data-bbox="387 1692 1479 1760">(d) Sugar beets when the point of destination of the shipment is a beet sugar factory or a railroad loading dump.</p> <p data-bbox="467 1760 1195 1794">(e) Property for the United States Government.</p> <p data-bbox="387 1794 1462 1861">NOTE 2.-For the purpose of this item, the following definitions will apply:</p> <p data-bbox="387 1893 1462 1960">(a) Packing Shed or Packing Plant:-Facilities maintained for assembling, sorting, grading, or packing the commodity for shipment.</p> <p data-bbox="387 1992 1448 2059">(b) Precooling Plant:-Facilities maintained for the purpose of precooling commodities for shipment under refrigeration.</p> <p data-bbox="387 2091 1479 2158">(c) Cold Storage Plant:-Facilities maintained for the storage of commodities under refrigeration.</p> <p data-bbox="387 2189 1492 2273">(d) Cannery:-Facilities maintained for the processing of commodities at which the commodities are canned, preserved, dried, frozen, pickled, brined, or otherwise processed into manufactured products.</p>

(●) Winery:-Facilities maintained for the purpose of producing vinous liquors, including wine, champagne and brandy.

(f) Accumulation Station:-Yards or open areas maintained for the receiving of unprocessed commodities from the field, and accumulation and consolidation of such commodities for shipment to a cannery, winery, cold storage plant or precooling plant.

NOTE 3.-Except for the transportation of citrus fruits in field boxes or in bulk, or avocados, exemption does not apply when the distance between point of origin and point of destination exceeds 50 constructive miles computed in accordance with the provisions of Item No. 110.

SHIPMENTS TO BE RATED SEPARATELY

50

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.

GROSS WEIGHT

(a) 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.

*(b) In connection with shipments weighing 20,000 pounds or more, transported for distances in excess of 50 constructive miles, the actual gross weight of the shipment shall be confirmed by a public weighmaster's certificate, which shall be obtained by the carrier prior to or at the time of unloading.

*60-C
Cancels
60-B

*(c) When the carrier obtains a public weighmaster's certificate, charges shall be based on the weight of the commodities as confirmed by the public weighmaster's certificate. The original and duplicate copy of the public weighmaster's certificate shall be affixed to the shipper's and carrier's copy of the freight bill, (see Item No. 255), respectively.

§6 EXCEPTION.-On shipments of onions or potatoes packed and invoiced in sacks of standard capacities as shown below, charges shall be assessed on the gross weights as follows:

<u>When Packed and Invoiced as:</u>	<u>Charges Shall Be Assessed on Gross Weight per Package of:</u>
10 pounds per sack	10½ pounds per sack
15 pounds per sack	15½ pounds per sack
25 pounds per sack	25½ pounds per sack
50 pounds per sack	50½ pounds per sack
100 pounds per sack	101 pounds per sack
5-10 pound consumer paper bags per sack	51-3/4 pounds per sack

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
o Increase
b Reduction

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EFFECTIVE APRIL 10, 1959

Issued by the Public Utilities Commission of the State of California,
Correction No. 222 San Francisco, California.