Decision No. 58482

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 prac-) tices 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

Decision No. 56767 of May 27, 1958, in this proceeding, amended Minimum Rate Tariff No. 8 to exempt therefrom property transported for the United States Government. The use of the word "for" in the exemption has given rise to the argument that shippers other than the United States may negotiate rates in cases where shipments are consigned to the United States.

To set this question at rest, the tariff will be amended so as to exempt "property of the United States, or property transported under an agreement whereby the United States contracted for the carrier's services."

Therefore, good cause appearing,

IT IS ORDERED that Minimum Rate Tariff No. 8(Appendix "C" of Decision No. 33977, as amended) is hereby further amended by incorporating therein to become effective June 19, 1959, Fifteenth Revised Page 8, which revised page is attached hereto and by this reference made a part hereof.

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

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

Dated at San Francisco, California, this 22ml day of May, 1959.

President

Commissioners

Fifteenth Revised Page 8 Cancels Fourteenth Revised Page ... 8 MINIMUM RATE TARIFF NO. 8 Item SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL No. APPLICATION (Continued) APPLICATION OF TARIFF - COMMODITIES Rates in this tariff apply to transportation of the following commodities (See Exception): 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. NOTE 1.-Highway carriers must determine before accepting shipment that said containors 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. *40-L EXCEPTION.-Rates in this tariff do not apply to transportation of: Cancels (a) Fresh or green fruits, fresh or green vegetables, or mushrooms, as 40-K 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. (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. (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. (d) Sugar beets when the point of destination of the shipment is a beet sugar factory or a railroad loading dump. * (e) Property of the United States, or property transported under an agreement whereby the United States contracted for the carrier's services. NOTE 2.-For the purpose of this item, the following definitions will apply: (a) Packing Shed or Packing Plant:-Facilities maintained for assembling, sorting, grading, or packing the commodity for shipment. (b) Precooling Plant:-Facilities maintained for the purpose of precooling commodities for shipment under refrigeration. (c) Cold Storage Plant:-Facilities maintained for the storage of commodities under refrigeration. (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.

(e) 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 cannory, winery, cold storage plant or precooling plant. NOTE 3.-Except for the transportation of citrus fruits in field boxes or in bulk, carrots or avocados, exception 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 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 containors. (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 cortificate, which shall be obtained by the carrier prior to or at the time of unloading. (c) When the carrier obtains a public weighmaster's cortificate, charges shall be based on the weight of the commodities as confirmed Cancels 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. 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: Charges Shall Bo Assessed on Cross Weight per Package of: When Packed and Invoiced as: 10½ pounds per sack 15½ pounds per sack 25½ pounds per sack 10 pounds per sack 15 pounds per sack 25 pounds per sack 50 pounds per sack 100 pounds per sack 5-10 pound consumer paper 502 pounds per sack 101 pounds per sack 51-3/4 pounds per sack bags per sack UNITS OF MEASUREMENT IN QUOTATION OF RATES AND CHARGES 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, Decision No. 55452

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EFFECTIVE JUNE 19,

Issued by the Public Utilities Commission of the State of California, Correction No. 224 San Francisco, California.