

ORIGINAL

Decision No. 62216

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 car- )  
riers 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  
Petition for Modification  
No. 29

SUPPLEMENTAL OPINION AND ORDER

California Trucking Associations, Inc., by Petition for Modification No. 29, filed May 12, 1961, seeks revision of Minimum Rate Tariff No. 8 to provide specified gross weights for beets, turnips, rutabagas, parsnips, carrots, oranges and lemons; and to establish single market areas at San Jose, Stockton, Sacramento, Fresno and San Diego.<sup>1</sup> It also requests that the Commission direct its staff to conduct investigations into the feasibility and desirability of revising certain other provisions of the tariff.

According to the petition the changes relating to gross weight provisions and single market areas are necessary to meet current and future requirements of the tariff users as a result of continuing changes in the transportation practices of carriers and the distribution and marketing practices of shippers and receivers of fresh fruits and vegetables.

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Specified gross weights are now provided in Minimum Rate Tariff No. 8 for onions and potatoes. Single market areas are established for Los Angeles, San Francisco and Oakland.

The petition states that the proposed specified weights for beets, turnips, rutabagas, parsnips, carrots, oranges and lemons will recognize the increasing movements of these commodities in standardized packs not now covered by the tariff, and will permit the advantages of provided weight determination to apply on a broader selection of commodities. Petitioner alleges that the additional market areas proposed will recognize the growth in such facilities and will afford such areas the same tariff recognition now limited to the larger metropolitan areas.

The petition recites that joint discussions on this subject have been held by carriers, shippers, and other interested parties at various locations throughout the state during the past six months. Petitioner alleges that pursuant to the conclusions reached at such meetings, the foregoing revisions in the tariff are in the interest of both carriers and shippers and are required immediately.

Petitioner also requests that the Commission direct the staff to conduct an investigation into the feasibility and desirability of establishing provisions in the tariff relating to "Produce Service Shipments" and revision of current provisions relating to split pickup and split delivery service. The petition states that these proposed areas of investigation were developed as a result of the aforesaid joint discussions of shippers, carriers and other interested parties.

Petitioner alleges that the proposed change relating to produce service shipments will provide greater flexibility in the use of the tariff, will recognize technological changes in carriers' equipment and changes in carrier and shipper practices, and will result in reasonable minimum rates. The petition states that the shipper and carriers who participated in said discussion have been unable to develop specific suggestions for revisions of the split pickup and split delivery provisions. Petitioner asserts, however,

that evaluation of the split pickup and split delivery provisions is desirable to determine whether comparable changes might be instituted to lessen documentation requirements, increase the flexibility of the services, and still protect carriers' revenues. The petition alleges that the requested staff investigation will be in the public interest, and that both carriers and shippers will cooperate with the staff in an investigation and will participate constructively in public hearings in these matters.

The Commission staff will be assigned to investigate the feasibility of the proposed changes encompassed by petitioner's request for cost and rate studies. ✓  
✓  
✓

The Commission hereby finds that the proposed revisions in Minimum Rate Tariff No. 8 relating to specified gross weights and single market areas will result in just, reasonable, and nondiscriminatory minimum rates and that the increases resulting from the establishment of said minimum rates are justified. With respect to these revisions a public hearing is not necessary.

IT IS ORDERED that:

(1) Minimum Rate Tariff No. 8 (Appendix "C" of Decision No. 33977, as amended) is hereby further amended by incorporating therein, to become effective August 12, 1961,

Sixteenth Revised Page 8  
Third Revised Page 9  
Seventh Revised Page 27

which revised pages are attached hereto and by this reference made a part hereof.

(2) Tariff publications required to be made by common carriers as a result of the order herein may be filed not earlier than the effective date hereof, to become effective on not less than five days' notice to the Commission and to the public, and such tariff publications shall be made effective not later than August 12, 1961; tariff publications authorized, but not required, to be made by common carriers as a result of the order herein may

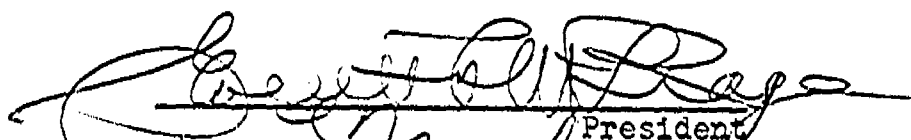
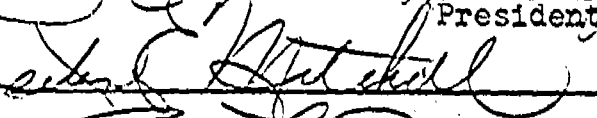
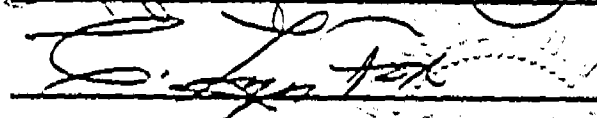

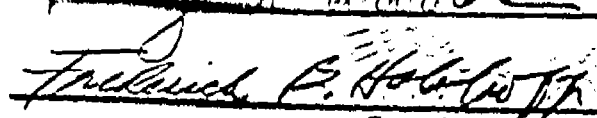
be filed not earlier than the effective date hereof, and may be made effective on not less than five days' notice to the Commission and to the public if filed not later than sixty days after the effective date of the tariff pages incorporated in this order.

(3) Common carriers, in establishing and maintaining the changes authorized hereinabove, are hereby authorized to depart from the provisions of Article XII, Section 21, of the Constitution of the State of California and Section 460 of the Public Utilities Code to the extent necessary to adjust long-and-short-haul departures now maintained under outstanding authorizations; such outstanding authorizations are hereby modified only to the extent necessary to comply with this order; schedules containing the charges published under this authority shall make reference to prior orders authorizing long-and-short-haul departures and to this order.

(4) 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 \_\_\_\_\_ day of June, 1961.

  
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President  
  
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\_\_\_\_\_  
Commissioners

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)
	<p data-bbox="640 356 1179 389" style="text-align: center;">APPLICATION OF TARIFF - COMMODITIES</p> <p data-bbox="317 417 1425 481">Rates in this tariff apply to transportation of the following commodities (See Exception):</p> <p data-bbox="378 509 1235 766">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="312 792 1460 963">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="370 980 1382 1024">EXCEPTION.-Rates in this tariff do not apply to transportation of:</p> <p data-bbox="305 1044 1448 1210">(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="216 1230 1432 1396">40 (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="302 1421 1414 1556">(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="302 1579 1381 1656">(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="302 1674 1437 1758">(e) Property of the United States, or property transported under an agreement whereby the United States contracted for the carrier's services.</p> <p data-bbox="299 1773 1410 1837">NOTE 2.-For the purpose of this item, the following definitions will apply:</p> <p data-bbox="299 1865 1409 1946">(a) Packing Shed or Packing Plant:-Facilities maintained for assembling, sorting, grading, or packing the commodity for shipment.</p> <p data-bbox="299 1961 1392 2040">(b) Precooling Plant:-Facilities maintained for the purpose of pre-cooling commodities for shipment under refrigeration.</p> <p data-bbox="299 2056 1344 2130">(c) Cold Storage Plant:-Facilities maintained for the storage of commodities under refrigeration.</p> <p data-bbox="292 2150 1404 2260">(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>

(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 cannery, 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, 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.

(1) Items Nos. 60 and 65 formerly shown on )  
this page transferred to Third Revised ) Decision No. 62216  
Page 9. )

EFFECTIVE AUGUST 12, 1961

Issued by the Public Utilities Commission of the State of California,  
San Francisco, California.  
Correction No. 254

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)														
	<p style="text-align: center;">GROSS WEIGHT</p> <p>(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.</p> <p>(b) In connection with shipments weighing 20,000 pounds or more, transported for distance in excess of 50 constructive miles, the actual gross weight of the shipments shall be confirmed by a public weighmaster's certificate, which shall be obtained by the carrier prior to or at the time of unloading.</p> <p>(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.</p> <p>*60 EXCEPTION: On shipments containing exclusively the commodities provided below, charges shall be assessed on the gross weights as follows:</p> <ol style="list-style-type: none"> <li>ONIONS, #BEETS, #TURNIPS, #RUTABAGAS, #PARSNIPS, #CARROTS AND POTATOES <table> <tr> <th>When Packed and Invoiced as:</th><th>Charges shall be assessed on Gross Weight per Package of:</th></tr> <tr> <td>10 Pounds per Sack</td><td>10<math>\frac{1}{2}</math> Pounds per Sack</td></tr> <tr> <td>15 Pounds per Sack</td><td>15<math>\frac{1}{2}</math> Pounds per Sack</td></tr> <tr> <td>25 Pounds per Sack</td><td>25<math>\frac{1}{2}</math> Pounds per Sack</td></tr> <tr> <td>50 Pounds per Sack</td><td>50<math>\frac{1}{2}</math> Pounds per Sack</td></tr> <tr> <td>100 Pounds per Sack</td><td>101 Pounds per Sack</td></tr> <tr> <td>5-10 Pounds Consumer Paper Bags per Sack</td><td>51<math>\frac{1}{2}</math> Pounds per Sack</td></tr> </table> </li> <li>ORANGES or LEMONS when packed in standard one half orange or lemon box with inside depth, width and length dimensions of 10<math>\frac{1}{4}</math> x 10-11/16 x 16-3/8", identified as container 58 in Section 828.83 of Agricultural Code of California, charges shall be assessed on the gross weights as follows: <p style="text-align: center;">ORANGES - 39<math>\frac{1}{2}</math> lbs. per box LEMONS - 40 lbs. per box</p> </li> </ol>	When Packed and Invoiced as:	Charges shall be assessed on Gross Weight per Package of:	10 Pounds per Sack	10 $\frac{1}{2}$ Pounds per Sack	15 Pounds per Sack	15 $\frac{1}{2}$ Pounds per Sack	25 Pounds per Sack	25 $\frac{1}{2}$ Pounds per Sack	50 Pounds per Sack	50 $\frac{1}{2}$ Pounds per Sack	100 Pounds per Sack	101 Pounds per Sack	5-10 Pounds Consumer Paper Bags per Sack	51 $\frac{1}{2}$ Pounds per Sack
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65	<p style="text-align: center;">UNITS OF MEASUREMENT IN QUOTATION OF RATES AND CHARGES</p> <p>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.</p>														

RATES BASED ON VARYING MINIMUM WEIGHTS

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When charges accruing on a shipment based upon actual weight exceed the charges computed upon a rate based upon a greater minimum weight, the latter shall apply. For the purpose of applying this item to a mixed shipment, deficiency between actual weight of the shipment and the greater minimum weight shall be computed at the rate applicable to the lowest rated commodity in the shipment.

(1) Items Nos. 60 and 65 shown on this page transferred from  
Fifteenth Revised Page 8.

\* Change     )  
# Addition   )   Decision No.       62016

EFFECTIVE AUGUST 12, 1961

Issued by the Public Utilities Commission of the State of California,  
San Francisco, California.  
Correction No. 255



Item No.	SECTION NO. 1--RULES AND REGULATIONS OF GENERAL APPLICATION (Concluded)
*290	<p style="text-align: center;">SINGLE MARKET AREAS</p> <p>Each of the markets described below constitutes a single market area, and includes both sides of streets and avenues named.</p> <p>Los Angeles</p> <p>All points within a radius of one mile of the intersection of 9th Street and Central Avenue.</p> <p>San Francisco</p> <p>The San Francisco Wholesale Market bounded on the north by Pacific Avenue, on the east by Drumm Street, on the south by Sacramento Street, and on the west by Sansome Street.</p> <p>Oakland</p> <p>The Oakland Wholesale Market bounded on the northwest by Franklin Street, on the northeast by 5th Street, on the southeast by Jackson Street, and on the southwest by 2nd Street.</p> <p><u>#San Jose</u></p> <p>The San Jose Wholesale Market bounded on the northwest by Mission Street, on northeast by the Southern Pacific right-of-way (8th Street), on the southeast by Taylor Street, and on the southwest by 7th Street.</p> <p><u>#Stockton</u></p> <p>The Stockton Wholesale Market bounded on the north by East Channel Street, on the east by an imaginary extension of Locust Avenue, on the south by the Southern Pacific right-of-way (an extension of East Weber Avenue), and on the west by North Wilson Way.</p> <p><u>#Sacramento (16th Street Market)</u></p> <p>The Sacramento 16th Street Wholesale Market bounded on the north by North C Street, on the east by North 16th Street, on the south by North B Street and on the west by the Southern Pacific right-of-way (That spur adjacent to and paralleling North 14th Street. An extension of Ahern Avenue).</p> <p><u>#Sacramento (5th Street Market)</u></p> <p>The Sacramento 5th Street Wholesale Market bounded on the north by First Avenue, on the east by 5th Street, on the south by the Southern Pacific spur track (from the lead take off commencing near Front &amp; Broadway Streets), and on the west by 3rd Street.</p>

#Fresno

All points within a radius of one mile of the intersection of Tuolumne Street and G Street.

#San Diego

All points within a radius of one-half mile of the intersection of 6th Street and J Street.

\* Change )  
# Addition )

Decision No.

62216

EFFECTIVE AUGUST 12, 1961

Issued by the Public Utilities Commission of the State of California,  
San Francisco, California.  
Correction No. 256