

Decision No. 62352**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) Case No. 5438
 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).)

SUPPLEMENTAL OPINION AND ORDER

On May 26, 1961, there was sent to interested parties for study and comment a report prepared by the Commission's Transportation Division Rate Branch staff relating to charges for shipments of fresh fruits and vegetables on pallets under rates named in Minimum Rate Tariff No. 8. The parties were informed by transmittal letter that in the absence of objection or request for public hearing, consideration may be given to the issuance of an ex parte order revising the tariff in accordance with the staff recommendation. No objections or requests for public hearing have been received, but several comments were received as hereinafter indicated.

The staff report contains suggested revisions of the tariff to provide that in connection with palletized shipments of fresh fruits or vegetables subject to minimum weights of 24,000 pounds or more, loaded or unloaded by power equipment, the weight of the pallets shall not be used in determining the weight of the shipment nor the charges thereon.

The Associated Produce Dealers and Brokers of Los Angeles has informed the Commission in writing that it has no objection to the staff's proposal. Sunkist Growers has informed the Commission

that it heartily concurs in the staff's recommendation with one exception. Sunkist urges that the tariff revision be related to a minimum weight of 18,000 pounds rather than 24,000 pounds as suggested by the staff. California Trucking Associations, Inc., has informed the Commission in writing that it concurs in the staff's proposal and that it has no objection to the modification proposed by Sunkist Growers.

The staff's report, as distributed May 26, 1961, is received in evidence in this proceeding as Exhibit No. E-1. The several written comments thereon received from interested parties are received in evidence collectively as Exhibit No. E-2.

The tariff provisions to be made applicable to palletized shipments of fresh fruits and vegetables are essentially the same as those which the Commission, in a previous decision, has found to be reasonable for the transportation of general commodities under Minimum Rate Tariff No. 2.¹ That decision states that, in many instances, the cost to carriers of loading and unloading shipments by hand is considerably more than the cost of loading and unloading palletized shipments with power equipment. The waiting time at points of origin and destination is often less when pallets and power equipment are employed in handling shipments than when shipments are loaded or unloaded by hand.

It appears from Exhibit No. E-1 that the circumstances surrounding the use of pallets in connection with the transportation of fresh fruits and vegetables are similar to the transportation of general commodities under the provisions of Minimum Rate Tariff No. 2.

1

Decision No. 50595, dated September 28, 1954, in Case No. 5432, Petitions Nos. 36, 39 and 42.

With reference to the question of the minimum weights, 18,000 versus 24,000 pounds, it appears that Sunkist Growers is correct in its contention that the lesser minimum more nearly approximates the minimum weight of 20,000 pounds on which the corresponding provision in Minimum Rate Tariff No. 2 is predicated.

In the circumstances, it appears, and the Commission finds, that the tariff revision proposed by the staff in Exhibit No. E-1, modified as suggested by Sunkist Growers, is reasonable, and that the resulting minimum rates and charges will be just, reasonable and non-discriminatory minimum rates and charges for the transportation of fresh fruits and vegetables. 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 that:

(1) Minimum Rate Tariff No. 8 (Appendix "C" to Decision No. 33977, as amended) is hereby further amended by incorporating therein, to become effective September 9, 1961. Fourth Revised Page 9, which revised page is attached hereto and by this reference made a part hereof.

(2) Tariff publications authorized 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 minimum rate tariff page incorporated in this order.

(3) Common carriers in establishing the minimum rates, charges, rules and regulations 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; that such outstanding authorizations are hereby modified only to the extent necessary to comply with this order; and that schedules containing the minimum rates, charges, rules and regulations published under this authority shall make reference to the prior orders authorizing long-and-short-haul departures and to this order.

In all other respects, the aforesaid 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 25th day of July, 1961.

VB

 President
[Signature]

[Signature]

[Signature]

[Signature]
 Commissioners

Item No. SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)

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. #(See Exceptions 1 and 2)

(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.

(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.

*60

EXCEPTION 1: On shipments containing exclusively the commodities provided below, charges shall be assessed on the gross weights as follows:

(a) ONIONS, BEETS, TURNIPS, RUTABAGAS, PARSNIPS, CARROTS AND POTATOES

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 $\frac{3}{4}$ Pounds per Sack

(b) ORANGES or LEMONS when packed in standard one half orange or lemon box with inside depth, width and length dimensions of 10 $\frac{1}{4}$ 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:

ORANGES - 39 $\frac{1}{2}$ lbs. per box
 LEMONS - 40 lbs. per box

#6EXCEPTION 2: When palletized shipments subject to minimum weights of 18,000 pounds or more are loaded or unloaded with power equipment, the weight of the pallets (elevating truck pallets or platforms or lift truck skids) shall not be used in determining the weight of the shipment nor the charges thereon. This exception applies only in connection with rates contained in this tariff, and is not applicable to shipments of empty pallets. When rail rates are used under provisions of Items Nos. 210 and 220 through 240 of this tariff, the weight of the pallets shall be included or excluded in accordance with the provisions of the governing rail tariff.

65 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.

RATES BASED ON VARYING MINIMUM WEIGHTS

70

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.

* Change)
Addition)
δ Reduction)

Decision No. 62352

EFFECTIVE SEPTEMBER 9, 1961

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 257