

62802

Decision No. \_\_\_\_\_

**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 any and all commodities between and within all points and places in the State of California (including, but not limited to, transportation for which rates are provided in Minimum Rate Tariff No. 2).

Case No. 5432  
Petition for Modification  
No. 229

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 property in Los Angeles and Orange Counties (transportation for which rates are provided in Minimum Rate Tariff No. 5).

Case No. 5435  
Petition for Modification  
No. 28

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 property within San Diego County (transportation for which rates are provided in Minimum Rate Tariff No. 9-A).

Case No. 5439  
Petition for Modification  
No. 15

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 property in the City and County of San Francisco, and the Counties of Alameda, Contra Costa, Marin, Monterey, Napa, Santa Clara, Santa Cruz, San Benito, San Mateo, Solano and Sonoma (transportation for which rates are provided in City Carriers' Tariff No. 2-A - Highway Carriers' Tariff No. 1-A).

Case No. 5441  
Petition for Modification  
No. 51

Cranston P. Montgomery and Paul J. Wellnitz,  
for Union Carbide Corporation, petitioner.  
Frank E. Ashton, for Crown Zellerbach Corporation,  
Robert M. Collier, for Kordite Co., Sherman B.  
Erickson, for Dow Chemical Company, C. E.  
Nolte, for Rexall Drug & Chemical Company,  
C. A. Millen, for Ringsby-Fortier, R. D. Toll,  
J. X. Quintrall and A. D. Poe, for California  
Trucking Associations, Inc., interested parties.  
Robert E. Walker, for the Commission staff.

O P I N I O N

By the above-entitled petitions, filed August 4, 1961, Union Carbide Corporation seeks establishment of a fourth-class exception rating for the transportation of plastic sheets. The rating presently applicable is third class. The petition requests that the proposed exception rating be published in Minimum Rate Tariff No. 2 (general commodities, statewide), Minimum Rate Tariff No. 5 (Los Angeles drayage), Minimum Rate Tariff No. 9-A (San Diego drayage) and City Carriers' Tariff No. 2-A - Highway Carriers' Tariff No. 1-A (East Bay drayage).

Public hearing on the petitions was held before Examiner William E. Turpen at San Francisco on September 22, 1961. Evidence was presented on behalf of petitioner by its general traffic manager, by representatives of other manufacturers of plastic sheets and by an official of a highway carrier. Representatives of the California Trucking Associations, Inc., and of the Commission's staff assisted in developing the record by cross-examination of the witnesses.

According to the record, plastic sheets are used primarily as an industrial packaging material in competition with cellulose film, waxed paper and wrapping paper, all of which now enjoy a fourth-class rating on California intrastate shipments. Petitioner's traffic manager pointed out that by Decision No. 61439, dated February 7, 1961, in Case No. 5432 (Petition No. 188), the Commission established a fourth-class exception rating on cellulose film.

The record shows that the density of plastic sheets, as packed for shipment, ranges from 40 to 55 pounds per cubic foot; that the value is approximately 50 cents per pound; that loss and damage claims are inconsequential; and that loading characteristics are favorable.

The record is clear that in essential respects the transportation characteristics of plastic sheets are substantially the same as those of commodities which have heretofore been accorded a fourth-class rating. In addition, establishment of a fourth-class rating would give the same effect within California to the transportation characteristics of plastic sheets as has been granted in other rate areas, and would thereby place plastic sheets on the same basis of transportation competitive equality that has been accepted as reasonable and justified by carriers elsewhere. The petitions should be granted.

Cross-examination of petitioner's traffic manager by a rate expert of the Commission's staff brought out the fact that the commodity description proposed in the petition differs slightly from that in the applicable classification. None of the parties had any objection to changing the proposed description to correspond with the one in the classification. A representative of the California Trucking Associations, Inc., proposed that "not cellular, expanded nor foamed" be added. No one opposed this proposal. Both of these changes will be made. Petitioner suggested addition of a restriction so that the reduced rating would not apply to household wrappings. Several parties were in favor of such a restriction, and several were opposed to the restriction. From the evidence of record it appears that the household wrapping is of a much lower density and higher value than the plastic sheets shipped generally. It thus appears that the suggested restriction should be adopted.

In the circumstances, the Commission finds that the sought fourth-class exception rating for the transportation of plastic sheets would be reasonable for incorporation in Minimum Rate Tariffs Nos. 2 and 5, and City Carriers' Tariff No. 2-A - Highway Carriers' Tariff No. 1-A. The description as proposed includes plastic rods.

No evidence was developed concerning this commodity. It will be eliminated from the description. The sought rating is now applicable in Minimum Rate Tariff No. 9-A; therefore, no change in that tariff is necessary, and Petition No. 15 in Case No. 5439 will be dismissed. In order to avoid duplication of tariff distribution, Minimum Rate Tariff No. 5 and City Carriers' Tariff No. 2-A - Highway Carriers' Tariff No. 1-A will be amended by separate orders.

Inherent in the petitions is relief from the long- and short-haul provisions of Article XII, Section 21, of the Constitution of the State of California and Section 460 of the Public Utilities Code, in order to permit the application of the sought rating to rates which are nonintermediate in application. For the reasons that departures from the above statutory provisions were authorized for the rates, like authority is justified for application of the exception rating. Such authority will be granted.

O R D E R

Based upon the evidence of record and upon the findings and conclusions set forth in the preceding opinion,

IT IS ORDERED that:

1. Minimum Rate Tariff No. 2 (Appendix D to Decision No. 31606, as amended) be and it is hereby further amended by incorporating therein, to become effective December 30, 1961, Twenty-second Revised Page 8, Twenty-second Revised Page 9 and Twentieth Revised Page 39, which pages are 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 tariff pages incorporated in this order.

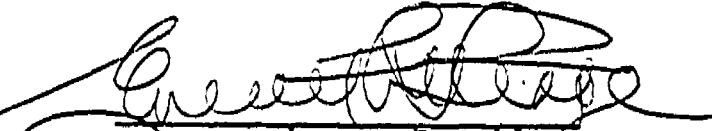


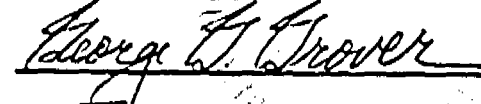

3. Common carriers, in establishing and maintaining the exception rating authorized hereinabove, be and they are hereby authorized to depart from the provisions of Article XII, Section 21, of the Constitution of the State of California, and of Section 460 of the Public Utilities Code, to the extent necessary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

4. In all other respects the aforesaid Decision No. 31606, as amended, shall remain in full force and effect.

5. Petition No. 15 in Case No. 5439 be and it is hereby dismissed.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 14<sup>th</sup>  
day of NOVEMBER, 1961.

  
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President  
  
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Commissioners

## INDEX OF COMMODITIES (Continued)

COMMODITY	Item Number	COMMODITY	Item Number
Peas, cow	652-654½	Refuse, Fruit, dried	652-654½
Peas, dried	652-654½	Refuse, Potato Pulp	652-654½
Peas, split or whole (M)	652-654½	Repellents, insect (M)	377.5, 723-726
Peat Moss	652-654½	Residuum, Distillery, Molasses, dry	652-654½
Pectin, Fruit or Vegetable	320	Residuum, Fish Oil	652-654½
Peel, Fruit, citrus, dried, flaked or granulated	652-654½	Residuum, fruit or vegetable	652-654½
Pellets, beet pulp, dry	652-654½	Rice-and-Milk	320
Perfumery	395	Rice, 'Brewers'	652-654½
Permanent hair-waving sets	395	Rice, Cleaned	652-654½
Peroxide, Hydrogen	385	Rice, Paddy	652-654½
Petroleum and Petroleum Products as described in Western Classification	377.5, 723-726	Rig Irons	365
Petroleum Jelly	395	Rings and Wedges	365
Phosphate, Dicalcium	652-654½	Rods, Polished or Valve	365
Pickles	320	Rods, Pull (M)	365
Pie Mix, Pizza	345	Rods, Sucker	365
Pie Preparations	320	Rope (M)	365
Pies, not baked, frozen	377.6	Rope, Wire	365
Piling	690, 710	Rose Water	395
Pimientos	320	Running Gears, steam boiler (M)	365
Pins, wooden	365	Rye	652-654½
Pipe, cast or wrought iron or steel	365	Saddles, Jack	365
Pipe, cast iron pressure	378	Sago	360
Pipe, cast iron soil	378	Sago (M)	652-654½
Pipe, plate or sheet iron or steel	365	Salads, Fish, Macaroni, Meat or Vegetable	360
Pizza Pie Mix	345	Salt	360, 380
#Plastics, Synthetic	378.5, 379	Sandpaper	302
Plugs, Cementing	365	Sand Reels	365
Plugs, Dry Hole	365	Sandwich Spreads	320, 345
Flywood	690, 710	Sauco, pepper	320
Polos	690, 710	Sauces, table	320
Polish, floor (M)	377.5, 723-726	Sausage	320
Polish, furniture (M)	377.5, 723-726	Sausage casings	320
Polish, metal (M)	377.5, 723-726	Savors, Oil	365
Polish, Rice	652-654½	Schivos, Flax, cut or ground	652-654½
Polish, vehicle (M)	377.5, 723-726	Scourings	652-654½
Pomace, Fruit	652-654½	Scrap, Fish	652-654½
Pomace, Grape	652-654½	Scraps, dried meat	652-654½
Popcorn	360	Screenings, Alfalfa Seed	652-654½
Porter	310, 360	Screenings, Bean or Pea	652-654½
Posts	690, 710	Screenings, Flaxseed	652-654½
Potato Chips	360	Screenings, Grain, ground	652-654½
Poultry Litter	652-654½	Screenings, Grain unground	652-654½
Powder, Baking or Yeast	360	Screenings, Millet	652-654½
Powder, Icing	334½	Screenings, Paddy Rice	652-654½
Powder, Sachet or Toilet	395	Screenings, Pea	652-654½
Powders, Citrus Fruit Juice	360	Seed, Broom Corn	652-654½
Power Pumps (M)	365	Seed, Flaxseed	652-654½
Powers, Pumping	365	Seed, Hemp	652-654½
		Seed, Melilotus	652-654½
		Seed, Millet	652-654½
		Seed, Rape	652-654½

Preservatives, wood (M)	377.5,723-726	Seed, Sorghum	652-654 $\frac{1}{2}$
Protectors, Box and Pin	365	Seed, Sunflower	652-654 $\frac{1}{2}$
Puddings	320	Seed, Sweet Clover	652-654 $\frac{1}{2}$
Pulleys, Tug	365		
Pull Rod Blocks, wooden	365		
Pulp, Beet	652-654 $\frac{1}{2}$		
Pulp, Dried Fruit	652-654 $\frac{1}{2}$		
Pulp, Fruit, citrus, dried, flaked or granulated	652-654 $\frac{1}{2}$		
Pulp, Fruit or Vegetable	320		
Pummies	652-654 $\frac{1}{2}$		
Pumps, Power (M)	365		
Puree, Tomato	320		
Rams, Bit	365		
Ravioli (prepared)	320		
Red Dog	652-654 $\frac{1}{2}$		
Redwood Bark	652-654 $\frac{1}{2}$		
Reels, Measuring	365		
Reels, Sand	365		
Refuse, Bean or Pea	652-654 $\frac{1}{2}$		

(M) Denotes articles on which application of rates is limited to mixed shipments.

# Addition, Decision No. 62802

EFFECTIVE DECEMBER 30, 1961

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

Correction No. 1169

## INDEX OF COMMODITIES (Concluded)

COMMODITY	Item Number	COMMODITY	Item Number
Seed, Vetch	652-654½	Tank Steel (M)	365
Seed, Wild Mustard	652-654½	Tapioca	360
Seeds, dried fruit	652-654½	Tapioca	652-654½
Seeds, refuse or screening	652-654½	Tea	360
Semolina	652-654½	Temper Screws	365
Semolina and Grain Flour	652-654½	Templates, Box and Pin	365
Shakes	690,710	Thief Hole Covers	365
Shallu	652-654½	Ties, railroad	690,710
Shampoo	395	Timbers	690,700,710
Sheets, sawdust or ground wood, compressed	690,710	Toilet Preparations	395
#Sheets, synthetic plastic	378.5	Tongs, pipe	365
Shellacs	377	Tools, Drilling or Fishing	365
Shells (M)	652-654½	Tools, Mechanics(M)	365
Shingles	690,710	Tooth Brushes	395
Shoes, Casing	365	Towers, Atmospheric Water Cooling(M)	365
Shook, box or crate	690,710	Traveling toilet kits	395
Shortening	360	Triglycerides of Fat-forming Acids	360,730
Shorts	652-654½	Trucks, Steam Boiler (M)	365
Shrock Kaffir	652-654½	Tubes, Boiler	365
Skimmings	652-654½	Tubing, iron or steel, Plate or Sheet Cast or wrought	365
Slips	365	Tubs, Cooling	365
Smokestacks (M)	365		
Soap	730		
Soap, liquid	377.5,723-726,730		
Soap, Powder	730		
Soda, Washing	730		
Solutions of Hydrogen Peroxide	380.5		
Solvent (M)	377.5,723-726		
Solvent, Drain pipe	730		
Sorghum	652-654½		
Soups	320		
Spaghetti (M)	652-654½	Underreamers	365
Spaghetti, except canned	360		
Spaghetti (prepared)	320,360		
Spaghetti and Cheese	345		
Spelt	652-654½		
Spices	360		
Spiders	365		
Spreads, sandwich	320	Valves (M)	365
Sprouts, Malt	652-654½	Valves, Pump Working Barrel	365
Spudding Shoes and Rings	365	Varnish	377
Stain, wood (M)	377.5,723-726	Vegetable Oil Shortening	730
Starch, liquid	730	Vegetables (not dehydrated, dried evaporated nor fresh)	320
Steam Boiler Trucks (M)	365	Veneering	690,700,710
Steel, plate or sheet(M)	365	Vermicelli (M)	652-654½
Stirrups, Disconnecting	365		
Stout	310,360		
Straw	355		
Sugar	390,740,745,755		
Swabs	365		



Swivels, Hydraulic		Vermicelli, except canned	360
Rotary	365	Vermicelli (Prepared)	320,360
Syrup	320	Vinegar	320
Syrup, Fruit	360		
Syrup, Malt	360		
		Wagons, Casing or Bit	365
		Washing Powders	730
		Washing soda	730
		Waste Cotton Gin	652-654½
		Wax, automobile, boat, floor or furniture(M)	377.5,723-726
Table Sauces	320	Wedges	365
Tailings, rice mill	652-654½	Welsh Rarebit	320
Tankage, rendered, dry	652-654½	Wheat	652-654½
Tanks, Iron or Steel (M)	365	Wheat, Egyptian	652-654½
Tanks, oil and gas separating (M)	365	Wheels, Band, Bull or Calf	365
		Wheels, Grinding, alundum, corundum or emery	302
		Whey, condensed, dried or powdered	345,652-654½
		Witch hazel extract	395
		Wine	400
		Wire Rope (M)	365
		Wobblers	365
		Wood Preservatives(M)	377.5,723-726
		Wrenches	365
		Yeast	360
		Yeast, residual or dried	652-654½

(M) Denotes articles on which application of rates is limited to mixed shipments.

# Addition, Decision No. 62802

EFFECTIVE DECEMBER 30, 1961

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

Correction No. 1170.

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)	
	EXCEPTIONS TO WESTERN CLASSIFICATION AND EXCEPTION SHEET (Continued)	Class Rating
377.5	Petroleum and Petroleum Products, in packages, as described in and subject to the provisions of Item No. 723.  Minimum weight 20,000 pounds ..... Minimum weight 30,000 pounds ..... Minimum weight 40,000 pounds ..... Minimum weight 40,000 pounds .....  (1) Not applicable on asphalt (asphaltum), natural, by-product or petroleum, liquid (other than paint, stain or varnish) or solid.  (2) Applicable only on asphalt (asphaltum), natural, by-product or petroleum, liquid (other than paint, stain or varnish) or solid.	90% of 4 B (1)C (2)D
377.6	Pies, not otherwise indexed by name in the Western Classification, not baked, frozen.  Less carload .....  Minimum weight 20,000 pounds ..... Minimum weight 36,000 pounds .....	2  4 5
378	Pipe, cast iron pressure, not less than 12 feet and not more than 18½ feet in length, in straight shipments or in mixed shipments with cast iron pressure pipe fittings.  Pipe, cast iron soil, not less than 2 feet and not more than 11 feet in length, in straight shipments, or in mixed shipments with cast iron soil pipe fittings.  Minimum weight 36,000 pounds .....	5
# 378.5	Synthetic plastic sheets, not otherwise indexed by name in the Western Classification, not woven, not cellular, expanded nor foamed, not finished articles, in packages or wrapped rolls, or in lengths of not less than 100 feet rolled to a diameter of not less than 3 inches.  Less carload .....	4
379	Plastics, synthetic, liquid or other than liquid, not otherwise indexed by name in the Western Classification, weighing 30 pounds or more per cubic foot, in rubber bags, each bag containing not less than 9,000 pounds of plastics; consignor to load and consignee to unload by mechanical means.  Minimum weight 40,000 pounds .....	B
380	Salt, common, less carload .....	90% of 4

385	Solutions of Hydrogen Peroxide containing less than 8% Hydrogen Peroxide by weight, value declared in writing by the shipper, or agreed upon in writing as the release value of the property, not exceeding 10 cents per pound. Less carload ..... 3 Carload: Minimum weight 30,000 pounds ..... 4	
390	Sugar, in packages Less carload ..... 90% of 4 Carload: Minimum weight 30,000 pounds ..... B Minimum weight 40,000 pounds ..... C	
# Addition    ) o Reduction   )    Decision No. 62802		
EFFECTIVE DECEMBER 30, 1961		
Issued by the Public Utilities Commission of the State of California, San Francisco, California. Correction No. 1171		