

Decision No. 65111

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)	Case No. 5438
carriers and city carriers relating)	(Petition for Modification
to the transportation of fresh or)	No. 37)
green fruits and vegetables and)	(Filed January 23, 1963)
related items (commodities for which)	
rates are provided in Minimum Rate)	
Tariff No. 8).)	

OPINION AND ORDER

By the above-numbered petition for modification, Western Growers Association, a nonprofit corporation composed of some 300 growers and shippers of fresh vegetables and melons, seeks to have removed from the application of Minimum Rate Tariff No. 8 the transportation of certain fresh fruits, vegetables and related items between packing sheds.

Petitioner alleges that there is a regular movement of produce in shipping areas of this State for short distances between packing sheds; that such movement is necessary to assemble small lots of perishable produce properly for shipment by regular highway carriers to market; that small growers of mixed vegetables find they must sell to larger packers who combine small loads for further delivery to the market; that the movement between packing sheds is now under regulation and makes it necessary for small growers to use their own vehicles for these movements; and that a revision of the tariff is necessary to exempt these movements in order to allow consolidation of small lots for movement freely in small trucks to final packing shed. Petitioner states that the requested exemption will enable small trucks to accumulate produce from fields and packing sheds and then move short distances to final packing shed or assembly point for movement by regular highway carriers to market.

Petitioner alleges that the exemption is necessary in order to prevent discrimination between growers and shippers to the various markets of the State and to provide a more flexible and economical manner in which to consolidate these small shipments for movement via regular highway carriers. The petition states that this is a matter which the Commission properly may decide by ex parte action.

A copy of the petition was served upon interested parties on or about January 24, 1963. No request for public hearing has been received.

Written statements of position have been received from California Farm Bureau Federation, California Grape & Tree Fruit League and the California Trucking Association. The California Farm Bureau Federation states that favorable Commission action on the petition will be of great benefit especially to the small truckers who accumulate produce from fields and packing sheds and then move short distances to final packing sheds or assembly point. The California Grape & Tree Fruit League states that the requested exemption would contribute greatly to the desired flexibility of growing and packing operations and would accrue to the benefit of not only the grower but that of the consuming public as well.

In its response to the petition, California Trucking Association states that it is opposed to continuation or broadening of any exemptions from the minimum rate orders and is opposed to the request as a matter of policy. This Association states, however, that it is cognizant of the particular problem, and in view of the contemplated program of modernization of Minimum Rate Tariff No. 8 it would have no objection to the requested ex parte action to reflect interim needs if it is understood that the subject matter will be reviewed in that more comprehensive proceeding.

In the circumstances, it appears, and the Commission finds, pending further review of the provisions of Minimum Rate Tariff No. 8, that the proposed exemption from the present minimum rates of the transportation of fresh or green fruits and vegetables and certain related items between packing sheds is justified. A public hearing is not necessary. The petition will be granted, subject to later review upon consideration of evidence to be adduced in the more comprehensive proceeding.¹

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 May 11, 1963, Twenty-first Revised Page 8, 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 made effective not earlier than the tenth day after the effective date of this order and may be made effective on not less than ten 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.

¹

Petition for Modification No. 30 and Order Setting Hearing dated October 9, 1962, both in Case No. 5438.

3. 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 19 day of March, 1963.

George L. Grover
President
W. J. [unclear]
W. J. [unclear]
Fredrick B. Hobbs
Dellman W. Bennett
Commissioners

Item
No.SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL
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);
- Nuts, in the shell;
- Nuts, field shelled, subject to Note 2(g);
- 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.

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.

EXCEPTION.-Rates in this tariff do not apply to transportation of:

(a) Fresh or green fruits, nuts (in the shell or field shelled), fresh or green vegetables, or mushrooms, as described herein, when the point of destination of the shipment is a cannery, accumulation station, precooling plant, or winery; nor to the empty containers used or shipped out for use in connection with such transportation, subject to Note 2.

(aa) Fresh or green fruits, fresh or green vegetables, or mushrooms, as described herein, moving to a cold storage plant to be held for interim storage for a subsequent movement to a cannery, subject to Notes 2 and 4.

(b) Fresh or green fruits, nuts (in the shell or field shelled), fresh or green vegetables or mushrooms, as described herein, when transported from the field or point of growth to a packing plant, cold storage plant, or a packing shed, nor when transported between packing sheds. Subject to Notes 2 and 3.

*(bb) Empty containers used or shipped out for use in connection with transportation described in paragraph (b) above. 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, shelling, hulling, or packing the commodity for shipment.

(b) Precooling Plant:-Facilities maintained for the purpose of precooling commodities for shipment under refrigeration.

440

(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 cannery, winery, cold storage plant or precooling plant.

(g) Field Shelled:-Rough shelled, with or without removal of broken shells, dirt, residue, or foreign material, and not cleaned nor further processed.

NOTE 3.-Except for the transportation of citrus fruits in field boxes or in bulk, carrots, avocados, or nuts (in the shell or field shelled), 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.

NOTE 4.-Exemption applies only when shipper certifies on the shipping document covering the transportation that the ultimate destination of the shipment is a cannery.

SHIPMENTS TO ED 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.

∅ Change)
* Addition) Decision No. 65111

EFFECTIVE MAY 22, 1963

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 291