

ORIGINAL

Decision No. 70689

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 car-)
riers 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
(Petition for Modification
No. 56)
(Filed April 29, 1966)

OPINION AND ORDER

California Grape & Tree Fruit League, a nonprofit corporation composed of growers and shippers of fresh deciduous tree fruits, berries and grapes, seeks to have certain minimum rates in Minimum Rate Tariff No. 8 revised in connection with the transportation of fresh fruits and vegetables and trailers. Petitioner requests that the rates be made effective June 1, 1966, and that all common carriers be authorized to establish in their respective tariffs such modifications as may be prescribed in the Commission's order in this proceeding, including relief from the long- and short-haul provisions of Section 460 of the Public Utilities Code.

Petitioner proposes that: (1) the specific rates for the transportation of deciduous fruits be made to apply to railheads;¹ (2) the 40,000-pound rates on apples, pears or plums be made to apply to the transportation of all other deciduous fruits; (3) the

¹ The rates currently apply on shipments moving to steamship docks, piers, or wharves, when such movements are in interstate or in foreign commerce and are exempt from rate regulation by the Interstate Commerce Commission under the provisions of Section 203 (b) (6) of the Interstate Commerce Act.

40,000-pound minimum weight governing the aforementioned rates be made to apply per unit of carrier's equipment utilized; and (4) the charges and provisions for icing and mechanical refrigeration not be made to apply to shipments when transported in shipper-owned or railroad-owned trailers furnished and refrigerated at no cost to the carrier.²

Petitioner also proposes that: (1) minimum rates for the transportation of fresh fruits, nuts and vegetables in railroad-owned trailers and empty railroad-owned trailers be made to apply to loaded shipments of such commodities in shipper-owned trailers; (2) the aforementioned rates for loaded and empty trailers be made to apply statewide;³ and (3) the charges and provisions for icing and mechanical refrigeration not be made to apply to such loaded trailers when furnished and refrigerated at no cost to the carrier.

Petitioner states that piggy-back service or trailer-on-flat-car service, which combines the advantage of highway transportation with rail transportation, has been successfully adapted for the movement of fresh deciduous fruits from the packing house to the railroad loading ramp in railroad-owned or shipper-owned trailers.

Petitioner alleges that the present provisions of Minimum Rate Tariff No. 8 do not meet all the transportation needs of deciduous fruit shippers in connection with trailer-on-flat-car service and that the necessity for a rate structure to meet this specialized transportation service is urgent.

² These charges are set forth in Items Nos. 307 and 308 of Minimum Rate Tariff No. 8.

³ These rates currently apply between points in the following counties: Alameda, Butte, Colusa, Contra Costa, El Dorado, Lake, Merced, Napa, Sacramento, San Joaquin, Santa Clara, Santa Cruz, Solano, Stanislaus, Sutter, Yolo and Yuba.

Petitioner asserts that the proposed tariff revisions were developed by a committee of interested shippers and carriers, that such provisions are in the interest of carriers and shippers generally and that expedited action is necessary as the harvest season is rapidly approaching.

Copy of the petition was mailed to the California Trucking Association. The petition was listed on the Commission's Daily Calendar of May 2, 1966. California Farm Bureau Federation has informed the Commission by letter that it supports petitioner's proposal. No objection to the granting of the petition has been received.

In the circumstances, it appears, and the Commission finds, that petitioner's proposal is reasonable and that the resulting minimum rates and charges will be just, reasonable and nondiscriminatory minimum rates and charges for the transportation involved. In view of the impending harvest season, the order which follows will be made effective May 27, 1966, and common carriers will be authorized to publish such revisions on five days' notice to the Commission and the public. A public hearing is not necessary. The Commission concludes that the petition should be granted.

IT IS ORDERED that:

1. Minimum Rate Tariff No. 8 (Appendix "C" to Decision No. 33977, as amended) is further amended by incorporating therein, to become effective June 1, 1966, the revised pages attached hereto and listed in Appendix A also attached hereto which pages and appendix are 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 made effective not earlier than the fifth day after the effective date of this order 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 June 1, 1966; and tariff publications which are authorized but not required to be made by common carriers as a result of the order herein may be made effective not earlier than the fifth day after the effective date of this order, 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 pages incorporated in this order.

3. Common carriers, in establishing and maintaining the rates authorized hereinabove, are hereby authorized to depart from the provisions of 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; and schedules containing the rates published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

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

The effective date of this order shall be May 27, 1966.

Dated at San Francisco, California, this 10th day of May, 1966.

Frederick B. Hallock
President

George J. Hoover

Augustin

William W. ...
Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.

C. 5438 (Pet. 56) - jmw

APPENDIX A TO DECISION NO. 70689

List of Revised Pages to Minimum Rate Tariff No. 8

Authorized by Said Decision

Eighth Revised Page 7

Fifth Revised Page 30-C

Second Revised Page 30-D

First Revised Page 30-E

(END OF APPENDIX A LIST)

Item
No.SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL
APPLICATION (Continued)APPLICATION OF TARIFF - COMMODITIES
(Items Nos. 40 and 41)

Rates in this tariff apply to transportation of the following commodities (See Exception):

Fruits, fresh or green, in their natural form, including dates, fresh (not cold pack nor frozen), subject to Note 2(h);

Mushrooms, fresh (not cold pack nor frozen);

Nuts, in the shell;

Nuts, field shelled, subject to Note 2(g);

Vegetables, fresh or green, in their natural form, including mushrooms, fresh (not cold pack nor frozen), subject to Note 2(h);

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;

Containers, empty, for which rates are provided in Section No. 4 of this tariff;

Trailers, *shipper-owned or railroad-owned, for which rates are provided in Item No. 309 of this tariff.

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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, 3 and 5.

(c) Empty containers used or shipped out for use in connection with transportation described in paragraph (b) above, subject to Notes 2 and 3.

(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.

(f) Disaster Supplies, i.e., those commodities which are allocated to provide relief during a state of extreme emergency or state of disaster; and those commodities which are transported for a civil defense or disaster organization established and functioning in accordance with the California Disaster Act to ultimate point of storage or use prior to or during a state of disaster or state of extreme emergency.

(Continued in Item No. 41)

∅ Change
* Addition

} Decision No. 70689

EFFECTIVE JUNE 1, 1966

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

Correction No. 455

Item No.	SECTION NO. 2 - DISTANCE COMMODITY RATES (In Cents per 100 Pounds)				
	MILES		AQ	MINIMUM WEIGHT IN POUNDS	
	Over	But Not Over		20,000	40,000 (See Note 4)
307	0	3	23½	20½	16½
	3	5	24	21	17
	5	10	25	22	17½
	10	15	25	22	18
	15	20	26	23	19
	20	25	27	24	20
	25	30	27	24	21
	30	35	29	26	22
	35	40	30	27	22½
	40	45	30	27	23½
	45	50	31	28	24½
	50	60	32	29	25½
	60	70	33	30	26½
	70	80	34	31	28
	80	90	35	32	30
	90	100	37	34	31
	100	110	38	35	32
	110	120	39	36	33
	120	130	42	39	35
	130	140	43	40	36
	140	150	44	41	37
	150	160	47	44	39
	160	170	48	45	41
	170	180	49	46	42
	180	190	50	47	43
	190	200	52	49	44
	200	220	54	51	46
	220	240	57	53	48
	240	260	59	56	50
	260	280	63	60	52
	280	300	66	63	55
	300	325	69	66	58
	325	350	71	68	61
	350	375	74	71	64
	375	400	77	74	67

(Continued in Item No. 308)

Change)
* Addition)

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EFFECTIVE JUNE 1, 1966

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

Correction No. 456

- 30-C -

Item No.	SECTION NO. 2 - DISTANCE COMMODITY RATES (In Cents per 100 Pounds)				
	DECIDUOUS FRUITS, including Apples, Apricots, Berries, Cherries, Figs,* Grapes, Loquats, Nectarines, Peaches, Pears, Persimmons, Plums, Prunes and Quinces. (See Notes 1, 2, 3 and *5) (Items Nos. 307 and 308)				
MILES		MINIMUM WEIGHT IN POUNDS			
Over	But Not Over	AQ	20,000	40,000 (See Note 4)	
400	425	81	78	70	
425	450	83	80	73	
450	475	86	83	75	
475	500	88	85	78	
500	525	92	89	80	
525	550	95	92	83	
550	575	98	95	85	
575	600	101	98	89	
600	625	103	100	91	
625	650	106	103	94	
650	675	108	105	98	
675	700	112	109	100	
For distances over 700 miles add for each 25 miles or fraction thereof		2½	2½	2½	

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Note 1.-Applies only for the transportation of deciduous fruits, moving to steamship docks, piers, wharves* or railheads, when such movements are in interstate or in foreign commerce and are exempt from rate regulation by the Interstate Commerce Commission under the provisions of Section 203(b)(6) of the Interstate Commerce Act. (See Exception)

*EXCEPTION: Rates in this item are not applicable to shipments of grapes moving to steamship docks, piers or wharves. See Item No. 360 for applicable rates.

Note 2.-Carriers may quote and assess charges upon a different unit of measurement than that provided herein, provided:

- (1) The freight charges assessed are not less than those which would have been assessed had the rates herein been applied; and
- (2) That the carrier's shipping documents contain all the information necessary to compute the freight charges on the basis of the unit of measurement provided herein.

Note 3.-Rates named in this item do not alternate with rates provided in other items or sections of this tariff.

Note 4.-Rates apply subject to a minimum weight of 40,000 pounds per unit of carrier's equipment utilized.

*Note 5.-Shipments transported under this item will not be subject to the provisions of Item No. 155 or 157 when transported in shipper-owned or railroad-owned trailers furnished and refrigerated at no cost to the carrier.

o Change)
* Addition)
o Increase)
o Reduction)

Decision No. 70689

EFFECTIVE JUNE 1, 1966

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 457

Item No.	SECTION NO. 2 - DISTANCE COMMODITY RATES		
	FRUITS, NUTS AND VEGETABLES, INCLUDING MUSHROOMS, IN TRAILERS, *SHIPPER-OWNED OR RAILROAD-OWNED, as described in Item No. 40. (See Notes 4, 5, 6, 7, ** and 9)		
	MILES (See Note 1) Over But Not Over	Rates in Cents Per 100 Pounds (See Note 2) Minimum Weight 36,000 Pounds	Charge Per Trip (See Note 3)
	0 10	5	\$10.50
	10 20	7	19.00
	20 30	9 $\frac{1}{2}$	27.50
	30 40	12 $\frac{1}{2}$	36.00
	40 50	16	44.75

NOTE 1.--Distances between railheads and points of origin of shipments.

NOTE 2.--Rates apply only for:

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(a) Round-trip movements of empty *shipper-owned or railroad-owned trailers from railheads to origin points of shipments and loaded *shipper-owned or railroad-owned trailers from such origin points to railheads for subsequent movement in interstate or foreign commerce on railroad-owned flat cars. The one-way distance between railhead and point of origin of shipment shall govern the rate for such round-trip transportation.

(b) Transportation of loaded *shipper-owned or railroad-owned trailers from origin points to railheads for subsequent movement in interstate or foreign commerce on railroad-owned flat cars.

NOTE 3.--Charges apply only for transportation of empty *shipper-owned or railroad-owned trailers from railheads to points of origin of shipments for loading.

NOTE 4.--Rates and charges apply when motor carrier furnishes power equipment only.

NOTE 5.--Rates and charges in this item do not include loading or unloading by carrier's employee.

NOTE 6.--Rates in this item do not alternate with other rates provided by this tariff.

NOTE 7.--For delay at place of pickup and/or delivery which exceeds $\frac{1}{2}$ hour, an additional charge will be assessed at a rate of \$6.50 per hour or fraction thereof subject to a minimum charge of \$6.50.

**

NOTE 9.--Shipments transported under this item will not be subject to the provisions of Item No. 155 or 157 when transported in shipper-owned or railroad-owned trailers furnished and refrigerated at no cost to the carrier.

o Change)	Decision No. 70689
o Reduction)	
* Addition)	
** Paragraph 8 eliminated)	

EFFECTIVE JUNE 1, 1966

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

Correction No. 458