

**ORIGINAL**

Decision No. 70913

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 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. 55 )  
(Filed April 26, 1966)

OPINION AND ORDER

Minimum Rate Tariff No. 8 names minimum rates, rules and regulations for the transportation of fresh or green fruits and vegetables and related articles by city carriers and highway permit carriers. By this petition, California Trucking Association seeks to have the above tariff amended with respect to the transportation of certain shipments on pallets and the empty return of such pallets. Petitioner asks that common carriers be directed to establish in their respective tariffs such modifications as may be prescribed by 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 a charge of 20 cents per pallet, minimum charge of \$1.00 per shipment, be established in the tariff for furnishing pallets of specific dimensions for the transportation of citrus fruits to certain destinations and that no additional charge be assessed for transportation of such pallets when empty.

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<sup>1</sup>  
The transportation applies to steamship docks, piers, wharves and railheads when the movements are in interstate or 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. The dimensions of the pallets are not to exceed 36 x 42 x 5 inches.

According to petitioner, special low-cost pallets have been designed for use in connection with the above transportation and standard loadings and procedures have been developed to meet the peculiar needs of the shippers and carriers involved. Petitioner avers that it is necessary that carriers own and control the pallets in order that maximum standardization, utilization and efficiency in operations may be obtained and that the carriers be reimbursed for the cost of the pallets in addition to the cost of transporting them.

Petitioner asserts that: (1) the proposed tariff revision was developed by a committee of interested shippers and carriers and has been reviewed by interested shippers and carriers and their representatives; (2) the charge proposed for the cost and transportation of the specialized pallets has been developed after an analysis of the special circumstances surrounding the transportation of citrus fruits; and (3) the charge will adequately compensate the carriers for the costs involved and will not hinder the present marketing practices of shippers.

Copies of the petition were mailed to various shippers and shipper associations on or about April 22, 1966. The petition was listed on the Commission's Daily Calendar of April 28, 1966. 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, and to the extent that said rates and charges will result in increases, such increases are justified. 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 August 6, 1966, Fifth Revised Page 30-B, 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 made effective not earlier than the tenth day after the effective date of this order on not less than ten days' notice to the Commission and to the public and such tariff publications shall be made effective not later than August 6, 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 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.

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 twenty days after the date hereof.

Dated at San Francisco, California, this 28<sup>th</sup> day of June, 1966.

Fredrick B. Holdhoff  
President  
John E. Mitchell  
George T. Crover  
Walter  
Dallas M. Bennett  
Commissioners

Item No.	SECTION NO. 2 - DISTANCE COMMODITY RATES (In Cents per 100 Pounds)									
	CITRUS FRUITS, subject to Notes 1 and 2.									
	MILES		MINIMUM WEIGHT			MILES		MINIMUM WEIGHT		
	But Not Over	Any Quantity	20,000 Pounds	40,000 Pounds	But Not Over	Over	Any Quantity	20,000 Pounds	40,000 Pounds	
	0	3	24	18	14	190	200	61	44	40
	3	5	25	18½	14½	200	220	63	47	43
	5	10	26	19	15	220	240	65	49	45
	10	15	27	19½	15½	240	260	67	51	47
	15	20	28	20	16	260	280	69	53	49
	20	25	30	21	17	280	300	72	56	52
	25	30	31	22	18	300	325	74	60	56
	30	35	32	23	19	325	350	77	63	59
	35	40	33	23½	19½	350	375	79	65	61
	40	45	34	24½	20½	375	400	83	68	64
	45	50	36	25½	21½	400	425	87	70	66
	50	60	38	26½	22½	425	450	90	73	69
	60	70	42	27½	23½	450	475	92	75	71
	70	80	43	28½	24½	475	500	95	79	75
	80	90	45	31	27	500	525	99	81	77
606	90	100	46	32	28	525	550	102	84	80
306	100	110	47	33	29	550	575	105	86	82
	110	120	49	34	30	575	600	108	89	85
	120	130	50	36	32	600	625	111	92	88
	130	140	52	37	33	625	650	116	94	90
	140	150	53	38	34	650	675	118	98	94
	150	160	54	39	35	675	700	121	100	96
	160	170	55	41	37					
	170	180	57	42	38					
	180	190	60	43	39					
						For distances over 700 miles add for each 25 miles or fraction thereof				
								2½	2½	2½

NOTE 1.--Applies only for the transportation of citrus fruits, moving to steamship docks, piers, wharves and 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.

\*NOTE 2.--Pallets (with dimensions not exceeding 36x42x5 inches) may be furnished by the carrier for transporting shipments subject to the rates provided by this item, without additional charge for transportation when empty, subject to a charge of 20 cents per pallet and a minimum charge of \$1.00 per shipment.

- ◊ Change )
- \* Addition )
- ◊ Increase )
- ◊ Reduction )

Decision No. **70913**

EFFECTIVE AUGUST 6, 1966

Issued by the Public Utilities Commission of the State of California,  
San Francisco, California.  
Correction No. 459