

**ORIGINAL**

Decision No. 73074

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. 61)  
Filed August 7, 1967

OPINION AND ORDER

Arthur R. Altnow, doing business as Lodi Truck Service, holds radial highway common, highway contract and city carrier permits and highway common carrier and petroleum irregular route carrier certificates.<sup>1</sup> By this petition, he seeks modification of the rates in Minimum Rate Tariff No. 8 for the transportation of fresh fruits, vegetables and nuts in railroad-owned and shipper-owned trailers from packing plants and sheds to railheads and the return movement of the empty trailers. He also requests that authority be granted to publish such rates on less-than-statutory notice and that the order in this proceeding be made effective ten days after issuance thereof.

Minimum rates currently in effect for this service apply for distances of 50 miles or less.<sup>2</sup> Petitioner proposes the establishment of rates for this service for distances up to 150 miles. According to petitioner, he transported 1,791 refrigerated trailers

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<sup>1</sup> The highway common carrier certificate authorizes the transportation of general commodities between San Francisco Territory, Sacramento Territory and Los Angeles Territory and intermediate and off-route points subject to certain restrictions. The petroleum irregular route carrier operations are not involved in this proceeding.

<sup>2</sup> See Item No. 309 of Minimum Rate Tariff No. 8.

containing fruits, vegetables or nuts to railheads for interstate rail service beyond such railheads during 1966.<sup>3</sup> He alleges that certain movements thereof were from points outside the 50-mile area from which higher general rates in Minimum Rate Tariff No. 8 applied. Petitioner avers that he has received increasing demands from the public for extension of the aforementioned specialized service but that the general rates in the above tariff do not permit other than a very limited service to points outside the 50-mile area.

Petitioner asserts that the costs used to determine the general rates in Minimum Rate Tariff No. 8 were not predicated on those incurred in connection with regular movements between packing plants or sheds and railheads where the carrier is not required to furnish trailer equipment and normal delays at points of origin and destination are absent.

Attached to the petition as Exhibit "B" is a study based on petitioner's past operations and current costs for transporting empty trailers from railhead to loading point and loaded trailers from loading point to railhead at the proposed rates. Petitioner contends that this study shows that a reasonable profit can be realized under the proposed rates.

The certificate of service shows that copies of the petition were mailed to California Farm Bureau Federation, California Grape & Tree Fruit League, California Trucking Association and Western Pacific Railroad Co. on August 7, 1967. The petition was

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Section 203(b)(6) of the Interstate Commerce Act, among other things, exempts from rate regulation by the Interstate Commerce Commission the transportation of agricultural commodities by motor vehicles if such motor vehicles are not used in carrying any other property for compensation.

listed on the Commission's Daily Calendar of August 9, 1967. California Trucking Association has informed the Commission by letter that it supports petitioner's proposal. No objection to the granting of the petition has been received.

Petitioner further requests that this matter be considered at the earliest possible date. He states that the peak of the annual fruit and vegetable harvest season is approaching and that shipments of this traffic would move in the proposed service if the sought rates could be charged. He asserts that the proposed rates will not be effective during the current harvest season unless an early decision is issued.

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 fact that the peak of the fruit and vegetable harvest season is approaching, the order will authorize common carriers to publish such rates and charges on five days' notice to the Commission and the public. A public hearing is not necessary. The petition should be granted.

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 October 14, 1967, Third Revised Page 30-E 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 shall be filed not earlier than the effective date of this order and 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

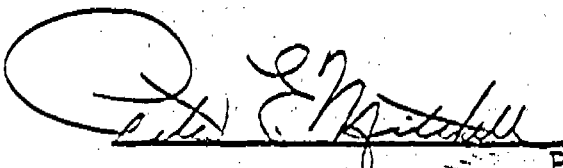
if filed not later than sixty days after the effective date of the minimum rate tariff page incorporated in this order.


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.

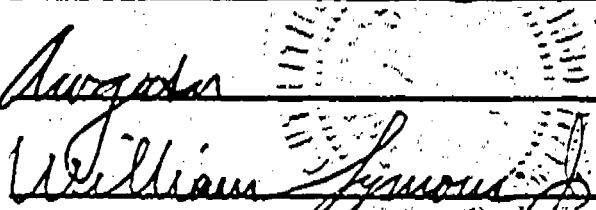
4. In all other respects Decision No. 33977, as amended, shall remain in full force and effect.

This order shall become effective ten days after the date hereof.

Dated at San Francisco, California, this 12<sup>th</sup> day of September, 1967.

  
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President

  
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Augusta

  
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Fred P. Massery  
Commissioners

Cancels

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 8)		
	MILES (See Note 1) But Not Over	Over	Charge Per Trip (See Note 3)
		Rates in Cents Per 100 Pounds (See Note 2)	
		<u>Minimum Weight 36,000 Pounds</u>	
	0	10	07
	10	20	09
	20	30	011½
	30	40	014½
		<u>Minimum Weight 40,000 Pounds</u>	
	40	50	14
	50	60	15½
	60	70	16½
	70	80	18
	80	90	19
	90	100	20
	100	110	21
	110	120	22
	120	130	23½
	130	140	25½
ø309	140	150	27
			ø\$11.05
			ø19.95
			ø28.90
			ø37.80
			ø47.00
			51.00
			55.00
			59.00
			64.00
			70.00
			76.50
			83.00
			90.00
			97.00
			104.00

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

NOTE 2.--Rates apply only for:

(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. \*This charge does not apply when power equipment makes round-trip with empty trailer from railroad to point of origin of shipment and with loaded trailer from point of origin of shipment to railroad.

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 \$7.00 per hour or fraction thereof subject to a minimum charge of \$7.00.

NOTE 8.--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 )  
o No Change )  
\* Addition ) Decision No. 73074  
o Reduction, except )  
as noted )

EFFECTIVE OCTOBER 14, 1967

Issued by the Public Utilities Commission of the State of California,  
San Francisco, California.  
Correction No. 486